

DeIARC Chief Executive Officer Suess testifies at state's hearing on restraints

Local program serves disabled without relying on physical restraints

By Margaret S. Inge for the Catskill Mountain News, Wednesday, March 14, 2007

What does State Senator Thomas P. Morahan, Chair of the Senate Committee on Mental Health and Developmental Disabilities, know about the ARC of Delaware County (DeIARC) that even most residents of the county don't? He knows that DeIARC is one of a handful of institutions nationwide that serve the needs of the developmentally disabled without the use of physical restraints.

That is one of the reasons that when the Committee held a public hearing last week in advance of deliberations on Jonathan's Law, George Suess, DeIARC Chief Executive Officer was among the dozen people invited to give testimony. In fact, Suess was the only representative of a direct care provider whose testimony was sought.

In his opening remarks Morahan said, "Jonathan Carey's tragic death has highlighted a need for this inquiry." Michael and Lisa Carey, Jonathan's parents who also testified before the hearing, began their campaign for the passage of legislation in 2004 following their discovery of various abuses against their then 11 year old son, who suffered from autism and was also developmentally delayed. His death in February resulted from the inappropriate use of restraints and two workers from the O.D. Heck Developmental Center in Niskayuna, a state facility, have been indicted for second-degree manslaughter.

Witnesses before the hearing were invited to address their remarks to any of several questions. While the bulk of the testimony was from the various state agencies charged with oversight for the various organizations that provide care for those who are mentally or developmentally disabled, Suess presented an alternative to the "best practices" approach they promoted. "For over 30 years, the ARC of Delaware County has served children and adults with severe behavioral challenges without ever using physical intervention. It is the only community based rehabilitation agency, of which we are aware, that has a Board of Directors policy prohibiting the use of physical intervention."

He went on to say, "The focus of The Arc of Delaware County is on pro-activity and prevention. We don't waste time addressing reactive questions like, 'What do we do when Bobby hits Billy?' Rather we devote a tremendous amount of attention to asking ourselves, 'What are we doing to help him never want to hit Billy?' The results are marvelous: people learn at unprecedented rates, staff abuse is virtually unheard of, staff and consumer injuries as



well as liability and workers compensation insurance rates are all well below industry standards, consumer and family satisfaction is high, as is staff morale and team work.”

Suess applauded Senator Steven Saland for introducing social services law 483-e, which created the Restraint and Crisis Intervention Technique Committee last year, and challenged the committee to look beyond the accepted use of restraints. “A great deal of good can result if the focus begins by questioning the very notion of the need to use restraints. We believe the children and adults this law seeks to protect will be far better off if the focus is on researching proactive approaches and preventive strategies. The question for the committee should not be, which restraints should or should not be used but rather, why, in this day and age, are we using restraints in the first place.”

He challenged the legislature and other service providers to completely eliminate the use of restraints. He laid out a plan that would move the state in that direction, and summed the plan saying, “We believe an ambitious goal to reduce the use of restraints by 50% within 3 years and 90% within 5 years is achievable for any organization.”

He also spoke of the lessons DeArc has learned, indicating the first is that “caring relationships are essential and they take time to develop.”

The reaction to Suess’ testimony was consistently positive. It was the only moment in a full day of testimony that brought a smile to the face of Lisa Carey. Assemblyman Harvey Weisenberg, who is sponsoring the parallel bill in the State Assembly thanked Suess for his testimony, saying, “This is the first testimony we have heard that gives us real hope.”