



# DISABILITY RIGHTS

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## NEW YORK

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### **New York's Protection & Advocacy System and Client Assistance Program**

#### **FOR IMMEDIATE RELEASE**

Contact: Timothy A. Clune, Esq. (518) 432-7861

#### **Investigation Report: *The Death of M.H.: Neglect at Saint Dominic's Home-Dominican Hall***

*Albany, NY, December 14, 2015* - DRNY released a report of its investigation of the death of M.H., who lived in Saint Dominic's Home, Dominican Hall ("SDH"), a New York Intermediate Care Facility for people with developmental disabilities.

DRNY's investigation concluded that M.H. was seriously neglected in the months preceding his death, causing him great suffering and likely contributing to his death. New York State's investigation of the matter by its Justice Center for Protection of People with Special Needs (Justice Center) was seriously deficient. Despite overwhelming evidence of neglect, the Justice Center inexplicably failed to find that M.H. was neglected and completely failed to remedy the systemic problems that caused the neglect.

The Justice Center was created with much fanfare in 2013 to remedy the State's failure to adequately investigate, remedy, and prevent abuse and neglect. Its failure to find neglect in this case, despite overwhelming evidence, severely undermines confidence in New York's commitment to protect its most vulnerable citizens.

"DRNY calls upon Governor Andrew Cuomo to immediately direct the Justice Center to reopen an investigation into M.H.'s death and examine the reasons for their failure to act," said Timothy A. Clune, DRNY Executive Director. "The Justice Center clearly failed to protect the remaining residents at SDH from potential abuse and neglect."

DRNY has shared its findings with several state and federal agencies. DRNY is the designated independent non-profit Protection & Advocacy System empowered by Congress to provide legal and non-legal advocacy services to people with disabilities in New York. The Protection & Advocacy System was created by Congress as a direct result of the horrific conditions that were uncovered in the 1970s at New York's Willowbrook State School. One of DRNY's functions is to investigate allegations of abuse, neglect and deaths of persons with disabilities. DRNY is

725 Broadway, Suite 450  
Albany, New York 12207  
(518) 427-6561 (fax)

25 Chapel Street, Suite 1005  
Brooklyn, New York 11201  
(718) 797-1161 (fax)

44 Exchange Blvd, Suite 110  
Rochester, New York 14614  
(585) 348-9823 (fax)

mail@DRNY.org • www.DRNY.org

(800) 993-8982 (toll free) • (518) 432-7861 (voice) • (518) 512-3448 (TTY)

authorized by federal law to thoroughly investigate the death of a person with a disability occurring in any public or private entity that provides care, services, treatment and/or habilitation to individuals with disabilities.

SDH is an OPWDD certified ICF providing residential, medical, clinical, and community inclusion services to people with developmental disabilities. OPWDD is the New York State agency responsible for coordinating services for New Yorkers with developmental disabilities. Services are provided through a combination of state services and a network of private contractors, the majority of which are non-profit service providers like SDH. DRNY is pleased that SDH has agreed to work with DRNY to resolve the serious concerns raised in this Report.