

'Senile judge' blamed for group home problems

By ANEMONA HARTOCOLLIS

A state senator said yesterday that "unreasonable" demands by a "senile" federal judge have forced the state to set up high-cost and poor-quality community residences for the mentally retarded.

The senator, Frank Padavan, a Queens Democrat who chairs the Senate Committee on Mental Hygiene, made his remarks in response to a survey conducted at his request and released on Monday.

The survey concluded that state-run apartments and group homes for the retarded cost 65 percent more than those run by private, nonprofit agencies.

Although cheaper, the voluntary homes offered more "personalized" care, including regular medical and psychological attention, outside leisure activities and room decorations appropriate for the age of the patients, according to the study, conducted by the state Commission on Quality of Care for the Mentally Disabled.

But Padavan said the comparison was unfair. He said the state was under judicial pressure to move too swiftly, setting up apartments for thousands of mentally retarded patients that private agencies had rejected in favor of the less emotionally, physically and intellectually disabled clients.

"Haste makes waste," the senator said. "You don't just create these things like mushrooms. It wasn't the state's fault. Basically, the courts were jamming these quotas down their necks."

Padavan assailed Judge John R. Bartels, of Brooklyn Federal Court, for denying state requests for relief. The state wants to increase the number of retarded residents allowed in each community home and to slow down the pace of development. "The federal judge is senile; he doesn't know what he's doing," Padavan said.

Bartels "wished to make no comment" in response to the charge of senility, his law clerk, Helse Harrington, said yesterday.

Clarence J. Sundram, chairman of the commission that carried out the survey, also criticized the court's role. State-run group homes and apartments, Sundram said, were established in a "tremendous hurry," in an effort to meet court deadlines.

Sundram noted that the commission's survey looked at 24 community residences in New York City, nine operated by the state and 15 by five different voluntary agencies. But he said the commission recently studied 50 state-run community residences outside the city and found they could compete favorably with the private agencies. "We see no reason why state employees in New York City cannot perform to the same standards," he said.

The median annual cost per patient in private community residences was \$27,876, according to the survey released Monday. In state residences, it was \$43,093. Residences include both group homes, with as many as 10 to 15 beds, and apartments, defined as two to three beds.

The commission strongly urged the state to abandon the two- to three-bed apartment model, a change the state has sought in court.

Apartments cost more to operate than either group homes or the traditional institution, according to the survey. For both the state and the voluntary agencies, the average annual cost of caring for one patient in an apartment was \$47,760, com-

pared to \$28,639 in a group home. The average cost in state institutions was \$37,024.

The commission acknowledged in its report that several distinct factors contributed to the higher costs found in state facilities. Apartments predominated among the state-run community residences, while group homes made up the bulk of the voluntary sample. The state residences housed more severely disabled patients and employed a higher ratio of staff, who were better paid than those in the voluntary agencies.

Entry level salaries for state employees were \$10,410, compared to \$9,920 for the private residence staff. Fringe benefits in the state programs amounted to 33 percent of the personnel, as opposed to 18 percent for the private programs. The state also allowed more vacation, sickness and personal leave days and more paid holidays than the voluntary agencies.

The state employees generally came from jobs in institutions and had more experience caring for the mentally retarded. But the private employees, despite lower pay and benefits, tended to have academic backgrounds, with more bachelor degrees, according to the survey.

It is state policy to offer institutional employees the opportunity to transfer into community residences, although those employees may belong to a union.

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and command higher salaries than new hires, according to Margaret McGraw, a spokesman for the state Office of Mental Retardation and Developmental Disabilities.

"It has been a gubernatorial and administrative policy that is going to create disparity in the cost of providing services," Miss McGraw said. "If not for that policy, there would be a lot more unemployed people in New York State."

A 1975 federal court decree has forced the state to phase out institutional care and to develop community residences. Specifically, the decree ordered the state to improve conditions at the Staten Island Developmental Center in Willowbrook, evacuat-

ing all but 250 of the original 5,300 mentally retarded patients by 1982. Bartels recently extended the deadline to April 1985.

In the last decade, the population of state institutions for the retarded has dropped by nearly half, from more than 25,000 to 12,830, according to the Commission on Quality of Care.

Former Willowbrook patients accounted for 74 percent of the residents of the 24 group homes and apartments surveyed by the commission.

The five nonprofit agencies studied were the Association for the Help of Retarded Citizens, United Cerebral Palsy Associations of New York State, the Young Adult Institute, the Federation of Puerto Rican Organiza-

tions and Catholic Charities. The survey was conducted between January and June of 1981.

United Cerebral Palsy, which used to run 29 two and three-bed apartments throughout the city, recently transferred control to the state of five apartments in Staten Island and one apartment in Brooklyn. Robert Schonhorn, the agency's executive director, said last March that state funding did not cover the cost of operating the six apartments and United Cerebral Palsy could no longer afford the deficit.

Thomas Schurtz, associate state commissioner of mental retardation, said he is currently negotiating a new funding mechanism with Schonhorn, who has indicated he may withdraw from the other 23 apartments as well.

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