



33 of 98 DOCUMENTS

Copyright 1991 The Washington Post
The Washington Post

September 7, 1991, Saturday, Final Edition

SECTION: METRO; PAGE B3

LENGTH: 694 words

HEADLINE: Advocates for Retarded Sue Md. To Halt Admissions to Great Oaks

SERIES: Occasional

BYLINE: Fern Shen, Washington Post Staff Writer

DATELINE: BALTIMORE, Sept. 6

BODY:

Advocates for the mentally retarded sought a court order today to freeze admissions at the Great Oaks Center, alleging that an "astoundingly high" number of patients at the state-run facility in Silver Spring have injured themselves or been injured by poorly trained staff members.

The 31-page class-action suit, filed in U.S. District Court here on behalf of patients at Great Oaks, offers the first detailed description of alleged abuses at the center since a January memo from the U.S. Justice Department warned that residents were being improperly drugged, ignored, restrained and injured at an "alarmingly high" rate.

"Residents are at a continual risk of dying, breaking limbs, losing their eyesight and choking," the suit said. "In recent years, several patients have needlessly died." The suit was brought by the Baltimore-based Maryland Disability Law Center, the Maryland American Civil Liberties Union and the Mental Health Law Project after a review of recent ward reports and client histories.

"One resident died after swallowing a rubber glove, and another died after squeezing her head between the rails of a bed," the complaint said.

The suit is the latest skirmish in a long-running battle between advocates for the retarded and state officials who operate Great Oaks. The suit seeks a court order requiring the state to freeze admissions at the 20-year-old, 250-bed facility and begin transferring residents to community care.

Officials of the Maryland Department of Health and Mental Hygiene, which operates Great Oaks, declined to comment on the suit. But it drew an angry reaction from Daryl C. Plevy, aide to Gov. William Donald Schaefer, who said lawyers from the state-funded Maryland Disability Law Center sued too quickly. Schaefer is angry about the litigation "and it rubs me the wrong way too," Plevy said. "We were trying to work with them."

The lawyers who filed the suit say they have been frustrated by the inaction of state officials, who they said have known of the group's intention to sue since early July. "There's been an absolute lack of urgency on the state's part," said Elizabeth Jones, executive director of the Maryland Disability Law Center.

After the Justice Department's memo in January described "egregious or flagrant" civil rights violations, federal officials appeared ready to seek a court order to force the state to correct the problems or shut down Great Oaks. But Schaefer apparently headed off federal action by inviting then-Attorney General Richard Thornburgh to tour the institution. After federal officials visited the center, Maryland officials claimed the federal government no longer was pressing them for major changes.

This week, Justice Department officials declined to comment on their plans for litigation, but said "there are still problems" at Great Oaks. The tour "was very helpful," spokeswoman Amy Casner said, "but as far as changing anybody's mind, we wouldn't say that."

State health officials, who have been reducing Great Oaks's population in recent years, say conditions have improved since federal officials visited between 1986 and 1990.

But the suit alleged that as recently as June, Great Oaks residents have suffered bites, bruises and broken limbs. The suit cited other problems at the facility, including inadequate training and treatment programs and the staff's failure to prevent residents from hurting themselves. Residents are "losing basic self-care skills such as dressing, mobility, eating, toileting and communication," the suit said.

The suit said the only way to protect patients' rights is to transfer them to community care. But Plevy said the state does not know if such community care exists or is affordable. "How can you take somebody who looks like they belong in a hospital, somebody with a tube down their throat, and put them in the community?" she said.

The state has placed about 3,000 developmentally disabled people in community care, but has 6,000 names on a waiting list. It costs an average of \$ 85,000 a year to keep someone at Great Oaks, compared to about \$ 30,000 for community-based care, state health officials said.

GRAPHIC: PHOTO, THE TROUBLED HISTORY OF GREAT OAKS1970: GREAT OAKS CENTER FOR THE MENTALLY RETARDED OPENS IN SILVER SPRING. JAMES A. PARCELL; CHART