

AFFIDAVIT

I, Johnna McCrary, depose and state as follows:

1. I am a Licensed Professional Counselor (LPC) in the State of Missouri.
2. Pemiscot Memorial Health Systems (PMHS) is a county hospital owned and operated by Pemiscot County, Missouri.
3. During 2009 I was employed by PMHS in its Resolutions Mental Health unit in Hayti, Missouri and worked with geriatric patients. I was also completing an internship with Resolutions to obtain my license as a professional counselor.
4. Pemiscot Memorial Health Systems contracted with Affinity Health Care, Inc. to manage Resolutions. Affinity was responsible through its President Benton Bloom and its Program Director, Bonnie Moore, for hiring and supervising the medical director, professional counselors, nursing staff, and other employees who worked in the unit. Counselors, nurses, and support staff at Resolutions were employees of PMHS.
5. During my employment at Resolution, I worked with an 83 year old lady named Ruth Pierce who had been taken from her home in Steele, Missouri and admitted to Resolutions under a 96 hour involuntary commitment order of the Circuit Court of Pemiscot County, Missouri.
6. After she was admitted I conducted a psycho-social assessment and

leisure assessment for her on May 19 and 21.

7. Everyone at Resolutions who worked with her was aware that she had been involuntarily committed and was there against her will. This fact was noted in her file, which contained a copy of the court order. It was also shown on various assessments and reports, together with her date of admission, and discussed in the weekly Treatment Plan Review and Physician Recertification meetings.

8. I saw Mrs. Pierce daily during week-days throughout her stay at Resolution in group, individual, and activity programs and other times on in the unit.

9. Resolutions is an inpatient lock-down facility in which patients are not permitted to leave the facility on their own until they are discharged.

10. From my first contact with Mrs. Pierce, she was oriented to time, place and person, her perceptions were appropriate with no evidence of hallucination. She had no memory deficits and was able to fully provide information during my assessment. During her stay she was very pleasant and had a good personality. She was always cooperative with staff and attended all group, individual and activity sessions and regularly helped other patients who were confused or needed assistance.

11. From the time she was admitted she wanted to go home and did not want to stay at Resolutions. She frequently stated to myself and other staff , "I don't belong here," and "There is nothing wrong with my mind." I probably had more interaction with her than any other staff at Resolutions with the different classes and

activities I was responsible for. She asked me daily when she would be allowed to go home. I know she also made the same statements to the nurses and other staff as well.

12. I regularly attended the multi-disciplinary Treatment Review meetings with the Medical Director, Program Director, nursing staff, and support staff. At these meeting each patient was discussed, together with their length of stay, participation, and progress. Dr. Pang as the Medical Director would recertify patients for additional periods of treatment or discharge them. These meetings were held each Wednesday usually between 9:00 a.m. and 10:00 a.m.

13. From attending the treatment review meetings I knew that an Bonnie Moore and other members of the review team were trying to place Mrs. Pierce in a nursing home in Malden, Missouri but she did not want to go.

14. Mrs. Pierce had been at Resolutions so long that her file was getting very thick. At the treatment review meetings members joked about the size of her file.

15. At a treatment review team meeting in July 2009, the length of her commitment was discussed and that they had nothing in the file to justify holding her any longer. Someone suggested getting her to sign a voluntary admission form, but someone else said she wouldn't sign one. Dr. Pang then made the statement they could trick her into signing a voluntary admission form. Nothing else was said and I thought the remark by Dr. Pang must have been a joke. Dr. Pang certified her to

be detained for another week of treatment.

16. On July 21, 2009, while I was finishing up a geriatric activity group at 3:00 p.m. Mrs. Pierce was in the group and came up to me and asked if she could speak with me. She was very upset and I took her into the counselor's office which was vacant at the time to talk with her in private. She said they would not let her go home and were trying to force her to go to a nursing home in Malden. She said she did not want to go into a nursing home and wanted to go back to her home. I asked her if she had any family who might help her. She thought for a moment and said she had a cousin in Kennett who was a lawyer. I looked up his phone number in the phone book and placed a call to his office. I spoke with him and told him I was calling for Ruth Pierce. I explained briefly what was happening and gave the phone to Ruth. She told him she was being held and they would not let her go home. I confirmed that it was my understanding that they did not have anything that would allow them to hold her. The attorney told Ruth that he would be over the next day to get her discharged. He got her discharged the next day July 22, 2009.

16. During the last few week Mrs. Pierce was at Resolutions, Bonnie Moore was pushing to get Mrs. Pierce transferred to the nursing home in Malden and at a later time to have a guardian appointed for her so they could put her in a nursing home against her will. All of this was after the 96 hour commitment has expired and they were continuing to hold her against her will.

17. No one at Resolutions knew that I had helped Mrs. Pierce. After she left, another gentleman from the Steele area was being held under a 96 hour commitment from the court and was not allowed to leave when it expired. He talked with me and I told him that Resolutions had to discharge him after the 96 hours. After he talked with me, he told them he knew they could not hold him and demanded that he be discharged. Bonnie Moore and some of the staff were unhappy with me for telling him he had a right to be discharged.

18. Bonnie Moore continued to push for the appointment of a guardian for Ruth Pierce even after she was discharged. She got the Division of Health and Senior Services to file for a guardianship in the Circuit Court of Pemiscot County. A court date was set for August 11, 2009. In July after Ruth Pierce was discharged, Bonnie Moore directed me to prepare to testify against Mrs. Pierce in the guardianship proceeding and provided me a list of topics she expected me to testify on. I was concerned because my interaction with Mrs. Pierce supported her being able to return to her home and function independently on her own.

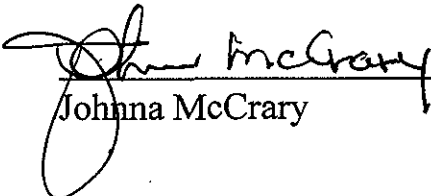
19. On the morning of August 11, 2009, I went to the office of the chairman of the hospital's board of trustees for advice about what to do. He was out and I spoke with his assistant and informed him of the situation with Ruth Pierce. He was not able to give me any advice. At the time I was to go with Bonnie Moore and the other witnesses to the courthouse, I told her that I would not testify in the case and

did not go. When I finished my client for the day I went home. At 6:00 p.m. I got a call from Resolutions and was told to come in to meet with Bonnie Moore. When I got there Bonnie Moore and Benton Bloom, the President of Affinity were there waiting for me. The proceeded to tell me I was disloyal to Resolutions, that I had failed to complete an assignment by not testifying, and that I was insubordinate in failing to follow a direct order. I was told to go home and stay until I was called to come back. I called in the next morning to see if I should come in to cover patients and was told not to come in. The next morning August 13th, I called in again and Bonnie Moore told me to come on in. When I got there I met with patients as usual. At approximately 10:00 a.m. I was in the dining room working with patients in a group session when Bonnie Moore walked up to me and told me to write her my resignation. She told me if I did not write out my resignation, I would be fired and it was in my best interest to resign. She said if I resigned, the hospital would not contest unemployment benefits.

I wrote out a resignation making it clear that it was being done under duress and turned it in to Bonnie Moore and left Resolutions.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 31st 2013.

  
Johanna McCrary