

Mental agency fights back on forcing care

By **TERRENCE J. KIVLAN**

Lawyers for the North Richmond Community Health Center yesterday argued in Manhattan Supreme Court that as a private institution the facility is not required by state law to provide services to all who request them.

On this ground, the lawyers obtained an order from Justice Thomas D. Chimera asking that a discrimination suit brought by Klein's Forest Manor Home for Adults in Brighton Heights against the center and its director of out-patient services,

Dr. Myron Cohen, be dropped.

The order, which is returnable today when the original suit is to be argued, claimed that North Richmond Community Health Center is under no legal obligation to render mental health services to three Brooklyn men who are seeking to live at the home.

In a supporting affidavit Cohen said "it can flatly be stated that the petition (Klein's) nowhere alleges that any duty exists . . . which would in any way require respondent Cohen as director of North Richmond

Mental Health Center to render services to the petitioners."

Last week, Klein's Forest Manor Home obtained a show cause order requiring the South Beach Psychiatric Center and the North Richmond Community Health Center to explain why after care services would not be provided to psychiatric patients who move to Staten Island from other parts of the city.

In the show cause papers, which were filed in Manhattan Supreme Court, Klein's accused the South Beach center, top city and state mental health officials, and North Richmond of discriminating against persons who did not live on the Island before needing mental treatment.

The South Beach center is under the authority of the state Department of Mental Hygiene.

North Richmond is a division of St. Vincent's Medical Center, a private institution.

Klein contends that the three Brooklynites wish to move to the Island but cannot do so because they would be denied care by local mental health institutions.

The show cause papers cite a Feb. 27, 1973 resolution in which the state Department of Mental Hygiene required state hospitals to furnish after care services to state patients without regard to their place of residence.

According to the show cause papers, however, both South Beach and North Richmond violated this non-discrimination resolution at the end of November 1973 when they announced that after care services would be available only to persons who lived on the Island before needing treatment.

In Manhattan Supreme Court today, the matter of the original show cause order is expected to be adjourned to allow the preparation of a response.

North Richmond is being represented by the law firm of Fach, Sipp, and Hall of Stapleton.