

Willowbrook cleanup ordered

U.S. court: Staff must be enlarged

By KENNETH R. FANIZZI

A federal judge in Brooklyn yesterday ordered the state to take immediate emergency steps to improve conditions at Willowbrook State School and hire additional medical and supervisory staff to protect patients there.

Eastern District Court Judge Orrin G. Judd based his ruling on the constitutional rights of mentally retarded patients at Willowbrook to be protected from harm under the 8th Amendment to the U. S. Constitution.

To provide such relief, the court, in a 90-page opinion, called on the state to implement the following:

- Hire 400 additional ward attendants to provide a ratio of nine residents to one attendant in all buildings housing severely retarded or emotionally disturbed patients. (There is usually only one attendant for 38 patients at night at Willowbrook. There are more than 100 vacancies.)

- Add 85 additional nurses to fill vacancies the court said represent about half the nursing staff.

- Prevent seclusion of patients, which the court said has continued after a directive ordered that it cease. Future violations, Judge Judd warned, would be punishable by contempt of court and "not simply by civil service disciplinary procedures."

- Hire 30 more physical therapists at a minimum yearly salary of \$12,000. The court indicated the state was not offering enough money to fill these positions and was thereby adding to the physical deterioration of residents.

- Hire 15 additional physicians to adequately care for the institution's more than 4,500 residents.

- Approve a contract "within reasonable time" with an accredited hospital to care for Willowbrook's acutely ill. The court said the present use of Building No. 2 for hospital care is inadequate and fails to meet basic requirements.

- Repair all toilets as "basic hygiene standards are not being met."

- Hire several hundred additional personnel for recreation purposes.

Judge Judd said the court will keep its eye on progress made by the state to assure that basic relief is provided.

Veteran court observers indicated the ruling marks the first time a federal court has directed changes in the operation of a state institution, adding that this may be a landmark decision.

Willowbrook State School has been under investigation for months, following disclosures of deaths, filth and lack of custodial care.

Spotlighting the need for an adequate and trained staff at Willowbrook, Judge Judd disclosed in his opinion that he and a supervisor of the institution were assaulted by a female patient during a visit there Feb. 12.

A group of patients were returning from lunch in Building 22, he said, when one of the young women struck him "with some force" on his

shoulder and clawed the nose of a deputy director.

The court labeled conditions at Willowbrook "inhumane and shocking."

The court also highlighted a shortage of supplies and equipment, sinks and plumbing out of order in many buildings and not enough sheets and blankets on the beds.

Residents who soiled their clothing were found to sit naked, the court said, adding that the current staff is "indisputably inadequate by any standards."

Willowbrook eventually will be phased out, probably housing some 200 to 300 severely retarded patients.

The state is shifting away from the massive, impersonal institutions and their condemning custodial care, replacing them instead with smaller centers with a heavy thrust on community care.

The aim is to take the burden off Willowbrook and set up smaller schools in other boroughs and nearby counties to ease critical wall-to-wall conditions at Willowbrook, the world's largest mental institution. Another 1,200 residents are to move out in the next year.

Dr. Miodrag Ristic, Willowbrook's young director, in a recent interview, touched on the main issues plaguing the institution: The boggling size of the place, fiscal woes, staff problems and most importantly the care of its residents.

He said he was perplexed by the heavy turnover in ward attendants and high absenteeism, reported to be about 25 per cent. Ward attendants get about \$7,000 a year to start.

The court recommended that a pool of substitutes be set up or that a weekend differential be paid those on duty and that time be granted to the state to train additional personnel.

Dr. Ristic testified during January hearings that he was hoping to recruit additional nurses from Korea, but couldn't say when they might arrive.

The court's decision was hailed by the New York State Association for Retarded Children, National Council on the Rights of the Mentally Retarded and parents of Willowbrook residents. Attorney Robert Feldt, representing the parents, called the decision "a very good start."

The judge's opinion, it was pointed out, provides preliminary relief to Willowbrook. A companion case, centering on permanent relief, is to get under way in the fall.

Judge Judd ruled against the plaintiffs on their contention that the mentally retarded have a constitutional right to be treated in a state institution.

The suit was brought against Gov. Rockefeller and officials of the Department of Mental Hygiene. The state was represented by Attorney General Louis Lefkowitz's office.

The state announced last Friday that a year-long contract to provide therapists for cerebral palsy patients at Willowbrook had been approved by the Mental Hygiene Department and the United Cerebral Palsy Association of New York State. The contract will cost the state \$140,000.