

NY Lags on Reforms

By Jim Klurfeld

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Albany—The state's attempt to improve conditions at the Willowbrook Developmental Center on Staten Island is falling far short of the standards set forth in the much-publicized consent decree agreed to one year ago.

Officials of the State Department of Mental Hygiene said yesterday they would inform a federal judge Friday that they are only about 71 per cent in compliance with the standards. But an attorney for the American Civil Liberties Union, a plaintiff in the case, disputed that figure, saying he felt the state was in compliance on substantially less than 50 per cent of the decree.

The state had agreed to make sweeping changes at Willowbrook in settling a federal lawsuit charging that mentally retarded residents of the center were being warehoused rather than treated.

According to the decree, the state has until Friday to be in full compliance with certain parts of the agreement and until May 30—13 months after it was signed—to comply with all aspects of it. At that time, the ACLU attorney, Christopher Hansen, said, he expects to ask that the state be held in contempt of court. Such a finding could result in the state having to pay a fine, the appointment of a court-named administrator with almost dictatorial power or even the jailing of state officials.

The failure to implement the program at Willowbrook is also a serious setback for Gov. Hugh Carey's hopes of applying the Willowbrook standards to institutions throughout the state by the end of next year. Aides in the governor's office said that it would be virtually impossible to successfully apply those standards in that time. Willowbrook has been given unlimited funds to implement its program.

"The effort to comply went very slowly at first, but I believe it has picked up considerably in the last few months," said Thomas Coughlin, deputy commissioner for mental retardation. "There is no doubt that we have had problems, especially in establishing programs for the education and training of the resident of Willowbrook." Coughlin said that the state would ask U.S. District Judge Orrin C. Judd for an extension of the time to comply, based on the progress made in the last four months.

Coughlin and staff aides in Carey's

at Willowbrook

office said that the delay in implementation had been caused by major administrative changes in the Department of Mental Hygiene—part of the governor's plan to restructure the entire department. Other problems were caused by the difficulty in finding specialized staff and a myriad of civil service requirements.

But critics of the department said it was caused by administrative ineptness, which they say always has characterized the department, and the inability of the massive mental hygiene bureaucracy to respond to any type of change. "They have money and they have a desire to improve things but they can't seem to do it," Hansen said.

Murray Schneps, the vice chairman of the Independent Willowbrook Review Panel, the group formed to monitor the state's compliance with the decree, said he was extremely disappointed with the lack of progress. "I do not see an improvement in quality of life at Willowbrook," he said. "I took a tour there last Friday and the conditions have not changed . . . The people are still made to live like pigs. The nerve of these people to say they have 71 per cent compliance. That is utterly disgraceful and a fraud."

Coughlin, one of the people brought in by Carey, disagreed. "I have seen a change," he said. "It is still not the optimum. But on our tour last week we did not find one person who did not have clothes on and hot food was being served. Believe me, those are improvements."

Coughlin said that the degree of compliance varied in different areas of the program. For instance, he said that of the 200 persons who were supposed

to be moved out of the hospital and into community settings, 168 have now been placed. Hansen, however, said he considers the figure to be much lower because many patients were in community homes but were not being offered treatment. He estimated the "successful" community placement at about 120.

Coughlin said that approximately 500 patients had moved out of Willowbrook bringing its population to 2,600, and that the ratio of staff members per patient has improved from 1.28 to 1.5. The decree called for a ratio of 1.78 to 1. But Coughlin said that the requirement that each person be given six hours of programs every day was not being met, especially for long-term, older patients.

The decree, a result of a lawsuit brought against the state four years ago, established detailed standards to guarantee the constitutional rights of Willowbrook patients to proper care and treatment.