

Cuomo advisor explains Justice Center plan

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TUPPER LAKE - The basis for Gov. Cuomo's idea for overhauling oversight of the state's care for people with special needs can be traced back to one man.

Clarence J. Sundram went across the state and looked at how the state was handling issues with people with developmental disabilities in state Office for People With Developmental Disabilities institutions like Sunmount Developmental Center, based in Tupper Lake. He spoke with employees and people in the institutions. Then he started looking at the other state agencies that dealt with people with special needs.

"It was pretty eye-opening," Sundram told the Enterprise in a recent phone interview.

That's coming from a man who was part of the system for years. He helped create and then chaired the state Commission on Quality of Care for the Mentally Disabled from 1978 to 1998, which was the first independent oversight agency for a state's mental health and developmental disabilities system.

But when he started looking at the current state system, he found a number of inconsistencies across agencies and institutions, each having their own policies and punishments. Many even had different definitions for abuse and neglect.

So Sundram wrote up a report on what he found, and eventually helped craft legislation to fix the issues.

The plan is to create the Justice Center for the Protection of People with Special Needs, which would replace the Commission on Quality of Care.

The legislation would create one set of definitions for abuse and neglect, and it would create a simple process for reporting issues through a 24/7 manned hotline.

"That is one very significant improvement," Sundram said.

It would also create a trained investigation group, including special prosecutors. They wouldn't take the job away from local district attorneys, but they would be specialized in the area and could help local prosecutors or take over for them if necessary. That's important for rural areas that don't necessarily have the resources to follow up and investigate every claim made against workers at these facilities.

The legislation would also create a registry which would record any worker who has had problems in any of the state agencies that provide human services. If a person is banned from working in the OPWDD, they won't be able to hold a job working with vulnerable populations through the Office of Mental Health or the Office for Children and Family Services, either.

One of the current problems is that if a person were to get in trouble for hurting someone while working at Sunmount, he or she could be bounced to another developmental center around the state. The New York Times found several instances of that happening in a series of investigative reports last year, which were the impetus for Gov. Andrew Cuomo's reform initiative.

This registry would make the Justice Center the clearinghouse for employee background checks, saving time and expense by having only one agency do them rather than having each agency do its own, and with differing requirements and standards, Sundram said.

Sundram said that although the Commission on Quality Care was once effective, there has been a "period of apathy and atrophy in many areas of state government," and it doesn't do what it needs to help the people it serves now.

The CQC used to issue public reports on issues in the OPWDD, but it stopped doing that. Sundram became an outspoken critic when the CQC neglected to do that after one recent incident. He said he's always felt that the way to prevent abuse is to make the public aware of problems and to create a public dialogue about it.

Some critics of the Justice Center proposal say that it won't do enough and that wholesale replacement of administration officials in OPWDD facilities is the only thing that would reform what the New York Times called a culture of neglect and abuse. Sundram said he didn't look specifically at personnel evaluations, so he couldn't speak to that, but he did note that Cuomo replaced the top leadership of the OPWDD after the Times series, which changes the culture.

Legislation

The Justice Center bill was passed quickly in the state Senate. State Sen. Betty Little voted in favor of it. She told the Enterprise the legislation will make OPWDD homes safer for the people who live in them.

"I think we'll certainly watch and see if more needs to be done, but you hesitate to go overboard in

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Clarence J. Sundram

the beginning," Little said.

The legislation is still working its way through the Assembly, currently in the Mental Health Committee. Assemblywoman Janet Duprey, R-Peru, said she's leaning toward voting for it, but she's not sure yet. She wants to talk with some of the experts and then listen to the debate on the floor before making her final decision.

"I like a lot of it, but there's always pieces you don't like," Duprey said.

Duprey said she's been concerned for a long time about the state's current reporting system. It's inconsistent across facilities and agencies whether abuse and neglect issues are handled internally or reported to police agencies or district attorneys' offices.

"This certainly tightens this up, which is a good thing," Duprey said.

She also likes that it would bar employees who have been found to be neglectful or abusive from working in other, related state facilities or jobs.

But she's concerned about the idea of setting up a whole new state agency to oversee these issues.

"I don't know how to do it otherwise, but part of me says it's just building another bureaucracy," Duprey said.

She's also worried about the fact that it would take the duties of the CQC out of an independent agency and put it under the auspices of the governor's office, and it would have investigation and prosecution happening all in the same place.

"There's reasons why we have separations of these duties in our legal system," Duprey said. "That's the piece I'm hung up on."

She also said she hasn't seen a price tag for the legislation, which she would like to see. She said that wouldn't be a deciding factor, but it should be a part of the equation.

It's likely the good parts of the bill will outweigh her concerns, Duprey said. She said she wants to hear more from people in the district about their thoughts on the bill.

Both Little and Duprey said they expect Cuomo to push for final passage of the legislation before the end of the session for the state Legislature in two weeks, and if it doesn't happen, he may keep lawmakers in Albany or bring them back.

"The governor's pretty persistent when he has something he wants to see happen, and I think this is one of his priorities," Duprey said.

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