

State replies to court on Willowbrook plans

By EVERETT R. HARVEY

The state agency responsible for Willowbrook State School filed an answer in Brooklyn Federal Court yesterday on an earlier court order requiring it to establish a timetable to improve conditions at the institution.

Responding to an Aug. 2 order by Judge Orrin G. Judd to detail by Monday progress the state agency has made by Sept. 1, and gains the agency hopes to achieve by Dec. 31, the answering affidavit was

filed by Frederic Grunberg, deputy commissioner of the State Mental Hygiene Department in charge of mental retardation and children's services.

Judd had ordered the state to respond to the offer of help from parents of Willowbrook residents and to describe how their services could be used.

Simultaneously, he postponed any decision on a preliminary injunction against the school's operation and agreed to consolidate the suits by individual parents and by groups, including the Staten Island Legal Aid Society, the State, Civil Liberties Union and the State Association for Retarded

Children on the petitioners' joint request.

Judd outlined that the areas for response are petitioners' demands for medical examinations for all 5,000 institution residents, increases in the number of attendants and physical therapists, elimination of seclusion practices, provision of carts containing emergency supplies, delineation of emergency escape procedures and indefinite continuance of the freeze on admissions.

Grunberg replied yesterday that the agency has negotiated at length with the petitioners to determine feasibility of utilizing 70 volunteer physician days to aid in the examination

of 1,050 Willowbrook residents.

"But their proposal," he said, "would also require the agency to hire a battery of consultants and administrators, at a total expense of approximately \$38,000."

Grunberg said that while his agency is anxious to utilize the volunteer physician services and is in basic agreement with the petitioners over the organization and substance of the screening, the agency and the petitioners have not been able to agree on the selection of the overall medical supervision for the program.

Grunberg said his agency decided to use the services of Dr. Cyrus Stimson, chief of services at Manhattan State School, as supervisor of the testing, rather than hire a physician from Massachusetts, as suggested by the petitioners, to save expenses and because

he could devote more time to the project than the physician.

A nine-month long medical evaluation of every Willowbrook resident, under the supervision of Dr. Stimson, began Oct. 15. It will include "approximately a 12-test chemical profile and a review of the resident's immunization record, gathered through the use of a system developed by Dr. Harold A. Decker called "A System for Planning and Achieving Comprehensive Health Care in Residential Institutions for the Mentally Retarded," a system tested in "at least five institutions."

PANEL OF EXPERTS

Children under 16 years of age will be examined by pediatricians and the remaining patients by general physicians, with the results sent to the Data Processing Bureau in Albany for computer processing and tabulation.

Grunberg said the final report to "evaluate and summarize the information" will be compiled and drafted by a panel of "expert physicians."

Grunberg identified the experts as, Dr. Harry Gordon, director emeritus, Rose F. Kennedy Center for Mental Retardation and Human Development, Albert Einstein College of Medicine, Yeshiva University; Dr. Lawrence Taft, associate director for clinical services and training programs; Dr. Margaret Giannini, professor of pediatrics, New York Medical College and director of the Mental Retardation Center of Valhalla.

Grunberg said he didn't agree with the petitioners' proposals for hiring 581 attendants over the authorized level and questions them as to "a feasible solution to improve the care of the residents on the wards," since an increase of

25 per cent in personnel "in such a short time" would jeopardize our effort to improve the quality of the resident care workers through unfavored selection, training and standard of performance.

"We are now ready to implement another important step," Grunberg said, "through the development of a housekeeping staff separate from the ward therapy services (attendants).

"This housekeeping staff will undertake the heavy cleaning and housekeeping duties on the wards ... relieving the attendants from such duties, so they could devote all their time to the residents ... Furthermore, it will now be possible to establish a much

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better system of accountability as to the two major functions in the administration of the living units: housekeeping and resident care," Grunberg said.

"We are working to reduce the population of the institution, which will improve the attendant-to-resident rates to 1-2 by the end of the fiscal year and to 1-1.5 by the end of the next fiscal year," Grunberg said.

Referring to one of the areas of information demanded by the court, Grunberg said, "Seclusion was eliminated at Willowbrook on June 15.

"Of the 11 residents who were in continuous of frequent seclusion, one was transferred to the valatie unit of Eleanor Roosevelt Development Service in the capital district ... the other 10 residents have been admitted to the behavior modification unit (where) 46 mental hygiene therapy aides provide one to one resident staff

care and training," he said.

Grunberg said that "restraint cannot be eliminated at Willowbrook.

Grunberg said that "all resident buildings received emergency kits on Aug. 3 and that plans and procedures for emergency evacuation ... were posted during the first week in August, on each building ward and in the lobby.

ADMISSIONS CLOSED

Admissions to Willowbrook have been continuously closed since January, Grunberg said.

On the subject of "parental consent," Grunberg said "once a selection is firmed up and it is determined that the resident would benefit from the transfer, a letter is sent to parents, nearest kin or guardians by the proposed receiving facilities, inviting parents to become acquainted with new location, layout, staff and program.

"The parents unable or unwilling to attend the informational meeting are then sent a certified letter, asking for consent to transfer the resident from Willowbrook State School," he continued.

"The receiving facility follows up with information to those denying consent and on those for whom no reply has been received. "No resident from Willowbrook is transferred if he objects or for whom consent has been denied by parents or next of kin," Grunberg added.

He said that "to date, more than 230 residents have been identified as appropriate for resettlement or relocation and 112 have already been transferred."

The agency director said, however, that "at this time ... it is not feasible for us to project in precise numbers a schedule for relocating and resettling Willowbrook residents after March 1973.

"We continue to adhere to an objective of transferring 2,000

residents from Willowbrook by March 1974."

Grunberg said that "while most inadequacies at the institution are still present, there are some very tangible indications that conditions are improving.

He noted the following:

- In 1970, 71 patients died at Willowbrook. In 1971, the institution lost 86 and in 1972, 56.

- In 1970, on a rate per 1,000 residents, Willowbrook stood at 20.3, compared with 19.6 at all other state institutions.

- In 1971, Willowbrook stood at 24.7, compared with a rate of 18.3 at all other state institutions.

- In 1972, Willowbrook stood at 16.4, compared with a rate of 18.6 at all other state institutions.

Since filing a deposition in Federal Court July 14, Grunberg said, Willowbrook has hired 177 employes for a net gain of 86.

A hearing is scheduled before Judd Monday.

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