

Official demands probe as nightmare of ex-Willowbrook resident goes on

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ADVANCE ALBANY BUREAU

ALBANY — The state is refusing proper care for a 24-year-old deaf-mute whose life became a nightmare starting in infancy when he was mistakenly labeled as severely retarded, a state lawmaker charged yesterday.

Calling for a high-level probe, Assemblyman Michael Bragman, D-Cicero, said efforts to provide proper schooling for Joseph McNulty, who once lived at Staten Island's notorious Willowbrook State School, have stalled.

Bragman said he plans to introduce legislation that would authorize spending \$150,000 so McNulty could "immediately benefit from a total rehabilitative program."

Standing with McNulty and Daniel Geller, an audiologist who discovered the mistake, Bragman demanded that Gov. Mario M. Cuomo investigate how the Office of Mental Retardation and Developmental Disabilities (OMRDD) handled McNulty's care.

"It is apparent that the department has been more interested in preparing a legal defense than in providing appropriate services and programming for Joseph," Bragman said.

Bragman charged that state officials were delaying rehabilitation in retribution for the lawsuit.

Bragman told reporters, and later the full Assembly, that McNulty now spends his days in a Syracuse adult home "where none of the residents or staff know how to (use sign language) or communicate with him."

All he has to look forward to at the end of the day is his job in a local hospital kitchen, where he scrapes leftover food from plates to be washed, according to Bragman and Joseph

Davoli, McNulty's lawyer.

"I don't believe that's necessarily the case," said Roger Williams, the assistant state attorney general seeking to stave off the Syracuse lawsuit. "I think there is a team attentive to his needs or trying to be.

"Is there retribution? Absolutely not," Williams said. "Are his needs being attended to? I believe the answer is yes, given a limited budget and constraints."

Cuomo spokesman Anne Crowley said: "We are in litigation. As a result, the state is in the process of preparing a response. Obviously we are interested and aware of the details of the case, and aware of who and where the person is. Primary responsibility rests with OMRDD."

Two human service advisers to Cuomo, Ilene Margolin and Cynthia Abele, "are being kept aware of the details of the case," Ms. Crowley said.

A delegation of people here seeking to help McNulty said they wanted to meet with Cuomo or perhaps Ms. Margolin but were unsuccessful.

Apparently crucial to the legal case is the testimony of experts for McNulty's side who said they did not find the plaintiff retarded.

Misdiagnosis allegedly occurred at Willowbrook. Testimony about that claim has been heard in the case, which began in January.

"What has happened now is the worst tragedy," Bragman said. "Every individual in that home except Joe McNulty is retarded. No one in the home, on the staff ... can communicate with Joe McNulty. He spends each day with nothing to do.

"At least two consultants recommended adult programming and services, and nothing

has been done," Bragman told the Assembly.

As detailed in a series of articles in the Advance in January, McNulty was born profoundly deaf to a deaf mother who had been raped.

After being confined to a crib for most of his three years at the Angel of Guardian Home, he went to Willowbrook, where McNulty's spokesmen say he was "given massive doses of thorazine, haldol and Valium."

Later placed in a family-care setting, he was physically abused and sexually molested, they said.

When he was 16, while staying at Sunmount Developmental Center in central New York, McNulty met audiologist Geller, who took him into his home and gave him special attention.

McNulty's spokesmen say current practice violates rights to rehabilitative service granted him under the Willowbrook Consent Decree of 1975. OMRDD "specifically refused to consider" a program recommended by Dr. Jerome Schein, who also attended the news conference, in June 1986.

"It is clear that in addition to ignoring the recommendations of Dr. Schein and others, the recommendations of OMRDD's own consultants were not instituted," he said.

With McNulty at the Avery Group Home and the lawsuit pending, the department received an evaluation from Dr. Thomas Grant, a psychologist, which said McNulty had multiple disabilities including "mild mental retardation."

"OMRDD has chosen to follow this recommendation, even though since 1980 contrary information has been provided by Sunmount officials" and consultants, his spokesmen said.