

Nursing home sues on psychiatric care for patients

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Klein's Forest Manor Home for Adults has obtained a show cause order requiring the South Beach Psychiatric Center and the North Richmond Community Mental Health Center to explain why after care should not be provided to psychiatric patients who move to Staten Island from other parts of the state, it was disclosed yesterday.

In papers filed last week in Manhattan Supreme Court, South Beach, North Richmond and top city and state mental health officials are accused of unlawfully discriminating against persons who did not live on the Island before requiring mental treatment.

The order, signed by Supreme Court Justice George Stark, is returnable Friday. It is expected that the matter will be adjourned to allow for preparation of a response.

Listed as plaintiffs in the case are Milton Klein and Jacob D. Kline of Klein's Forest Manor at 221 Forest Ave., Brighton Heights, and three Brooklyn men — former mental patients — who wish to live at Klein's.

Named as respondents, in addition to the South Beach and North Richmond facilities, are Dr. Alan D. Miller, commissioner of the state Department of Mental Hygiene; Dr. Robert Reich, director of psychiatry, city Department of Social Services; Dr. June Christmas, city commissioner of Mental Health, and the state and city Department of Mental Hygiene.

The legal action asks the respondents to show why an order should not be issued allowing the three Brooklyn outpatients to live at Klein's Forest Manor, a proprietary home for adults which accepts mental patients as well as the elderly.

Furthermore, the order asks

why any patient in the state who is in need of after care should not be allowed to live at Klein's. The plaintiffs want the respondents to name a facility that will provide after care services for present and prospective residents and to approve a private care program.

Klein's Forest Manor opened Nov. 9, 1973, and after care services for psychiatric outpatients were provided by the South Beach center, part of the state Department of Mental Hygiene, and the North Richmond facility, a division of St. Vincent's Medical Center.

But at the end of November 1973, court papers charged, both facilities, in violation of the non-discriminatory residency regulations of the state, said that after care services would be available to prior Island residents only.

According to the papers, the Mental Hygiene Department adopted a resolution Feb. 27,

1973, saying state hospitals were required to furnish after care services to state patients without regard to residence.

Klein's contends that the three Brooklynites wish to move into the home but would be denied after care here. Forest Manor currently has 110 of its 200 beds occupied, Jacob D. Kline said yesterday.

The adult home said it had obtained commitments from private psychiatrists to provide after care, but these efforts were stymied by the lack of state guidelines for care programs. Much of the frustration, the papers allege, was provided by Dr. Reich, psychiatry director for the Social Services Department.

Dr. Reich "arbitrarily, illegally and capriciously endeavored to legislate the requirements for after care programs without ever establishing after care guidelines," the court papers charge.

Klein's said it tried to cooperate, but Reich refused to approve a plan or specify where the home's plan was deficient.

The papers charge that respondents have violated the constitutional rights of three Brooklyn men to travel and live where they wish and interfered with Klein's right to accept patients who are not from Staten Island.

A supporting affidavit was filed by Milton Klein, who disputed the claim by the South Beach and North Richmond centers that after care services are restricted because they lack the facilities.

"Yet I know for a fact that South Beach is now operating at far less than capacity," Klein said.

The affidavit described the South Beach center's reasons for denying after care as "patently spurious and purely political" and concluded:

"In order to soothe community opposition and satisfy the political pressure now being exerted against all psychiatric facilities, South Beach is engaging in the most insidious form of discrimination."

Assistant Attorney General David Berman, who represents Dr. Alvin M. Mesnikoff, director of the South Beach center, and Mental Health Commissioner Miller, said yesterday he would ask for a postponement Friday.

A spokesman for the North Richmond Community Mental Health Center said it would be prepared to respond.