



The COFAR Voice

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The dairy barn at the Templeton Developmental Center, the scene of the alleged fatal assault of Dennis Perry. (COFAR file photo)

Questions raised in alleged fatal assault at Templeton

An alleged assault at the Templeton Developmental Center in September that resulted in the death of an intellectually disabled man raises questions about the admission of potentially dangerous persons to the facility and the adequacy of their supervision there.

Additional questions have been raised about the subsequent incarceration of the alleged assailant in the case, who is himself an intellectually disabled individual.

Dennis Perry, 64, was allegedly assaulted on September 16 by Anthony Remillard, 22, while the two men were working at the Templeton facility's dairy barn. At the time, Perry was a resident of a group home and was working in the barn on a daily basis.

Perry had allegedly been shoved by Remillard into a boiler in the barn and suffered a serious head injury. The incident occurred in front of two staff members whose statements indicated the attack was unprovoked, according to *The Worcester Telegram & Gazette*, which was quoting from a State Police report of the incident. Perry died on September 27 at UMass Memorial Medical Center.

See TEMPLETON, p. 2

Family denied contact with daughter

The family of Sara Duzan, an intellectually disabled young woman, was denied all contact with her as of early December.

COFAR reported on its blogsite that Sara's mother, Maryann, and other family members lost their guardianship of Sara in 2009 on the basis of an admission

See SARA, P. 5

DDS eligibility bill leaves many out

A compromise bill in the state Legislature that is intended to expand services to developmentally disabled persons appears to leave many without help.

The bill (H. 3715) would expand eligibility for residential and other services to people with autism and Prader-Willi Syndrome – a disability often associated with autism.

While a step forward, the compromise bill appears to leave out a number of other disabilities that are eligible for similar services in many other states, such as cerebral palsy, epilepsy, spina bifida, and traumatic brain injury, and

See Bill, Page 3

A 'thank you' from Patrick

The following is an excerpt from a "letter" from Patrick Costa, a former resident of the Fernald and Wrentham Developmental Centers, who died November 19 at the age of 49. The letter was written by Patrick's guardian, Ann Witham, who read it at a funeral mass for Patrick on November 26:

My Dear Family and Friends,

The first thing I want to say is a big thank you to all the folks at Fernald. They gave me their best and I am truly grateful. It was not easy for me to leave that home, but in the end, it turned out to be a very good thing for me.

My friends and I were warmly welcomed into our new home at Wrentham. Everyone involved in our care – from direct care staff to clinicians and everyone in between, took the time to get to know each of us as individuals and to learn first-hand what each of us liked and disliked. You saw abilities and possibilities, not just disabilities; potential, not just limitations.

You learned that I liked to walk, and being in the pool. I got to participate in Special Olympics and won a medal. I really liked that special green suit I wore for the occasion and showing off the medal to my friends. I am so grateful for your supporting me in all my athletic endeavors, and for finding alternative activities when exercise was no longer possible for me.

Thank you for taking the time to make sure I ate my meals slowly so I would not choke. Sometimes it was a real challenge just to be sure

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Questions raised in Templeton death

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Prior to his admission to Templeton, Remillard had been charged in a May 6, 2012 arson in a vacant building in Worcester, according to the newspaper. At his arraignment on that charge, prosecutors recommended that Remillard be evaluated at either Bridgewater State or Worcester State Hospital. But the recommendation was rejected by the judge, and Remillard was allowed to enter a "pre-trial release commitment" at Templeton.

On November 15, Remillard was found competent to stand trial in the assault and death of Perry. As of mid-November, he was being held without bail in the Worcester County House of Correction.

COFAR Executive Director Colleen Lutkevich expressed concern that while Remillard may have been inappropriately placed at Templeton due to his apparent dangerousness, it was also inappropriate to place him in a criminal detention facility such as the Worcester County House of Correction, given the fact that he is intellectually disabled. "The system appears to have failed in virtually every way to protect those it was intended to serve," Lutkevich said.

According to the newspaper, Remillard was repeatedly found not competent to stand trial in previous criminal cases.

Bonnie Valade, the mother of another Templeton resident who had previously spent time in the Worcester County House of Correction, said her son was beaten and sexually abused while he was there. She maintained that the jail is not appropriate for Remillard just as it was not appropriate for her son.

Remillard did have a treatment plan at Templeton, which required that he be monitored by staff at all times except when in his room with his door alarm on. Among the many questions raised by the case is how he could have been in a position to allegedly assault and fatally injure Perry if he was under close staff supervision.

"My concern is that a man is dead, and there were things that were supposed to happen that could have prevented this, and they didn't happen," District Attorney Joseph Early told the *Telegram & Gazette*.

COFAR President Thomas Frain suggested that the apparent breakdown in supervision and security at Templeton that resulted in Perry's death was itself the result of a long-term decline in staffing at the facility since it was marked for closure as an Intermediate Care Facility in 2008. Templeton was one of four ICFs in Massachusetts that were targeted by the Patrick administration for closure.

Frain maintained that as ICFs and other state-operated facilities are closed around the country, they are being replaced by a system of group homes, operated by state-funded, corporate providers, that provides even less supervision and security than before. "You are going to see more and more Anthony Remillards out there because there will be no places left that can adequately care for and supervise them," he said. "The only places that are going to deal with anyone with behavioral issues are prisons."

Patrick's letter, continued from previous page

I chewed before I swallowed, or, to make sure I did not snatch something from another's plate.

You learned to understand the sounds and visual ways and I used to tell you what I wanted or what was wrong. Somehow, you knew that when there was a lot of commotion in the apartment, I would need to "get away from it all;" and spend some quiet time in my room. You even made sure that I had a special chair to use for relaxation.

Going to Adult Ed was another favorite activity. I was thrilled when I could sign a card with assistance. When I could no longer get to the program, you made it happen in my apartment. That's "really great customer service."

I liked going to the restaurants that went the extra mile and texturized our food so we could eat our meals there. Thank you for taking the time to plan and organize those special "nights on the town."

To all who stayed with me constantly while I was sick, I owe so much. It was wonderful to wake up and see a familiar face and hear your voices reassuring me. You knew the severity of my condition, but never let it discourage you from being upbeat with me. Special thanks go to Keith, my long-time friend and companion. During the last days of my life, Keith watched out for me, protecting me from "strangers" he did not know, and keeping things where he thought they belonged. A special thank you to new friends from Steward Hospice. Their care went far beyond what I expected.

Mark, I know distance and family matters made it difficult for you and Beth to travel to visit. I know you were in constant contact, and that the distance did not separate me from your thoughts and affection. I tried so hard to wait for you, but Jesus came to bring me to my forever home and I had to go with him.

I owe a very special debt of gratitude to Jim Devin for bringing Ann, and sometimes Marilyn, to visit with me. I knew you were there shortly before I died, and I felt your love and took it with me to heaven. And, last but not least, thank you to Father Bill for coming here to lead you all in prayer. Father Bill, I'm going to ask God to bless your ministry and to let you have calm seas, fair skies and a string of "keepers" for all the coming fishing seasons.

My friends, I hope you do not grieve too long for me. I pray God will wipe the tears from your eyes and hearts and that his peace will console, bless and always be with each of you.

With much love and gratitude,

Patrick



Patrick Costa was a long-time resident of the Fernald Center. He later moved to the Wrentham Center.

DDS eligibility bill leaves out many disabilities

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cognitive impairments such as Williams Syndrome.

State law currently restricts eligibility for services from DDS to persons having an "intellectual disability" as measured by an IQ score of approximately 70 or below. Intellectual disabilities are considered a subset of developmental disabilities.

Currently, thousands of people in the state are developmentally disabled in that they are unable to care for themselves or otherwise function adequately in society; yet, they are ineligible for services from the state because they do not have an intellectual disability.

The new bill would extend DDS services to people with developmental disabilities, but would restrict the definition of a developmental disability to "a severe, chronic disability of an individual 5 years of age or older that is attributable to a mental or physical impairment's (sic) resulting from intellectual disability, Autism or Prader-Eilli (the spelling should be Prader-Willi) Syndrome." The bill was approved on October 21 by the Children, Families, and Persons with Disabilities Committee and sent to the Health Care Financing Committee.

Colleen Lutkevich, COFAR Executive Director, cited, as an example of someone who would fall through the cracks of the new legislation, a person with normal intelligence but with a severe level of cerebral palsy that precludes the person being able to feed or toilet himself or herself. Under the compromise bill, that person would not be considered developmentally disabled and therefore would still not qualify for services.

COFAR affiliates provide big donations

Two organizations affiliated with COFAR — the Wrentham Family Association and the Advocacy Network — have agreed to provide generous financial help to keep COFAR going.

Both organizations will provide ongoing, monthly financial assistance to enable COFAR to continue with its unparalleled scrutiny of the care provided to the developmentally disabled in Massachusetts.

We sincerely thank these two generous groups and ask our members to continue to give as well.

Thank You!

Disabled man injured in group home

On September 9, Paul Stanizzi, who is non-verbal, was found lying on the floor in his room in a Bedford-based group home by a staff worker.

After Stanizzi's mother was called by the staff worker, the family rushed to a hospital and found Paul unresponsive in a hospital bed, Fox25 TV news reported. His family was shocked to find that he had a black eye, a bloody nose, bruises on his fingers, scratches on his arm, what appeared to be fingerprint bruises on his arms, two larger bruises on his leg, a cut on his knee, and other abrasions.

According to Fox 25, an MRI subsequently revealed damage to the vertebrae around his neck. Medical records noted "possible recent injury" as a cause. The doctors performed emergency surgery.

Stanizzi's group home is run by the Edinburg Center, Inc., a non-profit provider that is funded by the state Department of Developmental Services.

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Referrals to sheltered workshops to end on Jan. 1

No new clients of the Department of Developmental Services will be referred to sheltered workshops in Massachusetts after January 1, the Department has announced.

The decision to end the referrals is likely to result in the eventual disappearance of sheltered workshops in the state. Sheltered workshops provide opportunities for developmentally disabled people to do assembly work and other tasks in group settings, usually for small amounts of pay. But the Patrick administration and other opponents of the programs maintain that they "segregate" disabled people from their non-disabled peers.

Many proponents of sheltered workshops, often including family members of the participants, maintain the programs have provided their loved ones with valuable social and skill-building activities.

DDS Commissioner Elin Howe stated in an October 3 email to advocates that sheltered workshop providers have been instructed to develop plans to "transition their workshop services to more integrated employment options," meaning the plan is to place all workshop participants in the mainstream workforce.

"Once again, we're seeing an administration act on the basis of ideology, which always seems to trump common sense," said COFAR President Thomas Frain. Frain maintained that the administration is ideologically biased against all types of congregate care of the intellectually disabled, and views sheltered workshops as a form of congregate care.

"...we're seeing an administration act on the basis of ideology, which always seems to trump common sense." — Thomas Frain

COFAR has long maintained that the administration's bias against congregate care is misplaced and has resulted in decisions to close critically needed intermediate care facilities in the state. Sheltered workshops are apparently considered a form of congregate care.

Nevertheless, a 2011 report by the University of Massachusetts on employment prospects for people with developmental disabilities noted that there had been relatively little movement toward mainstream employment of people with intellectual disabilities from sheltered workshops around the country. The report cited as reasons for this lack of movement, "staff resistance, family resistance, and funding structures that do not adequately support community-based services for people with high support needs."

The UMass report noted that in 2010, there were 3,700 people with intellectual disabilities in sheltered workshops in Massachusetts, and about 3,500 people in "integrated employment." However, there were about 9,500 people in "non-work" settings. The report stated that: "State, county, and local IDD (intellectual and developmental disabilities) dollars are increasingly being spent on CBNW (Community-based Non-Work) services and not integrated employment."

Some advocates have suggested that states such as Massachusetts are phasing out sheltered workshops because the federal government has indicated it will no longer help fund them.

Lawmakers, staffs, mum on background bill

Why is national background check legislation for persons hired to work with the developmentally disabled in Massachusetts seemingly stuck in the state Legislature?

COFAR attempted without success to get an answer to that question this fall from the co-chairs of the Legislature's Judiciary Committee — Senator Katherine Clark of Melrose and Representative Eugene O'Flaherty of Chelsea.

A national background check bill (H. 1674) was referred last January to the Judiciary Committee, whose only action on the measure appears to have been to have held a public hearing on it last July.

Clark, who is headed to Congress next year, is listed as one of 64 co-sponsors of the measure. But no one on her staff would comment on whether she would do anything to ensure that the background check bill passes.

An attorney on O'Flaherty's staff said she could not comment on either O'Flaherty's or any other committee member's position on the bill. All information about legislation pending before the Judiciary Committee is confidential other than what is posted on the Legislature's website, the staff attorney said.

Man is injured in group home

Continued from previous page

An online DDS licensing report on the Edinburg Center stated that Edinburg had been experiencing growth since 2008 and yet was "dealing with economic decline and its ongoing impact on agency services." The report added that the provider had lost clinical and emergency services.

Earlier this year, Connecticut Senator Chris Murphy called for an investigation into abuse and neglect in group homes around the country.

Family denied all contact with special needs daughter

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by Maryann that she slapped her daughter on one occasion and on an apparent perception by providers and a probate court judge that the family was overly aggressive in its advocacy of Sara.

Since June, the family had not been allowed to see Sara, who is currently living in a group residence in Westminster, MA, run by a state-funded, corporate provider. As of late November, the family was prohibited even from talking with Sara over the phone. The family was afraid she was being subjected to what they consider abusive "restraints" by the group residence staff, but they had no way of determining what was actually happening in the residential facility.

Maryann contended her daughter, who is now 22, has been kept a virtual prisoner in the residence run by Becket Family of Services since late July. Sara has a condition known as Smith Magenis Syndrome, a genetic disorder characterized by intellectual disability and behavioral outbursts. The family maintains that the use of restraints to control those behaviors actually makes them worse.

According to the family, the restrictions on their contact with Sara and the removal of their guardianship occurred because they called attention to what they termed abusive restraints placed on Sara in previous residential programs in Northfield, NH, and New Marlborough, MA. Their claims about the New Hampshire facility, the Spaulding Youth Center, were corroborated by an attorney for the federally funded Disabilities Rights Center in that state, who found that Sara was repeatedly and inappropriately restrained by staff in the facility between 2008 and 2010.

According to Aaron Ginsberg, the DRC attorney, Sara was often restrained at the Spaulding Youth Center while naked or partially clothed for hours at a time, and male staff were often involved. She frequently suffered bruises and other injuries from what are known as prone restraints, and was subjected to hours of enforced seclusion.

DDS withdraws challenge to guardianship

The Department of Developmental Services has ended a year-long effort to remove the mother of an intellectually disabled man as his guardian.

DDS signed a stipulation in November in Middlesex County Probate Court to dismiss its petition to remove Patricia Feeley as guardian of her 27-year-old son, Michael. DDS had proposed appointing an attorney who had never met Michael, in Feeley's place.

The Department has been locked in a long-running dispute with Feeley over her contention that Michael, who has a profound intellectual disability and type 1 diabetes, needs a residential placement with 24-hour nursing care. DDS has contended that Michael does not need 24-hour care.

Feeley currently gives her son as many as seven insulin injections a day. DDS contended Feeley was not acting in her son's best interest in rejecting residential placements for him without 24-hour nursing. Feeley claimed the probate court was the wrong forum to decide the dispute.

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Please renew your COFAR membership or make a larger donation to keep us going, and consider an end-of-the-year, holiday contribution. Donations can be mailed with this form to 3 Hodges Street, Mansfield, MA 02048, or you can donate online at www.cofar.org.

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