

# Carey to propose funding of Willowbrook Review Panel

By BRUCE ALPERT

Gov. Carey plans to propose a renewal of funding for the Willowbrook Review Panel, which lost its state allocation last year after lawmakers claimed it had overstepped its authority in monitoring care for residents of the Staten Island Developmental Center, Willowbrook.

But aides to the governor and key lawmakers conceded that it is unlikely the Legislature will approve the \$384,000 allocation to be proposed by Carey in his executive budget to be released later this month.

The panel, which has continued to function on a greatly reduced basis since lawmakers cut off funding last year, is charged with monitoring compliance with the Willowbrook Consent Decree, a 1975 agreement that mandates improved care for current and former residents of the developmental center.

"We are doing everything within our ability to carry out the requirements of the Consent Decree, including the funding of the review panel," said Sam Kawola, who heads the state's Consent Decree office in Albany. "But we respect, unlike some others, the separation of

powers among the executive, judicial and legislative branches."

The seven-member panel lost favor with some legislative leaders, including the chairmen of the Assembly and Senate mental health committees, after the panel in 1979 proposed placing retarded residents in small apartments. Assembly Mental Health Committee Chairwoman Elizabeth A. Connelly of West Brighton and her Senate counterpart, Sen. Frank Padavan of Queens, said such a plan was too expensive and not appropriate for the profoundly retarded residents being transferred from large institutions, including the Island developmental center.

The panel was also criticized for relying on highly paid consultants from outside New York to monitor care given members of the so-called Willowbrook class — residents of the Island developmental center in 1972 when court action was filed to improve conditions there.

Panel members, who insisted that their recommendations were in the best interest of the class members, had asked Carey to continue funding the panel. But the governor said he could not legally do so without legislative approval.

The panel now operates without a staff and confines itself to infrequent meetings. Chaired by Dr. James Clements, head of the Georgia mental retardation system, the panel is now involved in negotiations with the state over plans to delay the virtual closing of the Staten Island Developmental Center past the April deadline set by the Consent Decree.

But the panel no longer audits care given Staten Island Developmental Center residents — that function is now being carried out by staff for the state Office of Mental Retardation and Developmental Disabilities. Some panel members question how objective the state can be in reviewing its own programs.

"My answer to anyone who questions our objectivity is that anybody can subpoena any member of my staff and ask them under oath how they carried out the audits," Kawola said.

Padavan, a Republican lawmaker, said he believes that most of the panel's findings and recommendations were "counterproductive" and did little to improve the plight of the mentally retarded.

"I see no reason to restore funding for the panel," Padavan said.