Subject: Re: OCR Transaction Number 25-593716
From: Steve Frazer <steve.frazer@wellnessetc.us>
Date: 2024-12-10, 09:22 PM
To: "Bossert, Destiny (HHS/OCR) (CTR)" <Destiny.Bossert@hhs.gov>

Destiny Bossert, J.D. (she/her)
Investigator (Contractor)
U.S. Department of Health and Human Services
Office for Civil Rights | Rocky Mountain Region
1961 Stout Street, Room 08.148
Denver, Colorado 80294
Phone: (303) 844-7866

Ms. Bossert, J.D.

Thank you for your Public Service. My 50 year career has been almost exactly split between the private and public sectors - including several years working as a Special Investigator for two Attorneys General primarily assigned to healthcare related issues. I also served as a Medical Research Scientist, lectured med school at 2 universities and taught CLE classes on various health industry topics including HIPAA compliance.

The Wellness, etc. clinic has served 2,600 unique clients with about 265,000 treatments. Pondering this performance over the past 5 years, we have encountered exactly one client who has filed any complaints with government agencies for which we have been made aware. It is most likely yours is the 6th agency he has targeted. In speaking with the other five, four report the complaints included criminal fraud from the complainant.

At least in the way you present your questions, this complaint might be free from blatant fraud, but let's review the facts of the situation.

The individual is the son of a medical professional our clinic had been treating for nearly a year. Per the efficacy she experienced, she referred her son to our clinic to help his condition. When he completed our Services Application, he failed to identify his primary medical condition, his medical history nor the prescription drugs he was actively taking at the time. His mother also neglected to provide any of the critical information. During his first treatment session, the son became extremely nauseated. As we had provided over 200 other clients several thousand sessions without event on the same device for the same duration, we ultimately questioned the individual and he finally shared that he was taking an anti-psychotic medication. His failure to provide this critical information caused the response event which we consider to be the most severe in our clinic's history.

However, at that time and for the next eight months, we were not aware of his true medical condition or his medical history. He returned to our clinic several months later sharing that he had stopped taking the anti-psychotic drug so we agreed to treat him again. Later, his mother leveraged a member of our BoD to provide her son with a part-time consulting position so he would receive regular treatments at no cost as she had observed improvement in his condition.

His work performance was dismal. He could not remember assignments, let alone successfully perform any of them (47 year old man with a 4 year business degree). He was terminated within a few weeks when he became

belligerent demanding to paid sooner than was required by the terms of his written consultant agreement. Days later a member of his church thanked us for the opportunity we provided him. We thought this statement to be more than odd and upon inquiry his fellow church member presented a publicly accessible YouTube video of the son sitting beside his minister in a public testimony sharing details of his 25 year cocaine addiction.

Considering this testimony was recorded by the individual, published publicly with the individual's full knowledge and was on-line for nearly a year (per the video date stamp and the fellow church member), the applicable HIPAA regulations take-on an uncommon interpretation.

Also, to directly answer the four questions from your Questionnaire: 1. No, 2. No, 3. No, 4. No ... over the duration we were treating this individual. However, 4 months after the last time we encountered the individual we changed our business model to a medical clinic so only then the answers to the same questions from your Questionnaire: 1. Yes, 2. Yes, 3. Yes, 4. Yes

Still ... one must consider that neither the individual nor his mother (a credentialed medical professional) had ever provided the true nature of the medical condition or medical history of the son so none of our clinic records contain the true medical condition nor medical history of the individual.

What truly impresses me is that this man who did nothing to benefit our clinic while pulling a professional consulting income, can so effectively cause my clinic to lose millions of dollars in contracts, business partnerships and occupy my time at something over 400hrs all via to his vicious social media attacks (Google legal Dept. tracked 8 fake accounts that were eventually deleted after our public reputation was tarnished) and government agency complaints. The Las Vegas Metro Police Dept. Detective who investigated the individual's complaint identified 3 false claims and in fact turned the issue over the D.A. to secure a conviction against the individual. A Nevada occupational safety agency in processing the individual's complaint interviewed our clinic staff and discovered he had been assigned the responsibility of SDS updates for the clinic. Below is the narrative...

> The individual, who holds a 4 year college degree in Business Management, was engaged as a part-time 1099 Business Consultant with our firm for 60 days. He was assigned specific tasks consistent with business operations of a clinical organization. We were at a loss to understand why he could not recall assignments, could not remember issues, could not focus on tasks and could not perform on what is commonly considered basic business operations. For example, company SDS records were assigned to him. Update the electronic SDS logs, inspect the property for all new/unlisted chemicals, products, etc., secure and file the SDS Spec sheets for new products into the electronic folder and make certain we are in compliance for all government oversight for safety. He spent 2 days working on this project, but neglected to download the 14 additional SDS Spec sheets and he failed to make and apply labels for the generic bottles that Staff were using to support the clinic expansion into additional treatment rooms. In fact, once he was terminated, he contacted the State of Nevada Occupational Safety Dept. and filed a complaint against our firm for his own failed performance … knowing he had failed to complete this task. There exists Nevada Case Law that holds the individual directly responsible for aspects of this situation. He was engaged as an experienced Business Consultant and in fact held the only university degree in business operations across our clinic staff. Also, as he had held business management positions for many years in the restaurant and hospitality industries where SDS compliance would be a normal task within his job responsibilities, failure to perform AND then to use his own performance failure to impact our firm with a governmental non-compliance issue is criminal. Case Law deems this act a conspiracy to defraud an employer by creating the non-compliant condition. Also, as Mr. Frazer, who had in good faith and with good

> intent, engaged the services of a credentialed/experienced business consultant so should be able to trust the SDS management was accomplished … and as was reported by the consultant. Yet the consultant created an emergency condition within our firm and Mr. Frazer had to immediately address the issue.

Our clinic is unique. We formally announced 14 months ago the end of skin cancer. Six months ago, we compiled sufficient case data to announce the end of osteoporosis and all forms of arthritis. We are tracking the reduction or total elimination of 247 medical conditions. We are actively opening 5,000 clinics across the U.S. and will raise the health and quality of life for millions of U.S. citizens. We are serious medical professionals and make every effort to comply with all regulations. I am the first to state that this situation is beyond my experience.

Regards,

Steve Frazer, Dir
Wellness, etc.

On 2024-11-27 10:34 AM, Bossert, Destiny (HHS/OCR) (CTR) wrote:

> Dear Mr. Frazer,
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> The Department of Health and Human Services, Office for Civil Rights (OCR), has received a complaint against Wellness, ect. In order to determine if OCR has jurisdiction to address this complaint, please complete the attached questionnaire. If your responses indicate that OCR does have jurisdiction, I will provide additional information about the complaint and OCR's complaint handling process. If your responses indicate that OCR does not have jurisdiction, the matter will be closed and OCR will not request any additional information from Wellness, etc. Please let me know if you have any questions about this request.
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> **Please complete the questionnaire and return within 10 business days which is December 11th, 2024.**
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> Thank you,
>
> **Destiny Bossert, J.D. (she/her)**
> Investigator (Contractor)
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