

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

No. SJC-12935

STEPHEN FOSTER, et al.,)
Plaintiffs,)
)
v.)
)
CAROL MICI, COMMISSIONER OF CORRECTION, et al.,)
Defendants.)

SUPPLEMENTAL AFFIDAVIT OF JENNIFER GAFFNEY

I, Jennifer Gaffney, hereby depose and state that:

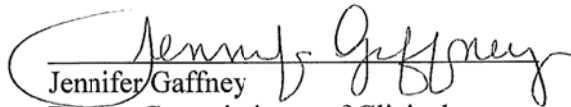
1. I have been employed by the Massachusetts Department of Correction (“Department”) since September of 1989. In January of 2019, I was promoted to Deputy Commissioner of Clinical Services and Reentry, a position that I currently hold. Prior to being appointed Deputy Commissioner, I held various positions at the Department, such as Assistant Deputy Commissioner of the Central Sector, Director of the Policy Development and Compliance Unit, Deputy Director of Labor Relations, Director of Classification, Unit Manager and Corrections Counselor.
2. The statements contained in this supplemental affidavit are based upon my personal knowledge and review of Department of Correction records that are maintained in the normal course of business.
3. I submit this supplemental affidavit to address a question from the Trial Court regarding the facts as to what treatment at MASAC has been curtailed due to COVID-19 and what treatment remains available.

4. Prior to the COVID-19 pandemic, patients at the Massachusetts Alcohol and Substance Abuse Center in Plymouth (MASAC) received three hours each day of *Living in Balance*, a substance use disorder (SUD) curriculum. The curriculum was delivered in classes which consisted of approximately 18-30 patients. In addition, Activity Therapists supplemented the curriculum classes with group activities during all non-SUD treatment times. The activities were scheduled on site 8:00 am. - 8:00 pm., Monday through Friday and from 8:00 am. - 4:00 pm. on Saturdays and Sundays. The activities occurred in both group areas and in dormitories and were voluntary for patients to attend. Mental Health Professionals and SUD Counselors provided individual follow-up daily to assist patients with any mental health needs and for reentry planning.
5. Subsequent to the COVID-19 pandemic, all newly admitted patients are placed on a 14 day quarantine hold in the C Building. For the first three days patients are in an observation room and for the next 11 days on the unit. During the first three days of quarantine, patients are assessed daily by Mental Health Professional staff. Over the next 11 days, each patient is assigned a room on the unit, provided with a mask, and is able to leave their room. Each patient receives individual services from their SUD counselor daily and is provided a minimum of two packets per day of *Living in Balance* reading and homework. During this time the Activity Therapists also provide supportive contact and materials such as books, puzzles, etc.
6. During the initial phase of COVID-19, once a patient completed quarantine, the person received two hours of *Living in Balance* SUD curriculum delivered in classroom format. The class size was initially approximately 15 patients per class. Once the patient census declined, MASAC was able to provide four hours of *Living in Balance* curriculum per day,

which is currently provided. Class sizes have continued to be reduced from 15 to 10 and currently class size is 5 patients. Activity Therapists continue supplementing with group activities with the same schedule as Pre-COVID-19 and Mental Health Professionals MHPs and SUD Counselors, providing individual follow-up daily to assist with MH needs and reentry planning.

7. MASAC has been able to maintain the same level of mental health treatment despite the COVID-19 pandemic. The medical vendor, Wellpath, continues to provide crisis coverage Monday through Saturday, completes intake evaluations on all patients, and facilitates individual sessions to address patients' clinical needs.
8. For psychiatric services, all initial interviews are held via tele-psychiatry. Psychiatric providers are providing necessary follow-up sessions focused on individuals identified as high-need by the psychiatrist or nurse practitioner, or for patients who are presenting with emergent needs.

Signed under the pains and penalties of perjury this 30th day of April, 2020


Jennifer Gaffney
Deputy Commissioner of Clinical
Services and Reentry
Massachusetts Department of
Correction