

# State sued for misdiagnosis

## Deaf patient was labeled retarded

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The state Court of Claims in Syracuse will begin hearing arguments next week on whether a former resident of the Willowbrook State School is entitled to millions of dollars in damages for apparently being misdiagnosed as mentally retarded 20 years ago.

Joseph McNulty was born deaf. When he was 4, he was diagnosed an inebile after being transferred in 1966 from a Brooklyn orphanage to the state facility, now called the Staten Island Developmental Center.

He lived with that and other labels until he was 17 when the state re-diagnosed him as a deaf-mute with no mental disorders. By that time, he was functionally retarded, having grown up in a world of silence where little effort

had been made to reach him,

How the state handled the case of Joe McNulty, now a Syracuse resident, is the subject of three lawsuits, including the one that goes to trial Jan. 5. before Judge Jerome Hanifin.

"This young man needs help so badly," said McNulty's attorney, Joseph F. Davoli of the firm Davoli, McMahon and Kublick. "They've taken his mind and left nothing in it . . . I've been practicing law for 18 years and I've never seen a human life so deprived. I've never seen a case so repulsive," he said.

"Our position in court has been that he (McNulty) was not necessarily misdiagnosed years ago," said Roger Williams, the assistant attorney general in the Syracuse office who is handling the case.

Williams would not discuss how

the state would support that position citing a law that says "patient records and therefore treatment provided is confidential by law" and not a part of the public record until heard in court.

"It would be inappropriate for me to comment any further. I wish I could say more, but I feel constrained," Williams said.

"We really can't discuss the case pending the trial" said Louis Ganim, a spokesman for the Office of Mental Retardation and Developmentally Disabled (OMRDD). He also said that OMRDD Commissioner Arthur Y. Webb would not comment on the case. Other state officials also refused to comment.

"I think the actions of the state throughout this case have been

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Dan Geller, left, and Joe McNulty