

Kings County Meets Standard for Caring For Psych Patients

By BOB HENNELLY
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Back in 2010, Kings County Hospital Center had become so notorious for allowing abuse of its psychiatric patients that the city had to enter into a consent decree with the U.S. Department of Justice committing to make major reforms.

Now, after seven years of a major makeover, Federal officials have given the Brooklyn facility a clean bill of health.

Last week Robert L. Capers, U.S. Attorney for the Eastern District of New York, advised Judge Kiyoo A. Matsumoto, who oversaw the consent decree, to close the case because the hospital was in “substantial compliance” with the 2010 consent judgment between his office and the City of New York. The court signed off as requested.

“This office takes great pride in the transformation of the Kings County Hospital Center’s Behavioral Health Service [unit] and the dramatic improvements in patient care that have resulted from our collaboration with the city,” Mr. Capers wrote.

NYCLU Suit Sparked Look

The Department of Justice stepped in after the New York Civil Liberties Union, working with Mental Hygiene Legal Services (MHLS), and the law firm of Kirkland & Ellis, issued a report stating that the facility was “overcrowded and often dangerously unsanitary” and “found that patients—including children and the physically disabled—were routinely ignored and abused.”

The legal breakthrough came back in May 2007 when that coalition sued the then-Health and Hospitals Corporation, alleging its members were aware of the conditions at KCHC but “failed to remedy them.” The suit also charged the hospital’s actions violated the Due Process Clause of the U.S. Constitution, the Americans with Disabilities Act, the Rehabilitation Act, and several provisions of New York State Mental Hygiene Law, Public Health Law and the New York State Constitution.

The suit described the hospital’s psychiatric emergency room and inpatient unit as “a chamber of filth, decay, indifference and danger,” and sought an end to what it described as pervasive neglect and abusive treatment in the hospital’s psychiatric facilities.

DOJ then launched its probe and issued findings in 2009 describing the hospital's psychiatric ward as "highly dangerous" and requiring "immediate attention."

'Proud of It Now'

Last week the NYCLU hailed the transformation at the Brooklyn facility. "Kings County's psychiatric facilities, personnel and services are unrecognizable today compared to what they were when we filed our lawsuit," said NYCLU Executive Director Donna Lieberman. "This was a place where New Yorkers, including children and the physically disabled, were routinely ignored and abused. Now it is a facility that the community it serves can be proud of."

Back in 2008, the case of a mentally-ill woman who was unattended to for 24 hours in the emergency waiting room of Kings County Hospital where she collapsed and died made headlines and galvanized local and Federal officials to take action. Surveillance video, which was made public only after the NYCLU went to court to force its release, captured Esmin Green, 49, lying on the floor for an hour before the staff noticed. The tape showed that in that hour a hospital guard and another staff member saw Ms. Green's body on the floor and failed to take appropriate action.

'Shouldn't Happen Again'

In his statement last week Mr. Capers invoked Ms. Green's memory. "The remarkable changes at the [Behaviorial Health Service Unit] should ensure that tragedies like the death of Esmin Green never occur again."

The DOJ case was handled by Michael J. Goldberger, Chief of Civil Rights in the Office's Civil Division.

In 2009 the City of New York settled with the family of Ms. Green for \$2 million. The 49-year-old woman, with a history of depression, had come from Jamaica in the 1990s so she could send money back home to her six children that she earned caring for the elderly.

The DOJ report found that hospital employees had attempted to cover their tracks by falsifying medical records.

"Every person who visits the hospital deserves access to comprehensive, high-quality health care provided in a manner that honors their dignity as a human being," Congresswoman Yvette D. Clarke said in a statement. "I want to commend NYC Health + Hospitals/Kings County for cooperating with the New York Civil Liberties Union and the United States Department of Justice to eliminate problems that had existed in its psychiatric unit and provide all patients with the best possible quality of care."

For years before it drew Federal scrutiny, Kings County was known for squalid conditions and mistreatment of patients by both staff and its in-house police force.

A statement last week from NYC Health + Hospitals hailed the facility's "Transformation in Patient Care and Treatment." Innovations included a staff therapy room, where employees can go to decompress from the stress of their jobs by participating in yoga, meditation, tai chi, and knitting.