

\$1.7M FOR NEGLIGENCE THAT COST SIGHT

By CHARLES LACHMAN
A FORMER patient at Willowbrook has been awarded \$1.7 million because a doctor failed to treat an eye infection that led to total blindness when he was a 10-year-old boy.

Court of Claims Judge Gerald Weisberg awarded Steven Masgai \$500,000 for future loss of income and another \$1.2

million for pain and suffering.

The decision was announced late last week following a 1½-week non-jury trial held last year.

Masgai, now 25, lives in an Upper East Side apartment with his Seeing Eye dog, Holly.

Masgai's lawyer, Patrick Foley, said that Masgai was 5½ years old

when he was sent by his mother to Willowbrook, the once notorious state institution renamed in 1980 as the Staten Island Developmental Center.

Masgai was diagnosed at age 10 as having a progressive infection but the doctor failed to recommend treatment, according to court documents.

The doctor also neg-

lected to reexamine the boy for 10 months.

Masgai's malady could have been treated by medication, said Foley. But it was allowed to deteriorate until Masgai was struck blind.

"The only thing he can identify is brightness as opposed to darkness," Foley told *The Post*. "There is no chance of recovery."

STATEN ISLAND ADVANCE, Tuesday January 18, 1983

Ex-Willowbrook patient wins \$1.75M

By RON DesJARLAIS

The state Court of Claims has awarded \$1.75 million to a former resident of the Staten Island Developmental Center as compensation for his loss of eyesight while at the institution.

Steven Masgai, now 25 years old, lived at the center, then called Willowbrook State School, from 1963 until 1973, when he was transferred to Manhattan Developmental Center, then called Manhattan State School.

Judge Gerard M. Weisberg of the Court of Claims ruled that Dr. M. Allen Greenwood, an ophthalmologist, failed to properly diagnose and treat Masgai's eye condition for 10 months in 1968, "an act of medical malpractice which directly resulted in blindness."

Dr. Greenwood first examined Masgai in December 1967; 19 examinations followed over the next five years. By the eighth visit in July 1969, Dr. Greenwood noted in a progress report, Masgai could have been "considered legally blind."

According to Judge Weisberg's findings, Dr. Greenwood, after examining Masgai for the second time on Jan. 16, 1968, and finding degeneration in both eyes, ordered Masgai only to sit in front of the classroom. No diagnosis or treatment was given, Weisberg found, and Masgai was not examined again for 10 months.

"Here we have a 10-year-old boy with previously normal vision," the judge said in his decision. "He is suddenly observed to have a 'posterior polar cataract with other cortical changes' in his right eye, 'vitreous floaters' in his left and 'hazy fundi.' In spite of this, he is recommended to sit 'as far as possible toward the front of the classroom' and not seen again in the eye clinic until Nov. 27, 1968.

"No treatment occurred during this time, no outside specialists were consulted nor was any attempt made to determine the (cause) of the condition," Weisberg continued. "That no such steps were taken while Steven went progressively blind is

indicative of a failure to exercise any professional judgment at all."

Masgai sued the state for \$10 million, claiming he was improperly confined, assaulted, sexually abused and deprived of his eyesight. Weisberg dismissed all the claims except the loss of vision.

Masgai's mother committed him to Willowbrook in 1963, saying she could not provide the care he needed. He was described during his years there as moderately or nearly retarded, but having the potential to improve.

When Masgai was admitted to Willowbrook it had more than 5,000 residents who were packed into dirty wards and given little medical treatment or rehabilitative programs.

The ensuing publicity resulted in a federal court order to drastically reduce the center's population.

Masgai, who is permanently blind, now lives alone in Manhattan and is looking for a job, according to his lawyer, Patrick Foley of Manhattan.