

## David's Narrative

David Italiano is a 71 year old man with a disability who reported that his wife was being physically abusive.

This activated an investigation by the Older Adults Protective Services.

In 2019, the Huntingdon-Bedford-Fulton Area Agency on Agency (AAA) petitioned the court to place David under a temporary guardianship, claiming that protective services/guardianship services was needed to protect David from an abusive wife. However, when David's wife died in August of 2020, this threat was essentially eliminated.

Mr. Malee, David's attorney and court-appointed guardian, placed David in a long-term care facility in Lycoming County PA called [Embassy at Loyalsock](#), a two hour drive from David's home.

While residing at Embassy at Loyalsock, David reached out to [RTFCIL](#) which has, among other services, a 'Nursing Home Transition Provider,' a federally funded service provider who assists people with disabilities to return to the community. David asked the transition provider, to assist him to leave the facility and return to the home that he owns in Huntingdon County, PA.

RTFCIL staff, when attempting follow through with Mr. Italiano's request, were informed by nursing home staff that since David had a guardian, Mr. James Malee, his court appointed attorney, Ray Ghaner, must first obtain a signed release of information (ROI) from James Malee, to proceed.

RTFCIL confirmed that David was eligible to receive services to help him live independently in the community. Attorney Jim Malee was fully supportive of David's desire to go home but first, he would have to petition the court to restore David's competency.

May 2020

Dr. Tulak's report concluded that David is **competent**. Mr. Malee agreed that RTFCIL should assist David to get in touch with the Independent Enrollment Broker (IEB) to start the Waiver enrollment process. This would permit David to receive any in-home services, if needed.

August of 2020

Mr. Malee petitioned the Huntingdon County Court for a competency hearing and arranged for David to undergo a neuropsychiatric evaluation by an independent provider, Dr. Tulak.

Mr. Malee was informed that David's wife passed away. In Pennsylvania, the estate of a deceased person generally is probated, that is, the state gets involved to make sure that all of the debts of the deceased are paid and the deceased person's assets are awarded to the correct beneficiaries. Suddenly, David Italiano's situation became more complicated. The process of regaining competency for Mr.

Italiano, which seemed imminent, suddenly was in doubt, for reasons that had nothing to do with his competency.

November 2020

David attended a preliminary hearing at the Huntingdon County Court House. Mr. Malee felt that since David's goal was to return to Huntingdon County that having a guardian closer to this region would be best.

[Judge Zanic](#) then appointed the Huntingdon County AAA as David's temporary guardian until a complete hearing could be scheduled.

December 2020

On 12/1/2020, David asked his social worker Alecia Stiger for permission to see his medical records in order to see what specific allegations were submitted to Judge Zanic to support the claim that he is still incompetent. David's request was repeatedly denied. David contacted RTFCIL for assistance to access his medical records. It was not until RTFCIL brought this violation of David's rights to the [Pennsylvania Department of Aging](#) that he was given his records.

January 2021

David attended a virtual hearing. At that time Judge Zanic ruled that David remained incompetent and appointed AAA as his [plenary guardian](#).

A staff member at RTFCIL makes inquiries and finds that it is against AAA's stated policies to gain guardianship of their clients. In fact, the Executive at the [Administration for Community Living](#), during a phone conversation with RTFCIL staff, denied that such a situation was even possible. Later, after a meeting with Robert Torres, RTFCIL staff was provided a document confirming that there are AAA's in ten Pennsylvania counties which engage in the practice of serving as guardians.

Even more strange, MFI has learned that the judge in this case has a potential conflict of interest. The Huntingdon county website [HERE](#) states that Judge Zanic, prior to being elected as Judge President of Huntingdon County, served as the solicitor for the Huntingdon/Bedford/Fulton Area Agency on Agency, the very organization under consideration for a bizarre and potentially unethical conservatorship arrangement.

February 2021

David is finally granted his request to see his medical records on 2/3/21 but the request is granted at a very high cost. Since RTFCIL had vigorously defended David's right to see his medical records, bringing the issue to the attention of the Department of Aging, David is denied further contact with RTFCIL.

The Huntingdon AAA informed the nursing home staff that David was forbidden to communicate with RTFCIL staff in relation to continued advocacy or transition services. The AAA stated that David felt harassed by RTFCIL staff and that David no longer wanted the support of RTFCIL.

David denies this allegation during a subsequent phone conversation with Rich Ting at Disability Rights Pennsylvania (DRP) during which David expressed a strong desire to continue to work with RTFCIL and insisted that his new court appointed attorney, Mr. Ray Ghaner colluded with AAA to deny David his right to communicate with RTFCIL.

David then asked to have an advocate at the January 2021 virtual hearing but was told that he could not have an advocate present.

On February 5th, RTFCIL staff dropped a care package for David at Embassy at Loyalsock. The package contained a cell phone that was obtained through the Pennsylvania Initiative on Assistive Technology (PIAT) Connect to Tech program. David was given the package by facility staff. This would allow David to have access to email and resources and eliminate the need to use a shared telephone during the height of the COVID pandemic.

David had the phone in his possession for approximately two hours when he asked Embassy staff to assist him. Staff was happy to do so until they saw a sticker on the phone indicating that it was the property of RTFCIL as RTFCIL serves as the Assistive Technology Resource Center for PIAT. David provided this [handwritten note](#) and 'smuggled it' to RTFCIL staff after his phone was confiscated.

Immediately, Alicia Stiger, David's social worker at Embassy confiscated the device. This occurred while RTFCIL staff was on the phone with David! **His conversation was literally cut off when the phone was taken from him by force!**

On February 20th, members of the grass roots advocacy group [North Central Pennsylvania ADAPT](#) went to provide David with a second telephone. After the facility confiscated the phone, Embassy staff called the police. The responding officer was told that there is a court order for David to have no contact with RTFCIL. RTFCIL has repeatedly requested to see the court order that makes contact with David a crime. The facility was not able to provide any document that supports this allegation.

Since 2/20/21 all contact with David ceases. RTFCIL staff attempted to reach David via the land line in his room with no success.

2/22/21 RTFCIL confirms that David was no longer at Embassy at Loyalsock in Lycoming County.