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New York Puts Mental Patients in Homes Illegally, Groups Say

By RICHARD PÉREZ-PEÑA

New York State regularly sends patients from mental hospitals to nursing homes, where it illegally houses hundreds of them without the care they need and often under conditions that approach imprisonment, according to legal groups designated by the state to represent the disabled.

Those groups said they would file a lawsuit today in Federal District Court in Brooklyn, accusing New York State of violating several federal laws and claiming that many of the mentally ill patients who have been moved from state psychiatric hospitals into the nursing homes should instead be back in their own neighborhoods, living independently but with government help.

The groups say that they have talked with the Pataki administration for years, seeking to end the practice, but that the problem has worsened. They say more than 1,000 former psychiatric patients could now be in nursing homes in New York and New Jersey. They charge that 500 to 600 are in two New Jersey homes alone, nearly twice as many as in 2002 when the practice first came to light.

The groups charge that the nursing homes do little more than medicate the mentally ill residents and do not adequately provide the services that the state is legally required to offer — treatment by psychiatrists and social workers, and training in everyday skills like shopping and cooking. The mentally ill residents, who have not been declared a threat to themselves or others, are generally not allowed to leave the nursing homes and in many cases are even restricted to their floors most of the day, the groups say.

"The state is warehousing people in nursing homes who don't need nursing home care, and not providing the services that they do need," said Cliff Zucker, executive director of Disability Advocates Inc., one of the groups filing the suit. Those who are sent out of state, he said, are isolated from family and other sources of support.

Jill Daniels, a spokeswoman for the state's Office of Mental Health, which runs the psychiatric hospitals, said the patients were being properly discharged to nursing homes, and that the state was following federal guidelines about doing so. She said they were all screened and deemed in need of nursing home care. And she said the residents were receiving proper "clinical treatment."

The suit does not accuse the nursing homes of wrongdoing, but it draws a disturbing picture of life there for the patients, arguing that the homes are simply not equipped to handle them. It says that one plaintiff, Bradley W. — the suit does not use full names to protect patients' privacy — was discharged last year from Rockland Psychiatric Center in Orangeburg, N.Y., to a nursing home in New Jersey, "and is required to wear an electronic wristband on his wrist that would signal an alarm if he tried to leave."

Edwin T. "is permitted to leave the floor and go outside only at designated times to smoke and to play basketball," it says, and Lisa H. is not allowed to go to her church. "Carlos S. sees the psychiatrist once per month, for medication purposes only."

Under Gov. George E. Pataki, the state has cut the population of its psychiatric hospitals by more than half, to about 4,000, in part to save money. Throughout that effort, people who work with the mentally ill have complained that for many of those patients, the state did not provide the right alternatives to hospitalization.

The state has placed thousands of people in large adult homes where, The New York Times reported in 2002, many were merely warehoused, neglected and even abused.

Patients and lawyers and other professionals working on their behalf contend that the ideal setting for many people released from mental hospitals is "community-based housing" — either small group residences or individual apartments — paid for by the state, with an array of support services and a high degree of independence. But for years, the Pataki administration discharged people from hospitals much faster than it added community housing.

In the last three years, the state committed itself to increasing this housing by several thousand units, but the demand still far exceeds the supply.

For the last decade, the state has also sent large numbers of people from mental hospitals to nursing homes, and it has been accused of doing so as a way to save money.

The state, for instance, pays the entire cost of community housing for the mentally ill, but when those people are instead placed in nursing homes, the costs are paid by Medicaid, and thus split among the federal government, the state and local governments.

Roger A. Bearden, a lawyer for Disability Advocates, said, "In discharge papers, the clinical reason given time and time again for sending them to the nursing homes is 'medication management,' which is and can be performed in the community."

Disability Advocates is one of several nonprofit legal groups named by the state, under a federal grant program, to represent people with disabilities. Another group with that same state designation, New York Lawyers for the Public Interest, is helping represent the plaintiffs in the suit. One of the plaintiffs in the case is Sidney Hirschfeld, director of one of four Mental Hygiene Legal Service offices that are part of the state court system, created by state law to do similar work for the mentally ill.

The suit accuses New York State of violating the Americans With Disabilities Act, a 1990 federal law, by unnecessarily segregating mental patients from the population at large and preventing them from taking advantage of other government services.

When The Times reported in 2002 that New York had placed hundreds of former psychiatric patients in nursing homes in New Jersey, Gov. [James E. McGreevey](#), the New Jersey governor then and other New Jersey officials protested the practice and said they were unaware that the practice was so common. They dropped the matter the next year, saying that they had found nothing inappropriate about the practice, and had concluded that it did not cost New Jersey any money.

The suit focuses primarily on the two large New Jersey homes, Andover Subacute and Rehabilitation Center II, in Sussex County, and Lincoln Park Care Center, in Morris County, but it also names nine others in Queens, mostly on the Rockaway Peninsula.