

State orders Putnam mental-health company SLS to give up permits

The state has ordered a private Putnam County-based mental-health provider that treats teens and young adults to surrender its operating certificates after the mental-health commissioner upheld charges that the for-profit facility violated patients' rights and ignored state regulations.

Commissioner Michael F. Hogan notified SLS Residential of his decision Tuesday.

But an attorney for SLS, also known as Supervised LifeStyles, said Wednesday that the facility intends to appeal the decision in court and is confident it will prevail. To keep operating, SLS will have to ask a judge for a temporary order to stay the revocation of its permits.

"SLS is disappointed in the commissioner's decision and believes that all the charges are unfounded," said David C. Trueman, a Manhattan attorney and adjunct Columbia University law professor. "SLS maintains that the commissioner's decision and the hearing officer's report are unsupported by the law and the evidence."

The SLS saga dates to November 2006 when state inspectors visited two residential facilities the agency runs in Southeast, found numerous violations and fined the company \$80,000. A return trip three weeks later resulted in more violations and \$30,000 more in fines, none of which SLS has paid while it has appealed.

Violations included that SLS limited residents' contact with people outside the facility, violated their privacy by watching them as they used the bathroom, punished them unfairly and humiliated them with other clients, continued to use an unauthorized building for programs and failed to conduct incident reviews as required by state law.

The state also alleged that SLS illegally restrained patients, but a court dismissed that charge.

After finding the violations, the state Office of Mental Health moved to rescind the operating permits SLS uses to run two residential-treatment facilities and a clinic. SLS appealed but a hearing officer ruled in

favor of the state, and Hogan upheld the ruling.

SLS then appealed to state Supreme Court. In December 2008, Justice Andrew P. O'Rourke ruled in favor of SLS, calling OMH's actions "arbitrary, capricious and contrary to the law and wholly unsupported by substantial evidence."

While the ruling vacated the fines and allowed SLS to operate, the state turned to the court's Appellate Division, which largely overturned O'Rourke and reinstated many of the fines in November.

That led to the latest, 49-day hearing before OMH that began in January and involved 31 witnesses and more than 200 exhibits.

In his ruling, Hogan said some testimony from SLS witnesses "was not deemed credible" and concluded that "SLS has willfully and knowingly failed to adhere to OMH directives."

Dr. Joseph Santoro, who runs SLS with Alfred Bergman, testified that Evan Marshall, a patient who left SLS in August 2006 and committed a murder on Long Island, was not receiving clinical services from the agency at the time of the killing. Marshall, who is serving 29 years to life in prison, killed his mother's neighbor and drove around with her severed head in his car.

"If this were true, SLS would not have had any obligation to report the homicide. However, the

Advertisement



The advertisement features the USA TODAY logo at the top left. The main title "AutoPilot" is in large, bold, black letters, with a blue airplane icon to its right. Below the title is a smartphone displaying the app's interface, which shows flight information for a "USA TODAY Meeting" on Sep 21, 2009, including a flight from BNA to IAD, a 73% chance of rain, and a view of a Flickr gallery. To the right of the phone, the text "The new travel app for iPhone® and iPod touch®" is displayed in blue and black. Below this, it says "Presented by: Hampton" with the Hampton logo. At the bottom right, a blue button with white text says "SEE HOW IT WORKS »".

Print Powered By  FormatDynamics™

clinic records showed otherwise," Hogan wrote in his ruling.

He also noted that Santoro testified that patients could leave SLS grounds without permission. "But the testimony of other witnesses, which is credited, is that there was no such freedom," Hogan wrote.

He concluded that SLS' collective actions "to evade lawful orders and directives of OMH ... show a lack of the requisite character for a person to have an operating certificate."

Jill Daniels, a spokeswoman for OMH, said in an e-mail that with Hogan's decision SLS has exhausted its administrative remedies but can appeal in court.

Trueman, the SLS lawyer, noted that the agency prevailed in the earlier ruling from O'Rourke.

"We anticipate that will happen in this proceeding as well," he said. "We believe the issues of law are in their favor. SLS remains committed, as always, to helping their clients recover from their disorders and lead healthier and happier lives."

Two former patients filed a \$225 million federal class-action lawsuit in 2007 against various companies affiliated with SLS, alleging they were physically and emotionally abused while patients there. The case is pending in federal court in White Plains.

Pleasantville resident Glen Feinberg, an attorney who has complained of alleged abusive treatment his son received while an SLS patient, declined to comment Wednesday.



SLS operates a home on North Brewster Road in Southeast. The state mental health commissioner has ruled that SLS must give up the operating certificates that allow it to run two residential treatment centers in Southeast. (Frank Becerra Jr./The Journal News)

Advertisement



Mom Dilemma #36:
Your daughter insists on wearing her princess costume to the grocery store. Allow it or not?

YES, at least she's dressed!

NO, I have some rules!

momslike.me
where Local moms meet

Print Powered By  **FormatDynamics**



The Bloomer house on Route 6 in Southeast is an SLS residential treatments center. (Frank Becerra Jr./The Journal News)

Advertisement

USA TODAY
AutoPilot 

The new travel app for iPhone® and iPod touch®

Presented by: 

SEE HOW IT WORKS »

The smartphone screen shows the following content:
- USA TODAY Meeting
- A6 BNA to IAD Landed 09/21/2009 11:48 AM
- 73° Washington (IAD) Partly Cloudy
- View a Flickr gallery of Washington
- Articles: Hotel Deals in Hilton Hotels picks

Print Powered By  **FormatDynamics™**