



# The COFAR VOICE

The Official Newsletter of the Massachusetts Coalition of Families and Advocates for the Retarded, Inc. (COFAR)

January 2004 Issue:

Volume 6/ Number 1

## COFAR endorses Fernald reuse plan

COFAR and the Fernald League have endorsed a draft proposal for the reuse of the 190-acre campus at the Fernald Developmental Center in Waltham.

The draft proposal by the Fernald Working Group, which consists of three Waltham-based citizens organizations, calls for the retention of facilities and services on site for Fernald's 300 mentally retarded residents.

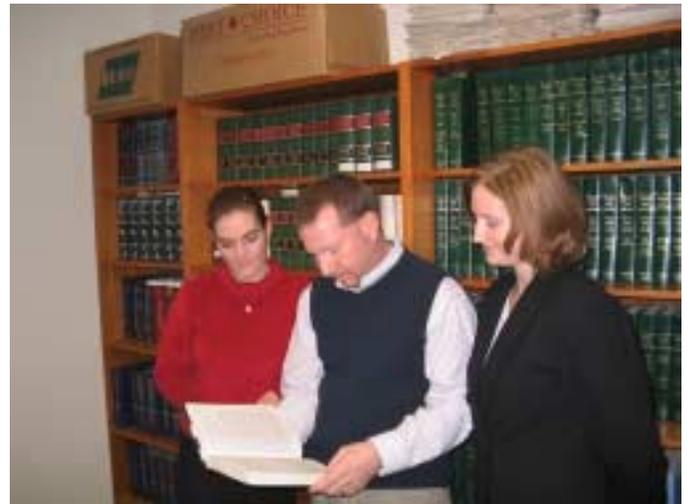
COFAR, meanwhile, is participating in a separate effort by a Fernald-based nonprofit organization to conduct a feasibility study on preserving parts of the campus for the use of residents. The Fernald Corporation is looking at use and renovation of certain buildings on site and the possible installation of separate heating and hot water systems in those buildings, said Colleen Lutkevich, COFAR's executive director.

COFAR has long advocated the study of alternative uses for the Fernald site, while maintaining facilities and existing services for the current residents of the campus. COFAR opposes the Romney administration's plans to shut the entire campus down and evict the facility's 300 residents. The administration, which announced its closure plans nearly a year ago in February has yet to publicly disclose any plans for reuse of the site.

The Fernald Working Group consists of the Waltham Land Trust, the Waltham League of Women Voters and the Waltham Alliance to Create Housing (WATCH). The Working Group is calling for using "smart growth" principles in creating affordable housing on the site, preserving open space, encouraging small-scale economic development, preserving historic buildings, increasing public transit and cleaning up ground pollution.

In a letter to WATCH, Lutkevich praised the "compassion, decency, and inclusive intent" of the proposal, and suggested the addition of language calling for "appropriate housing, clinical, recreational, and day program services and facilities [for residents] remaining on site."

(Please see Working Group, page 2)



**SHORT-HANDED** – The DPPC's three remaining abuse investigators review the agency's enabling statute, at the agency's Quincy offices. The investigators are, from left, Michelle McCue, David Viens, and Karen Manson.

## Abuse investigation agency said to be at 'breaking point'

*Disabled Persons Protection Commission sees cases rise as its budget is cut*

Mary, not her real name, a 42-year-old woman with mental retardation, had been given medications that had been prescribed for three other clients in her group home. At her day program, she became extremely lethargic and incontinent and had to be taken to the emergency room of a nearby hospital.

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## Fernald reuse plan endorsed

(Working Group, continued from page 1)

This language was later inserted into the proposal, she said.

The Fernald Working Group hopes to present Romney with a final version of its plan early this year, after fine-tuning the document and garnering broad community support. According to the Waltham Daily News Tribune, state Sen. Susan Fargo, D-Lincoln, state Rep. Thomas Stanley and City Councilor Thomas Curtin have signed on. WATCH executive director and Working Group member Jennifer Van Campen said the group is soliciting support from community groups, churches, and neighbors.

To date, the Working Group has yet to prioritize its goals, Van Campen said. "The challenge will be, is there enough money to do everything that everyone wants?" she said.

## DPPC at 'breaking point'

(Breaking Point, continued from page 1)

That same day, two of the other clients in the residence, who apparently did not receive their respective medications, suffered seizures. Within 24 hours after the Massachusetts Disabled Persons Protection Commission received notice of the situation, all clients were placed on correct medications and the residential staff person allegedly responsible for the mix-up was terminated.

But from there, the agency's advocacy and investigative process on Mary's behalf slowed drastically. While DPPC investigations are required by law to be completed within 30 days, the case has languished for five months and is still incomplete, according to a record of the case provided by the agency. The case file notes that a report on the incident will be completed "as [the] investigator's caseload permits."

DPPC officials say delays in cases like Mary's are becoming increasingly common as the agency struggles with budget cuts and rising case loads. Ten months has proved to be the average delay, and the agency has unresolved cases that are nearly four years old, according to Ralph T. Calderaro, DPPC's general counsel.

"At this time, the adult protective services system in the Commonwealth is at the breaking point and any further reduction in the Commission's budget is likely to result in serious consequences both to persons with disabilities and to the Commonwealth," an agency status report issued by the DPPC says.

The problems facing the DPPC are of growing concern to advocates for the mentally retarded as the Romney administration presses to close state facilities for the retarded and to place hundreds of residents in community-based settings.

"The DPPC is the only independent source of oversight of the DMR system," said Thomas J. Frain, COFAR President. "It is very disturbing that the Romney administration appears

to be content to let this critical agency with its critical mission languish to the point of extinction."

That the DPPC's mission is critical is borne out by reports of increasing abuse and neglect, particularly in community-based care. *The Boston Globe* reported last August that abuse cases in community-based group homes in Massachusetts had risen since 2000. The community system, many advocates agree, is subject to a growing confluence of problems, including inadequate funding, high staff turnover, and a lack of effective oversight.

## Down to three investigators

The DPPC was created in 1987 as an independent state agency responsible for the "investigation and remediation" of abuse against adults with disabilities. Statistics provided to *The COFAR Voice* by the DPPC in response to a public records request paint a picture of an agency struggling to carry out that mission amid growing fiscal constraints.

In Fiscal Year 2003, for instance, the agency received more than 12,500 calls, which included more than 5,700 reports of abuse and 731 deaths. The total number of calls was 36 percent higher than in the previous year. Yet, between 1999 and 2003, the number of agency personnel investigating the complaints dropped due to budget cuts, from seven investigators to three. Each of those investigators is loaded down with roughly 40 cases a year, according to Calderaro.

**"With caseloads this high it is difficult to imagine that victims with disabilities are truly being protected and that adequate protective services are being provided in a timely fashion." -- DPPC status report**

As a result of this case overload, the DPPC has had to farm out most of its investigations to the departments of Mental Retardation and Mental Health and the Massachusetts Rehabilitation Commission. COFAR and other advocates for the disabled contend that the DMR and the other service agencies are unable to conduct impartial investigations because they are dependent on services provided by vendors with whom they contract. (See sidebar on next page on COFAR's support of an independent investigations bill.)

Statistics provided to *The COFAR Voice* by the DMR in response to a public records request show that even that agency has lost abuse investigators due to budget cuts. The statistics show that the DMR had a total of 22 investigators in its six regions in Fiscal Year 2004, down from a total of 26 investigators in 2000.

The DPPC's status report says that its total number of cases screened for investigation rose from 1,074 in 1999 to 1,812 in 2003, a 69 percent increase over the five-year period. Meanwhile, the agency's annual budget has been cut from a

high of \$1.7 million in Fiscal 2002 to \$1.57 million in the current fiscal year.

“For the past three years, the DPPC has confronted the basic challenge of doing more with less,” the agency’s status report says. “With caseloads this high it is difficult to imagine that victims with disabilities are truly being protected and that adequate protective services are being provided in a timely fashion.”

The status report does note that there has been an increase in the number of criminal indictments resulting from investigations of abuse and neglect complaints. This increase, from 4 indictments in 1998 to 108 indictments in 2003, is due to the inception of a State Police detective unit at the DPPC in 1998, the report states.

**DPPC statistics on abuse and neglect investigations**

Fiscal Year	1998	2000	2003
Number of abuse/neglect complaints	3,976	4,203	5,773
Number of investigations conducted by DPPC	226	133	118
Number of investigations referred by DPPC to other human services agencies	1,270	1,038	1,694
Number of criminal indictments	4	58	108
Investigations of deaths	19	23	26
Investigations of rapes	unavail.	38	52
Physical injury investigations	unavail.	931	1,275
Emotional injury investigations	unavail.	427	684

Among the problems resulting from budget cuts to the DPPC—despite the referrals of cases to the service agencies—has been the problem of overdue investigation reports. Those investigations that have remained incomplete for longer than the 30-day period specified in the agency’s statute have risen from 124 in March of 2000 to 429 in July 2003—a 246

(Continued on next page)

**COFAR supports independent investigations bill**

Because of the potential conflicts of interest in allowing state agencies such as the Department of Mental Retardation to investigate abuse allegations within its system, COFAR supports proposed legislation to transfer all such investigative resources to the DPPC.

The bill, however (HB 2066), has never gotten out of committee in the Legislature.

“The fact that the DMR investigates the majority of these abuse cases, most of which occur in privately run, community-based residences, is like having the fox guard the henhouse, says COFAR President Thomas J. Frain. “DMR is dependent on these providers for services and is going to be very reluctant to sanction them for either poor service or abuse. We need an independent organization like the DPPC to do this.”

Ralph Calderaro, the DPPC’s general counsel, said that his organization is “in favor of independent investigations,” although the DPPC has not taken a position on the proposed legislation.

“There is a legitimate argument to be made that the DMR has an interest in conducting its own investigations...to ensure that providers are providing services that DMR is paying for, for instance,” Calderaro said. “This really comes down to what does the DPPC add to the mix, and I think the answer is we add independence.”

A position statement produced a few years ago by the DPPC states that while agencies such as the DMR, the Department of Mental Health, and the Massachusetts Rehabilitation Commission have a combined total of some 70 investigators, “those agencies are vulnerable to pressures that could compromise the integrity of their investigative findings.” There have been instances, the DPPC statement noted, in which information contained in investigative reports have been altered “to absolve the service-providing agency from liability.”

The DPPC statement added that there are three reasons that the DPPC should conduct its own internal investigations: 1) they lend credibility to the investigations process, 2) they allow the DPPC to check on the accuracy of information provided to the agency by the DMR and the other agencies, and 3) they provide a “political safety valve” to those other agencies, whose own investigations might otherwise be branded as “whitewashes.”

The DPPC statement compared the situation to the recent sex abuse scandal within the Catholic Church in which the system “closed its eyes to its failings and attempted to protect itself by protecting the wrongdoers within it.” Limiting the DPPC’s investigative ability would “significantly damage” the credibility of the entire investigatory process within the Executive Office of Health and Human Services system, the DPPC statement concluded.

## DPPC at 'breaking point'

(Continued from previous page)

percent increase.

Calderaro said that in addition to the DPPC's growing difficulties in investigating the rising number of complaints, the agency is also increasingly unable to carry out its responsibilities to oversee those investigations, including investigations farmed out to other agencies. The DPPC currently has five oversight officers whose job is to ensure the quality of all investigations conducted by all agencies and to ensure the safety of alleged victims during and after investigations. In Fiscal Year 1999, each oversight officer maintained an average caseload of 215 cases, according to the DPPC status report. In Fiscal Year 2003, that number had grown to 300 cases per officer, a 40 percent increase.

The DPPC currently has a staff of 23.6 full-time equivalent personnel—a number which includes the executive director, two attorneys, three supervisors, three complaint intake staff members, and two fiscal and personnel administrators. That number of total agency staff is expected to be cut to 22 in the coming fiscal year, Calderaro said.

The agency's status report noted a number of other problems resulting directly from the budget cuts:

- The DPPC has been forced to cease conducting non-criminal background checks requested by private and state service providers to determine whether any complaints of abuse had been raised against prospective employees. Calderaro said the DPPC had received more than 500 requests a month for civil background checks. "We couldn't continue it due to budget cutbacks," he said. "I think the providers would say it [the elimination of the background checks] lessens part of the picture they are able to get on a person [they are considering hiring.]"
- The DPPC can no longer follow up on "unsubstantiated cases where a risk of harm is identified." Calderaro said this refers to cases in which abuse is suspected, but there is no physical manifestation of injury to the victim, such as bruises or cuts. "In the past, we would have followed up on recommendations of investigators to pursue some of these cases. Now we can't."
- The DPPC is having difficulty enhancing and maintaining its new digitized case filing system.
- The DPPC is unable to respond to most requests from service providers and other organizations for training in such things as reporting abuse and identifying potential abusers and victims.
- The DPPC's offices in Quincy are sometimes locked during regular business hours. Calderaro said this hasn't affected the agency's ability to receive and process complaints, since the agency maintains a 24-hour-a-day hotline. However, it has

made it more difficult for those seeking to visit the offices on business or for information.

- The DPPC can no longer hire expert consultants in "complicated, serious abuse investigations."
- The DPPC can no longer provide its own staff with necessary ongoing training to enhance their skills.

## *Human services advocates cautious over budget projections*

BOSTON—The state's budget outlook has grown slightly rosier in recent months, but that isn't necessarily going to mean more funding for human services programs for the mentally retarded and other disadvantaged citizens, advocates cautioned at a recent budget and policy session of the Massachusetts Human Services Coalition.

In early December, state officials and budget experts reduced their estimate of the state's structural budget estimate for the coming fiscal year from \$2 billion to \$1 billion. In addition, a modest \$244 million surplus has been projected for the current fiscal year, which ends in June.

"Ideally, there will be no more cuts in Fiscal Year 2005 (which begins in July)," Stephen Collins, executive director of the Human Services Coalition, said during the policy session, which COFAR attended. "We want to see maintenance funding for health and human services across the board in light of this relatively good economic news."

Collins noted, however, that last fall, the Romney administration gave state human services agencies preparing their Fiscal Year 2005 spending requests target spending numbers that were below their current-year appropriations. In addition, agencies have been ordered to calculate budget-cut scenarios ranging from 5 percent to 100 percent. The Massachusetts Office of Disabilities, which previously weathered a cut of 30 percent of its budget, is facing an additional 10 percent cut in the Governor's upcoming budget for Fiscal Year 2005, a spokesman for the agency said.

The cautious projections haven't dampened the hopes of some advocates, who are seeking to restore at least some of the funding lost to dozens of human service programs since the current budget crisis began. A spokesman for the Human Services Providers Association said the organization was calling for restoration of a salary reserve for direct care workers, retroactive to 2001.

The salary reserve, which was instituted under former Governor Weld in the early 1990s, was discontinued under Governor Romney. The Providers Association is seeking a 9.8 percent increase for workers making less than \$40,000 a

year—an increase that would cost \$67 million. The spokesman noted that the low salaries of direct care workers—some 15,000 direct care workers in Massachusetts earn less than \$25,000 a year—are factors in turnover rates in some programs that are as high as 50 percent a year.

COFAR has long maintained that the administration's planned closure of state facilities for the retarded will only serve to further depress wages of direct-care workers because potentially thousands of these workers will lose their higher paying jobs in those facilities and will be forced into lower-paying jobs in privately provided, community-based care.

Others at the policy session maintained that human services advocates must work to educate the public about the need for higher taxes. "The time is ripe," said Aimee Coolidge of the Pine Street Inn. "People are upset about the lack of revenue in their towns."

Charles Glick, a member of the Human Services Coalition Board of Directors, maintained that the Governor has targeted Democrats in the State Senate for defeat in order to make that chamber veto proof. Currently there are six Republicans in the 40-member Senate, seven short of the number needed to prevent overrides. "If the Governor gets a veto-proof Senate, the game is over," Glick said. Several of those attending the policy session stressed the importance of supporting incumbent Democrats in the Senate.

### *Community events...*

## **Thanksgiving Dinner held at Fernald**

In what many hope will become an annual tradition, Fernald League families and several Fernald staff held a Thanksgiving Dinner in memory of Patricia Hillis, a former Fernald resident. Patti, who died at Fernald last year, had enjoyed participating in Thanksgiving activities.

"We have much to be thankful for: Beryl Cohen [principal attorney for the Fernald residents], the Fernald League, COFAR, VOR [Voice of the Retarded], family advocates and friends," Catherine Gover, Patti's sister, wrote in an email organizing the dinner. The email added: "I was wondering if you would join me in creating a Thanksgiving dinner and celebration for our loved ones at Fernald. I realize that we had a lot of activity, so if you are not up to this, I completely understand. I was thinking that for every anti-facility person that dares say that Fernald, Wrentham, Templeton, Hogan, Monson and Glavin are not communities, well they are completely wrong and not speaking truth."

Two weeks later on November 23, Cathi and several volunteers brought six turkeys with all the necessary accoutrements to the Fernald Activity Center. Some volunteers made their personal specialties. In addition to dozens of residents, family members and staff who sat down together, some meals were sent to the Fernald residences. And

other staff members and residents had a belated dinner the following Monday evening.

"The preparation time was very short, and everyone worked together spontaneously," said George Mavridis, former Fernald League President, who participated in the dinner.

*Editor's Note: The following poem was written by Joe Hughes, a COFAR member, to his autistic son Brian in 1973. Brian, now 44, has been a resident of the Fernald Development Center since he was 11 years old.*

Brian, Dear Brian

I have a key 'twas given to me  
From someone up above.  
To open a gate,  
And help me to take  
My share of love.

Now it's not a key of gold,  
And it's very hard to hold.  
But if I am strong,  
And I go along  
To let life's story unfold.

I have a boy,  
Full of sadness and joy,  
He put his hand in mine.  
The boy is my cross,  
The cross is my key  
To open God's Kingdom to me.

Brian, dear Brian  
What world are you in?  
Brian, dear Brian  
Please let me come in.

Your face makes my heart weep,  
And the tears fall.  
Why can't you understand?

Brian, dear Brian  
The days are so long,  
It's mine, not yours  
Whose world is so wrong.

My child, I'll walk beside you  
'till the angels call.  
We'll play your funny game.

Brian, dear Brian  
My little friend  
With love and affection  
This message I send.  
Heaven is only above you,  
God bless you, little boy.

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***JOIN COFAR IN OUR ADVOCACY EFFORTS TO PROVIDE  
COMPREHENSIVE CARE *The COFAR VOICE****

**FOR ALL PERSONS WITH MENTAL RETARDATION**

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