

Willowbrook review panel making waves with center

By ROBERT MIRALDI

The federal court-mandated Willowbrook Review Panel, publicly dormant for seven months, has been locking horns—quietly and behind the scenes—with the administrators of Willowbrook Developmental Center and the state Department of Mental Hygiene.

Created as a result of a precedent-setting court case which ordered radical humanization of the long troubled center for the retarded, the panel has handed down four major policy decisions which effect the approximate 6,000 former and present residents who were the subjects of the court case.

As detailed in a report released this week, the panel:

¶ Halted in September the transfer of 32 Willowbrook residents to Westchester Developmental Center because the center did not offer "the least restrictive, appropriate environment for a proposed transferee."

¶ Ordered that "no member of the Willowbrook education staff shall be terminated or dismissed pending development" of a comprehensive education plan. Approximately 40 teaching assistants had been ordered dismissed.

¶ Established a Willowbrook Joint Implementation Unit which has developed a comprehensive background report and plan for placement of Willowbrook residents in community facilities, the main focus of the consent decree which was signed in April.

¶ Barred any transfers to the Keener Service Center, a treatment-residential arm on Wards Island that is affiliated with the Manhattan Developmental Center.

The transfer of Willowbrook residents has been perhaps the most prickly issue for parent groups, fearful that in an attempt to meet court-ordered population reduction levels, the state would randomly "dump" residents into other facilities.

The Westchester decision, however, asserted the legal right of the review panel to rule on proposed transfers and began a process, apparently still under way, to develop "objective criteria for determining the appropriateness of any proposed placement."

In early fall, Willowbrook attempted to transfer 32 residents to the Rockland County unit of the Westchester Center in Mamaroneck, N.Y. The panel was going to allow the transfers if, as the state assured, "true community placement" in group homes or foster care homes would take place by January.

The state reneged on the agreement and the panel made an informal recommendation Sept. 15 that the Westchester transfers not be allowed.

Mental Hygiene Commissioner Dr. Lawrence C. Kolb, in an Oct. 3 letter, "found this informal recommendation unacceptable because the panel seemed to usurp the department's statutory responsibility."

The panel sent a letter to Dr. Kolb on Oct. 6, falling back on its authority granted by the consent decree, and barred the transfer. "All members of the class," the panel said, "shall be placed directly into community residential programs."

Asking the state to supply

individual placement plans for each resident, the review panel said that a resident could only be transferred to another developmental center if it provided the "least restrictive environment."

The consent decree orders the state to provide residents "with the least restrictive and most normal living conditions possible." Westchester Center did not fit the bill.

The order to halt firing of educational staff resulted from a complaint to the panel that a Willowbrook resident had "been excluded from the (center's) education program."

The panel's resulting inquiry "found that as of September 1975, fewer residents were in education programs than on the date the judgment was entered (April 21): Few if any adults were being educated; the education director has not met with...city officials" to determine if Willowbrook's education levels are equivalent to city standards.

After expressing its concern to the Willowbrook administration, the review panel was informed that without a definition of "education, it could not assess compliance (with the consent decree) in any meaningful way."

The panel Oct. 14 ordered all Willowbrook residents removed from the education program since April 30 to be "immediately restored" to programs, said that no staff member should be dismissed pending development of a comprehensive education plan and required Willowbrook to "inform itself as to the nature, contents and details" of the city's special education program.

Perhaps most important, however, was the review panel recommendation that Willowbrook obtain an expert consultant to develop a master plan for education for presentation by Jan. 2, 1976. The plan would detail long-term and short-term educational objectives.

The panel, in its 22-page report, requested a delay in the submission of a comprehensive community placement plan. Still effective, it said, is the May 31, 1976, goal of 200 community placements from Willowbrook.

According to the report, those community placements will be made on the basis of another report, "Background for a Community Placement Plan," developed by Sylvan S. Furman, an assistant commissioner for the Department of Mental Hygiene, and Joseph Harris, assistant commissioner for the city Department of Mental Health and Mental Retardation Services.

The review panel report also announced the appointment of Dr. Jenifer L. Howse as executive director of the panel. Dr. Howse is a former administrator with the Florida Department of Health and Rehabilitation Services.