

# Willowbrook panel demands closing of East Harlem center

By BRUCE ALPERT

A court-appointed panel charged yesterday that a Manhattan center for the retarded opened last year with record Medicaid funding is not providing adequate care and should be closed by Sept. 30.

The Willowbrook Review Panel, charged with reviewing care provided current and former Staten Island Developmental Center residents, said the program at Flower & Fifth Ave. Hospital is poorly managed and failed to provide its 146 residents with minimal levels of care required by the Willowbrook Consent Decree of 1975.

Officials from the hospital and state Office of Mental Retardation and Developmental Disabilities disputed the panel's findings and said they would fight any effort to shut down the program.

The East Harlem center, operated by New York Medical College's Mental Retardation Institute (MRI), opened last May with a record \$89,435-per-patient annual Medicaid rate for its 153 residents. Since the program began, six patients have died and one has been transferred to a community residence, according to MRI officials.

All of the residents are profoundly retarded and handicapped and former patients at the Staten Island Developmental Center. Before entering Flower & Fifth Ave. Hospital, most had resided in the Gouverneur unit of Manhattan Developmental Center for 14 years.

Katherine Schaninger, executive director of the Review Panel, said the institute, despite earlier warnings by panel members, continues to be in violation of minimum-care requirements of the Willowbrook Consent Decree. The decree, signed by Gov. Carey in 1975, has the same legal standing as a court order and sets minimum levels of care for more than 5,000 former and current Staten Island Developmental Center residents.

Specifically, Ms. Schaninger said the panel found that patients are not receiving the decree-required six hours of daily programming. In addition, she said MRI administrators have displayed a lack of knowledge about the needs of the retarded and an inability to properly manage the program.

"It is our recommendation that the facility be closed to Willowbrook class members by Sept. 30," Ms. Schaninger said.

Under terms of the Consent Decree, which defined residents at the time as "Willowbrook class members," state officials have 15 days to respond to the panel's recommendation. If, as expected, the state disputes the findings, the matter will be referred to Brooklyn Federal Court Judge John R. Bartels,

who will decide the fate of the Flower & Fifth Ave. program, according to Gerald Gavin, spokesman for the panel.

John Keane, executive director of the hospital, and Robert Norris, special assistant to state Mental Retardation Commissioner Thomas A. Coughlin, conceded that there were problems in setting up the program, but maintained most of them have been resolved and the residents are now receiving excellent care.

"There had been difficulties during the transition but the state has been moving with the facility to make it conform with standards and we feel most of the problems have been corrected," Norris said.

Both Norris and Keane maintain that most of the panel's findings are based on an October audit and do not reflect current conditions at the center.

"We probably opened the facility too soon before we were really ready because of the serious needs of these patients and the safety hazards at Gouverneur," Keane said. "But we are making excellent progress and you have to remember these are people who have languished in beds for years without anything being done for them and it's a program that has never really been tried before."

Meanwhile, state Health Department auditors are examining the program to determine if the \$89,435 Medicaid rate per patient — three times higher than that granted state institutions for the retarded — is justified.

Barbara Thomas, spokesman for the department's Office of Health Systems Management, said the audit will be completed by mid-April. Sources indicate that the auditors will recommend a substantial cut in the Medicaid rate, which was termed "unconscionable" by Manhattan Borough President Andrew Stein and state employee union representatives when it was announced last spring.

A closing of the center or substantial reduction in its Medicaid rate would be a major blow to New York Medical College, which was taken over on the verge of bankruptcy last year by the Archdiocese of New York.

Sources at the college say the Westchester-based school's finances have not improved very much since the takeover and that a loss of Medicaid funds from Flower & Fifth Ave. Hospital could jeopardize the school's future.