

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPT
OF THE TRIAL COURT
Civil Action No.
2484CV00824

ADAM OWENS, ALVIN WALKER,
Petitioners,

v.

EDGAR P. BENJAMIN HEALTHCARE CENTER,
Respondent.

AFFIDAVIT OF HELEN WALKER

I, Helen Walker, make the following affidavit based on my personal knowledge, under the penalty of perjury that the following is true and correct:

1. I am the Activities Director at the Edgar P. Benjamin Healthcare Center, which we call “the Benjamin.” The facility is located at 120 Fisher Avenue, Boston, Massachusetts.
2. I have been working in the healthcare field for 35 years in different roles including as a certified nursing assistant (“CNA”) and a unit secretary.
3. I returned to school to receive a professional licensure to be an activities director in 2006. Since receiving my licensure, activities director has been my profession.

4. I have been working at the Benjamin for almost one year as Activities Director. My role as Activities Director consists of assisting incoming residents with a care plan, ensuring they can attend things like church services, providing opportunities to play the games they enjoy, bringing independent activities to residents who prefer not to be social, planning entertainment and parties and creating a monthly calendar of activities for residents. I assist residents with remaining active and alert, warding off deterioration by using activities to add to their quality of life.
5. My mother-in-law has dementia and is a resident of the Benjamin.
6. I am very concerned about the quality of life for residents of the Benjamin and that the current mismanagement of the facility is causing significant harm to the residents.

Funding Activities & Vendor Issues

7. When I began work at the Benjamin in April 2023, there was funding for activities. I received prompt reimbursement for receipts submitted when I used my own money to fund activities. Beginning in the Fall of 2023, however, the situation changed. There is essentially no funding for activities at this point. I have to pay for activities out of my own pocket, or seek donations from other staff.
8. I have asked Mr. Francis for an activities budget to no avail.
9. While activities may not appear to be an integral part of long-term care, they are. Residents need to remain active and engaged to prevent depression, loneliness and to maximize their independence. Additionally, activities allow residents to socialize and reduce cognitive decline. Many of the residents at the Benjamin have mobility issues, so they do not get out much if at all. If there are no activities, they will just stay in their

room all day. When that happens, residents go downhill quickly in terms of their mental health, their mental state, and their physical abilities.

10. There have also been issues transporting residents from their rooms due to vendors' refusal to work with the Benjamin. For example, one of the residents has a wheelchair in need of repair. When trying to transport him to attend planned activities, I noticed and informed staff in the Rehabilitation Department. Based on my conversation with them, I understand that the vendor that repairs and provides wheelchair maintenance is no longer working with the Benjamin due to non-payment. This creates a significant risk to residents as it limits their mobility. Not only are they prevented from attending activities, but if there were ever an emergency, removing them quickly from the facility would not be possible, increasing risk of harm to residents and staff trying to get them out.


Payroll Issues

11. I am scheduled to be paid bi-weekly. There have been a number of times over the past several months where staff have not received paychecks. I went five weeks without receiving a paycheck.
12. During this time, staff members including CNAs began "calling out" leaving patient care to be picked up by other staff members including myself. My duties as Activities Director were impacted as I would arrive at the facility and check with the staff on duty to see if they needed assistance before beginning my own work. Pulling employees from their roles at the facility to perform the duties of those who are properly trained and licensed creates a dire situation for residents.

Health Insurance

13. Another issue that shows financial mismanagement is the non-payment of health insurance premiums. In November 2023 I was scheduled for a physical examination and testing with my primary care physician. However, I was informed by the doctor's office that I could not attend my appointment and would have to reschedule as my health insurance could not be verified. I had to reschedule my appointment to January 2024.
14. Additionally, during this time I was not able to get daily medications for my high blood pressure because our health insurance had been terminated or suspended. High blood pressure can cause fatality and I was left to bargain with the pharmacy and pay out-of-pocket for half of the prescribed medication.
15. In November, I received a notice from Blue Cross Blue Shield stating my insurance had been canceled in September 2023.
16. During this time, deductions were still being made from my paycheck for health insurance. I was paying for something I was not receiving. This is a clear indication of mismanagement as the funds were being deducted and simply not being paid to the insurance vendor.
17. My concern for the well-being of residents of the Benjamin stems from my knowledge of their needs. I am tremendously worried that the financial and management decisions of the Administrator are negatively impacting patient care in a profound way, and that without someone to step in and take over management of the facility, the situation will only get worse and the quality of life for residents will be at even greater risk.

Signed under pains and penalty of perjury this 28th day of March 2024.



Helen Walker