

Ending Abuse: Governor's proposed legislation will improve care for vulnerable

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By [The Post-Standard Editorial Board](#)

Following horrific reports last spring of abuse and neglect in state residential programs for the disabled, Gov. Andrew Cuomo recruited the health policy expert Clarence Sundram to analyze New York's agencies that care for 1 million mentally ill and developmentally disabled citizens.

Sundram found a "muddled message" and a "patchwork of inconsistent policies" across the six agencies that care for vulnerable citizens, exposing them to needless risk of harm. The agencies, which include the Office of Mental Health and the Office for People with Developmental Disabilities, do not even agree on the definition of the terms "abuse" and "neglect." They also differ on whether they require reports of investigations be sent to the state supervising agency and what incidents must be reported to law enforcement.

This week, the state Senate is expected to act on the Protection of Special Needs Act, a far-reaching package of reforms based on Sundram's recommendations. The legislation offers a practical, reasonable response to an unacceptable situation. The Legislature should pass it.

In the past 10 years, at least 1,200 deaths have been attributed to unnatural or unknown causes in publicly financed homes for the disabled. The New York Times, in a series of stories, highlighted troubling examples: a boy with autism crushed to death when a state worker sits on him; a quadriplegic drowned after an aide leaves him unattended in a tub of water; a supervisor accused of sexually abusing a severely disabled 54-year-old woman.

The state had transferred abusive employees from one group home to another, hired people with criminal records, rarely reported cases of abuse or neglect to law enforcement, and faced battles with union representatives over firing abusive workers, the Times reported.

The legislation would create the Justice Center for the Protection of People with Special Needs. The new agency would include a special prosecutor (with

subpoena power) and inspector general to investigate possible crimes. The center would create a statewide 24-hour hotline for complaints, develop common standards for investigations, develop a code of conduct, create a registry of workers who have committed serious abuse to ensure they are not rehired, and consolidate background check procedures. The proposed legislation also increases criminal penalties for endangering the welfare of people with disabilities and special needs.

The changes also will protect workers from unfounded accusations and provide data to solve underlying structural problems. Sundram also outlines sensible recommendations to improve training and support for state workers in these difficult, stressful jobs.

Our skepticism about creating another state bureaucracy is tempered by this plain fact: The current system is broken. A strong overseer is necessary to stop abuse and neglect. Our most vulnerable citizens deserve no less.