

As Clock Ticks, Albany Makes an Effort to Fix Adult Homes

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More than a year after state leaders acknowledged severe problems in New York's adult homes for the mentally ill, legislation to improve oversight of the system and toughen enforcement remains bogged down despite general agreement in Albany that changes need to be made.

Gov. George E. Pataki and his Democratic rivals in the State Assembly issued separate though relatively similar reform proposals on Friday, but have not scheduled negotiations on a compromise. With less than a month left in the legislative session, advocacy groups say they are worried that once again, no laws will be approved.

Both proposals would increase fines to a maximum of \$5,000, from \$1,000, for serious violations that endanger residents, and do away with rules that allow adult homes a 30-day grace period during which they can rectify some violations to avoid penalties.

The proposals would make the privately run homes, which shelter about 15,000 mentally ill people in New York, abide by some of the licensing requirements that apply to nursing homes. They would give state health officials more authority to take over homes temporarily if violations are persistent and egregious. And the most troubled homes would be barred from accepting new residents.

The homes' operators oppose the proposals for the most part, saying it is unfair for the state to saddle them with new requirements while refusing to increase what the operators say are the inadequate fees they receive, now \$28 a day per resident.

Mr. Pataki and the Assembly Democrats introduced relatively similar bills last spring, after The New York Times published a series of articles detailing widespread abuses and malfeasance in the adult homes. At the same time, the Democrats held hearings during which they lambasted the Pataki administration's oversight of the homes.

But the two sides and the Republican majority in the State Senate never sought a compromise, and the Democrats did not even pass their own measure in the Assembly before the 2002 legislative session ended. Asked to explain an impasse over seemingly minor differences, Pataki aides and Democrats accused each other of trying to score political points on the issue.

This year, the governor and the Legislature have already clashed over the homes. In his budget, Mr. Pataki included \$65 million for new housing for the mentally ill, and \$8 million for short-term measures to hire nurses and case managers for the homes, an amount that would probably double with local and federal matching funds.

The Legislature approved the \$65 million, but without warning shifted \$6 million of the \$8 million to a program that gives grants to the homes' operators, angering administration officials and advocacy groups. The move came after lobbying by the operators, whose trade group pays two lobbying firms \$10,000 a month.

Administration officials and some legislative leaders expressed some optimism late last week that a compromise could be reached on regulations, though they cautioned that there was not much time. They noted that adult home reform was just one of many issues that had been held up by the fight over the state budget, which ended when the Legislature overrode Mr. Pataki's vetoes.

State officials said the governor had recently raised the issue in a meeting with the Senate majority leader, Joseph L. Bruno, and the Assembly speaker, Sheldon Silver.

"This legislation is an opportunity for the Legislature to do what their budget failed to do -- demonstrate that they care about the health and safety of the thousands of disabled and vulnerable adult home residents who deserve our best effort," Governor Pataki said in a statement.

Pataki aides said they were also asking the Legislature to reverse itself and finance the \$8 million package the governor had sought.

Assemblyman Richard N. Gottfried, a Manhattan Democrat who is chairman of the Health Committee, said he doubted the Legislature would do so. But he added, regarding new regulations, "If the governor is going to put a bill in, that would certainly help bring the three sides together."

John McArdle, a spokesman for the Senate Republicans, declined to comment on the Pataki and Assembly bills, saying the senators had not yet seen them.

Asked about the legislation, Lisa Newcomb, executive director of the Empire State Association of Adult Homes and Assisted Living Facilities, the homes' trade group, issued a statement that said, "The legislation is a reaction to The New York Times's mischaracterization of the issues." She declined to comment further.

Groups that advocate for adult home residents said they were somewhat heartened that the two

bills had been introduced, even if it was late in the legislative session. They said it would be unconscionable for the state to continue to put off the measures.

"This issue has been controversial enough and politicized enough that it raises concerns that we might see another year go by without real legislative reforms," said Harvey Rosenthal, executive director of the New York Association of Psychiatric Rehabilitation Services. "We have been urging all three sides to come to the table and approve the legislation and continue to address both the immediate and longer-term factors that have brought about this scandal."