

VOTING REMOTELY

North Dakota's mail-in elections project strong participation, **A2**

The Forum

OF FARGO - MOORHEAD



SUNDAY EDITION

SUNDAY, MAY 17, 2020

INFORUM.COM

Hospital ignored red flags before severe assault

By Patrick Springer
pspringer@forumcomm.com

JAMESTOWN, N.D. — A psychiatric patient in the North Dakota State Hospital with a criminal record of assault had announced his “dark thoughts” and “murderous compulsion” before he attacked a housekeeper, resulting in charges of attempted murder and assault.

Those comments and a series of escalating behaviors — including an escape the day before the March 2019 attack — were red flags that warned of the dangers posed by the patient, documented in a report by a psychologist who evaluated the patient that was obtained by The Forum.

The patient, Jason Benefiel, was experiencing delusions that staff

ASSAULT: Page A6



Submitted photo

Christin Eastman is shown here in the emergency room at Jamestown Regional Medical Center after she was assaulted by a patient at the North Dakota State Hospital on March 29, 2019. The patient, Jason Benefiel, was charged with attempted murder and two counts of felony assault.



Photos by Michael Vosburg / Forum Photo Editor

Above: The Big Jake dragline excavator works the BNI Coal lignite mine Wednesday, May 13, near Center, N.D. **Below:** Fourth-generation coal miner Grace Kerzmann stands Wednesday near the Coal Creek Station power plant south of Underwood, N.D.

‘Built on coal’

Workers, communities fear closing ND’s largest plant will destroy their way of life

By April Baumgarten
abaumgarten@forumcomm.com

UNDERWOOD, N.D.

For the past five years, fourth-generation lignite coal miner Grace Kerzmann could be found driving giant trucks, the ones with wheels roughly double her height, around Falkirk Mine near Underwood.

“I usually run a 789, and they haul 200 tons of dirt,” she said.

Her way of life that has spanned generations could soon come to an end for her and about 740 other coal workers. The Minnesota-based Great River Energy

COAL: Page A8



Vinyl Taco owner says employees didn’t raise safety concerns prior to walkout

By Dave Olson and C.S. Hagen

Forum staff reporters

FARGO — One of the owners of a downtown Fargo restaurant that experienced a walkout by employees who cited virus prevention concerns says workers did not communicate those concerns to management prior to leaving their jobs.

“This wasn’t about unsafe working conditions. Everybody had the opportunity to say something, but didn’t,” said Lance Thorson, an owner of Vinyl Taco, where a

number of employees walked off the job the morning of Saturday, May 9. Additional employees did not report to work in following days.

In total, Thorson said it appears 13 employees took part in the walkout at Vinyl Taco, which before the walkout had a staff of about 35.

Thorson maintains employees involved in the walkout planned the event in secret to maximize the surprise and harm done to the business.

He also said an article The Forum published

online shortly after the walkout began fell short of telling both sides of the story.

Thorson said the initial walkout story contained remarks from a manager who was asked for comment essentially as the protest was taking place.

“Our general manager, Kevin Nelson, said: ‘This is the first I’ve heard of it (the walkout). I can’t provide a comment because I don’t know what you’re referring to,’” Thorson said, describing events that Saturday morning.

Since the walkout, Thor-



Michael Vosburg / Forum Photo Editor

Mandie Koci, a bartender at Vinyl Taco, wears a face mask while preparing to open the restaurant Friday, May 15, in downtown Fargo.

son said he has obtained screen images of online chats employees held as they planned the protest.

Without disclosing how

he came to possess the chats, Thorson said they show that planners of the

VINYL TACO: Page A7

COVID-19 IN OUR REGION

North Dakota totals

Positive cases: 1,848 (+88 on 5/16)

Hospitalizations: 130 (+0)

Deaths: 42 (+0)

Cass County totals

Positive cases: 1,106 (+75)

Deaths: 32 (+0)

Minnesota totals

Positive cases: 14,969 (+729)

Hospitalizations: 2,039 (+54)

Deaths: 700 (+17)

Clay County totals

Positive cases: 291 (+12)

Deaths: 19 (+1)

Note: As of 9 p.m. last night. For the most timely information, see InForum.com

Forum Design Center

INSIDE TODAY'S FORUM

- Classifieds D
- Comics..... Z
- Crosswords..... B10
- Obituaries ... A5, B4-B7
- Opinion B8-9
- Sports A4
- Variety B1-2

Today's weather



Mainly sunny
Details, B10



\$3.00
(Suggested retail price)
Copyright 2020 The Forum

‘A huge concern for us’

Nursing homes work to limit social isolation

By Tracy Briggs
tracy.briggs@forumcomm.com

FARGO — Before the pandemic started, Jodee Bock would pop in to see her mom at Sheyenne Crossings in West Fargo four or five times a week. They’d watch a little TV, maybe share an ice cream treat and just be together. Now, things are getting a little more complicated.

“She’s never been a huge talker; she’s a better listener, so now it’s

difficult when the only way to see her is through the window or on video chat,” Bock said. “There is a lot of white space in the connection which doesn’t seem as abrupt in person because you don’t feel the need to fill it when you’re physically together.”

Bock said she also worries because it looks, at least through the window and on video, as if her mom’s Parkinson’s Disease is getting worse. “She looks shakier to me than she has, and I know her hair isn’t getting styled like we used to,” Bock said, adding

ISOLATION: Page A9

FARMLAND FOR SALE

FOR SALE: Barnes County Farmland, 149.01 acres of high productive tillable farmland with great development potential NW of Valley City, ND.

FOR SALE: Cass County Farmland, 120 acres East of Buffalo, ND

SOLD: Traill County Farmland 153.84 acres of good quality farmland West of Buxton, ND

SOLD: Becker County, MN Farmland 320 Acres Southwest of Waubun, MN

SOLD: Clay County Farmland 80.60+- acres of good quality land south of Sabin, MN.



www.johnsonauctionandrealty.com

40 years of agricultural experience in North Dakota, South Dakota and Minnesota



Phone:

701-799-5213

Steven Johnson

steve@johnsonauctionandrealty.com

R.E. Broker Auctioneer Lic# 976

LIFE:
Plains Art Museum holds collections, online classes.
PAGE B1

ASSAULT

From Page A1

members at the state hospital were trying to harm him and he had previously assaulted other employees at the hospital, according to a Jan. 25 report by clinical psychologist Deirdre D'Orazio.

D'Orazio characterized Benefiel's behavior before the assault of housekeeper Christin Eastman on March 29, 2019, as "behaviorally aggressive and bizarre." Her description of Benefiel's behavior and comments was drawn from interviews with hospital employees, some of them recorded, and was an addendum to an earlier evaluation of Benefiel submitted in July 2019.

"He told staff he feared he was losing his mind, that he was having 'dark thoughts,' " which he described to one staff member as "loud thoughts that he couldn't quiet telling him to hurt or murder someone and that he couldn't breathe," D'Orazio wrote in the Jan. 25 supplemental report.

Benefiel believed his safety depended upon escaping from the state hospital — something he managed to do briefly the day before he assaulted Eastman, who was working alone, cleaning restrooms at the time of the attack.

At times, Benefiel appeared aware of the threat that he posed, even asking staff to place him in seclusion, according to the report.

Despite Benefiel's threatening comments, pleas for seclusion, and aggressive behavior, he was allowed free movement at the time of the attack, Eastman told The Forum. She was not warned of his violent past or of the comments he had made to other staff members, she said.

Unlike nursing aides, custodial staff were not equipped with radios so they could summon help, a security lapse that Eastman said was addressed after her attack, which left her unconscious, requiring hospitalization and surgery. She is unable to work and suffers from post-concussive syndrome and post-traumatic stress disorder.

During the 48 hours preceding the attack, Benefiel's aggressive and violent behaviors escalated. He threatened to harm a female staff member and physically attacked a male staff member, D'Orazio wrote.

Nick Archuleta, president of North Dakota United, which represents public employees, said



Above left: Christin Eastman's injuries are seen here, several days after she was assaulted at the North Dakota State Hospital in Jamestown on March 29, 2019. **Above right:** A room inside the former intensive care unit at the North Dakota State Hospital, where violent or disruptive patients were treated. The unit was closed on March 20, 2019, to comply with new interpretations of accreditation standards enforced by The Joint Commission. Christin Eastman, a custodian at the hospital, was assaulted nine days later, on March 29, 2019, by a patient with a record of violence and delusional behavior.

the psychologist's report shows that a series of warnings and red flags could have prevented the assault against Eastman, if heeded.

"It seems to me they missed an awful lot of warning signs," he said. "The administration should have intervened much earlier in this sad tale." Eastman was doing her job, but administrators failed to do theirs by protecting staff from a patient known to present a safety risk.

"That shows a blatant disregard for the health and safety of public employees," Archuleta said.

Rosalie Etherington, superintendent of the state hospital, declined to be interviewed about the report or to answer specific questions, though did issue a brief statement.

"The North Dakota State Hospital takes multiple precautions to keep staff safe," she said in the statement. "Our safety measures meet or exceed hospital safety best practices, and the fact that violent incidents and injuries are below the national averages for hospitals demonstrate their effectiveness. In spite of this, serious incidents do occur."

The callous disregard that state hospital administrators showed for the safety of their employees would result in legal liability if it were a private workplace, Archuleta said. Laws should be changed to allow public employees legal recourse beyond workers' compensation when their employers' negligence results in

injury, he said.

Staff safety concerns at the state hospital, which last year sparked an online petition seeking the removal of Etherington and another top administrator, should be investigated by an independent authority, possibly the North Dakota Legislature, he said.

"There should be a very serious investigation into what caused it," Archuleta said of the assault.

State hospital employees presented their safety concerns anonymously, but said they did not want to do so publicly because they feared retaliation. That underscores the need for stronger whistle-blower laws, so public employees can speak freely about their concerns so serious problems can be addressed, Archuleta said.

"It's clear to me they did not take this guy seriously" as a safety risk, he said.

According to D'Orazio's report, Benefiel's request for seclusion was denied, staff members told her, because the state hospital was in the midst of an accreditation evaluation by The Joint Commission, including a site visit, and seclusion was not permitted.

Surveyors thought the state hospital was secluding patients unnecessarily, although patients were not locked in rooms, Etherington told The Forum last year.

The seclusion room, called intensive care, was closed on March 20, 2019 — nine days before Benefiel assaulted East-

man.

Staff members told D'Orazio, who practices in Atascadero, Calif., that Benefiel usually walked barefoot, but was wearing shoes on the day of the attack, suggesting he possibly was planning to escape.

Despite his psychotic state, D'Orazio concluded that Benefiel's behavior showed the capacity to plan and exhibit "goal-focused behavior" within 24 hours of the attack. "He showed the capacity to comprehend that the immediate consequences of his behavior would lead to removal from the current setting, which his symptoms of his severe mental disorder led him to believe was necessary," she wrote.

Angela Simpson, a nurse who founded and directs Silent No More, a support and advocacy group to protect health care employees from workplace violence, said the assault against Eastman reflects an alarming lack of security at the North Dakota State Hospital.

"This facility has historically shown a spectacular lack of concern for staff safety," she said. "Lack of adequate security, other staffing, training, cameras, ability to seclude patients, as reported to us in the past by other staff members, creates an already dangerous situation."

Those problems were compounded by administrators' "knee-jerk response" to the poor evaluation of the hospital's frequent use of restraint, causing the hospital to close seclusion

rooms before Eastman's attack, Simpson said.

"They are used to protect patients and staff," she said of seclusion rooms. "Closing these down completely is negligent and, yes, completely indifferent to the safety of staff."

D'Orazio's report shows a pattern of ignored warning signs, Simpson said, adding that it can be difficult, however, to know when someone with schizophrenia is "escalating in a way that will be dangerous or violent."

Still, Simpson added, Benefiel's escape the day before and evidence he was planning another attempt — wearing shoes, which he ordinarily didn't do — would require "close monitoring" that apparently was not in place.

"There was no point in time when someone untrained in severe warning signs should have been alone with him, nor should he have been able to access that area in the first place," she said.

"Bare" staffing levels at the hospital also created an environment in which the assault was more likely to happen, Simpson said.

"As reported to us in the past, they rarely have more than one or two security officers on at any given point in time, and they can't be everywhere at once," she said.

The report makes clear that even Benefiel recognized that he was a risk to others and asked for help, Simpson said. "But no precautions were taken, and this innocent woman, not trained in psychopathology, was left vulnerable and almost died," she said. "I'm just livid."

Earlier this year Benefiel was found not competent to stand trial because of his severe and chronic mental illness, including acute schizophrenia.

Benefiel has a criminal record that includes a previous assault against a law enforcement officer and a history of violent behavior, including writing letters threatening to kill or torture, D'Orazio wrote.

In 2010, in an example D'Orazio cited in her report, another evaluator wrote of Benefiel, "Given his long term pattern of behaviors and mental illness, risk of causing serious harm to staff remains a strong possibility that should be at the forefront of all future staff interactions."

Now, whenever state hospital staff are in close contact with Benefiel, they work in pairs for safety, Eastman said she's been told by former colleagues.

"It's pretty messed up that it takes what happened to my wife to cause them to go to a buddy system," Charles Eastman said.

Readers can reach Forum reporter Patrick Springer at 701-367-5294.

Let down and let go

ND State Hospital worker loses job after assault leaves her with mental illness

By Patrick Springer

pspringer@forumcomm.com

JAMESTOWN, N.D. — Christin Eastman was choked, kicked and struck by an assailant while at work cleaning a restroom. The attacker was charged with attempted murder and assault.

The attack left her unconscious. She required surgery to fix her broken nose and dental procedures to straighten her front teeth and repair damage including a root canal.

But her most severe injuries were mental. More than a year after the assault, Eastman still deals with post-concussive syndrome and post-traumatic stress disorder.

"Mentally it's been a struggle," she said. "I have good days, and I have bad days."

Fear is an inescapable part of her life. Eastman, who has occasional flashbacks of the attack, is afraid to go out without her husband or daughter.

As a result, she's been unable to return to work because her employer has been unable to make accommodations, a major disappointment, she said, since her employer, the North Dakota State Hospital, serves those with mental illness.

Eastman says her mental illness, in fact, is a direct result of her March 29, 2019, workplace attack — making what she views as

the state hospital's rigidity in not working to accommodate her illness all the more frustrating.

"I found it very upsetting that the hospital that serves mentally ill patients chose to terminate me over my now mental illness with PTSD," she said.

The state hospital terminated Eastman on Feb. 1, 2020, after informing Eastman that it could not provide another employee to accompany her as a "buddy system" support to help her focus and make her feel secure.

"Your position has been held open for the duration of your absence with the goal of having you return to work with or without accommodation," Rosalie Etherington, the hospital's superintendent, wrote to Eastman.

The state continued to pay Eastman's health insurance, and she received disability payments from the state workers' compensation program until those were terminated in November 2019.

"You continue to be unable to perform the essential functions of your position, with or without accommodation," Etherington wrote, informing Eastman of her dismissal, saying she did not meet the minimum qualifications for any open positions.

But Eastman said she completed medical assistance training 11 years ago,

which she believes would allow her to do work performed by certified nursing assistants at the hospital. Hospital administrators didn't ask her about that training, Eastman said.

The request for a work partner came out of a discussion with the counselor or who is helping Eastman cope with her PTSD, she said.

"They said they could not accommodate that," Eastman said. "They said they couldn't pay two people for one job."

In a discussion with the state hospital's human resources director, Bobbi Miler, and Etherington, the two administrators suggested an alternative, Eastman said.

"They even told me why don't you let us terminate you — then I could collect unemployment," she said.

But her workers' compensation disability benefits would not allow her to collect unemployment. She either had to return to work or look for work, she said.

"I definitely expected more from the hospital, since they claim to be the experts in mental health," Eastman said. "I don't think they lived up to their role as a treatment facility."

Patients at the state hospital include those being treated for post-traumatic stress disorder, she said.

Through an online fund-



Patrick Springer / Forum News Service

Christin Eastman, left, and her sister, Jessie Mead, talk about how an assault on Eastman has affected their family. Eastman was assaulted by a patient with multiple assault convictions who was sent to the North Dakota State Hospital for a psychiatric evaluation. Eastman has been unable to return to work since the March 29, 2019 assault.

raiser, Eastman is seeking to raise money to hire a lawyer to fight to restore her disability benefits.

In a statement to The Forum, Etherington said she could not comment on Eastman's complaints about the hospital's inability to accommodate her mental illness disability because it is a personnel matter.

The decision by Workforce Safety and Insurance, North Dakota's workers' compensation program, to discontinue her disability benefits hinged on a determination that her PTSD was a "side effect" of the assault, not directly caused by the assault, Eastman said.

Her husband, Charles, is frustrated with that view, which he said equates a chronic mental illness with something like a broken

bone.

"They've never looked outside the box," he said. "It wasn't a situation where she broke her leg or messed up her hip."

State hospital administrators showed concern for Eastman by continuing her leave and benefits, Etherington said in her statement to The Forum.

"The North Dakota State Hospital had genuine concern for Chrissy," she said. "However, we were directed to stop all contact with her by Chrissy and her family members. Refusing contact made it impossible to express personal concern. The only other way to show compassion was through our advocacy for extending leave and benefits."

Although Eastman is learning coping skills from her counselor, she still

does not feel comfortable in public or anyplace where she would be alone with a stranger.

"I'm nowhere near as bad as I was a year ago," she said. Certain triggers cause problems, such as people walking behind her. She's made some progress, she said, but it's a slow process.

"I can't just choose when I'm better or not," Eastman said. "I didn't ask for this to happen."

Readers can reach Forum reporter Patrick Springer at 701-367-5294.

