

# State proposal for Beth Rifka may be illegal

By RON DesJARLAIS

A state proposal to use the vacant Beth Rifka Nursing Home building in Concord to house people now in state institutions may conflict with a decision handed down more than a year ago in Brooklyn Federal Court, sources claimed yesterday.

The proposal was made by the state Office of Mental Retardation and Developmental Disabilities (MRDD), which earlier this week announced it may use the 240-bed former Beth Rifka Nursing Home as a relocation point for residents of state institutions who eventually will move to "small community settings."

The federal court decision, however, forbids placing Willowbrook State School (now Staten Island Developmental Center) "class members" — the 5,200 people who lived there in March 1972 — in homes with more than 10 beds. Class members were so designated after a lawsuit was filed in March 1972 that led to a 1975 consent decree ordering improved care for Willowbrook residents.

The order was based primarily on a belief by many experts that retarded people can better reach their potential in small homes

than in large institutions.

Central to whether the MRDD proposal would conflict with the federal court decision is whether any of the approximately 3,000 "class members" still in state care will be moved into the Beth Rifka building.

If class members are included in the MRDD proposal, legal sources said, the agency could be in contempt of the federal decision, which was handed down by Judge John R. Bartels.

MRDD Commissioner Zygmund Slezak said Thursday that the Beth Rifka building could be used to temporarily house the 250 Willowbrook residents who will stay there permanently. It has not yet been decided how many, if any, of the 250 will be class members.

Staten Island Developmental Center (SIDC) now has 800 residents, a population which must be pared to 250, according to the 1975 consent decree.

Chris Hansen, a staff lawyer for the New York Civil Liberties Union who helped argue the 1972 class-action suit on behalf of Willowbrook residents, said moving any of the class members into

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