

November 14, 1978

Mr. Peter P. Polloni
Deputy Secretary for Mental Retardation
Department of Public Welfare
Health and Welfare Building
Harrisburg, PA 17120

Dear Mr. Polloni:

I am sure you will recall our first meeting on November 21, 1977. On that date I met you and Mr. Carl Elser, Director, Bureau of Institutional Programs, Department of Public Welfare, at the Pittsburgh airport and drove you to Western Center for a trustees' meeting. During our trip, I described to both of you the terrible condition of the residents' mouths at Western Center. I talked about how the residents were being neglected, and therefore abused, as a result of the lack of professional dental care. This fact was later confirmed by Mr. Elser at another meeting. While you were meeting with the board, I had the opportunity to show Mr. Elser approximately 50 slides of mouths of different residents at Western. These slides demonstrated a lack of professional cleaning as well as the presence of many decayed and broken-down teeth which, over a period of years, had been allowed to rot in the residents' mouths. These areas of gross destruction clearly represented areas of chronic infection, both past and present. It is not the purpose of this letter to describe the pathologic process of infection and the effects it has on people. I am comfortable that you are aware of the consequences of dental pain and infection and how it can affect appetites, seizure disorders, and the behavior of our very special patients.

I also told Mr. Elser of communications I had had with Dr. Ralph Rusynyk, Director, Division of Institutional Dental Services, Pennsylvania Department of Health. Dr. Rusynyk had repeatedly told me of how he was aware of dental conditions in the mouths of residents at other state centers which he had visited, which were by his own description, "as bad or worse" than those at Western.

Time marches on and the bureaucratic wheels slowly turn. A meeting in Harrisburg was scheduled for January 25, 1978 for a discussion of the *possible* dental problems in the mental retardation centers. Unfortunately, if you recall, I was snowed in at the Pittsburgh Airport.

The January meeting was rescheduled for April 26, 1978. In addition to the two of us, Mr. Elser and Dr. Rusynk were in attendance. The slides of the mouths of the residents from Western were shown again. It was at this meeting that Mr. Elser stated that it was his understanding that these slides demonstrate as much physical abuse as if someone were to punch the child. A decision was then made that the dental programs at one or two state centers would be examined at some time in the near future.

Subsequently, on July 17, 18, and 19, 1978, I visited Ebensburg Center and Cresson Center. My expenses were paid by a contract from the Department of Health and the three days were covered through administrative leave time from Western. The initial meeting at Ebensburg was with Mr. Elser, Mr. Robert Vogt, whose immediate superior is Mr. Ford Thompson, Deputy Secretary, Central Region, Mr. Joseph Foster, Superintendent, Cresson Center, Dr. Donald Hartley, Superintendent, Ebensburg Center, Dr. Rusynk and myself. The three day format was informally discussed with the major emphasis on scheduling and timing. On Wednesday, July 19, 1978, an exit interview was conducted at the Altoona Center with Dr. Rusynk, Dr. Hartley and Mr. Foster.

On September 15, 1978 I hand carried my two reports, one on the dental program at Cresson and one for Ebensburg, to your office. In attendance at the meeting were Mr. Elser, Mr. Vogt, Mr. Thompson, Dr. Hartley, and Dr. Rusynk. The meeting ended with the realization that there was an important issue to be dealt with and that Aldo Colautti, Secretary, Department of Public Welfare, would have to be informed. Dr. Hartley and I both left the meeting feeling assured that Mr. Colautti would be informed early the following week and quick action would follow. Much to my dismay, that was not the case.

Unfortunately, this entire scenario does not seem to be representative of a concerned agency eager to take action on a very important issue. In Mr. Elser's words, "we are a crisis oriented

bureaucracy; show us a crisis and we will have to act". The unfortunate thing is that I do not believe my reports were the first awareness you had of this crisis, nor do I believe that our November, 1977 meeting was your initiation into the world of bad institutional dentistry. According to reliable sources, you, and many others in the department, had been aware of dental problems for quite some time. My reports should have provided the catalyst for major, definitive action. As of this writing, the *planned* investigation by a team of dentists does not seem to constitute the type of action which is needed.

On September 29, 1978, I attempted to contact Dr. David Wallace, Director, Bureau of Dental Services, Department of Health. However, he was in Hershey, Pennsylvania. Dr. Rusynyk returned my call later the same day and told me that Dr. Wallace had been informally contacted on Monday, September 25, 1978, in a meeting in which you, Mr. Elser, and Dr. Rusynyk were present. The discussion dealt with investigating and substantiating my reports. Were I not the author of the reports, I would ask why, after hiring someone to do an investigation, would you have to contract another group to investigate the investigation. A further delay seems to develop when Dr. Rusynyk tells me that Dr. Wallace will need direction from Mr. Aldo Colautti, Secretary, Department of Public Welfare, and Dr. Leonard Bachman, Secretary, Department of Health.

On Tuesday, October 3, 1978, I finally got in touch with Dr. Wallace. He said, relative to the September 25 meeting, that the two Secretaries would have to get together to decide his function and authority regarding the proposed investigation. A very interesting set of circumstances came to light during this conversation. Dr. Wallace told me that approximately four years ago Dr. Bachman sent him a memo saying that he and his department would act as professional and technical consultants to the Department of Welfare Dental Programs. The major areas of concern included conducting continuing education courses, standardizing forms to assess quality, and actual patient checks. When I asked him if he had conducted any patient checks himself, he said he had not but that Ralph (Dr. Rusynyk) may have. I assume his vaguery was unintentional and that he did, indeed, know that Dr. Rusynyk had visited and investigated some mental retardation center dental programs and that, in fact, reports had been submitted.

I also called you this day, October 3, 1978, at 1:30 P.M. and left a message for you to return my call, but you did not.

On Friday, October 6, 1978, fifteen (15) days after our meeting, I called and spoke with you. You told me that you had secured Secretary Colautti's approval to set up a peer review to be conducted by the Department of Health and that you would send a memo

to Dr. Wallace *early the following week* telling him to go ahead with the investigation. It was during this call that I told you of my contacts with Ilene Shane of the University of Pittsburgh, Developmental Disabilities Law Project; Peggy Krash of the Developmental Disabilities Advocacy Network; Doug Spencer of P.A.R.C.; and Dr. Larry Coffee, Executive Director of the National Foundation of Dentistry for the Handicapped.

Immediately after our conversation, I called Dr. Wallace and told him that the memo okaying the investigation would be coming to him *early the following week (October 9)*. I asked him who was going to conduct the survey, and he said, "I hadn't given it much thought yet", (already nine days after the September 25 meeting), but he would call me as soon as he got the memo.

On Tuesday, October 10, 1978, I called Dr. Wallace again. He had not yet received the memo and had still not formulated any plans as to who would conduct the survey.

On Friday, October 13, 1978, I tried to reach Dr. Wallace again; however, he was out of the office for the day. I then called Mr. Elser, who told me he was just finishing the memo to Dr. Wallace, which was to be signed by you and Mr. Thompson, giving him the authority to initiate a peer review. This was the same memo that you told me, during our October 6 phone call, would be going out *early the following week*.

On October 19, 1978, I called Dr. Wallace to see if he had received the memo. He said he had not and that until he gets something in writing, he's sitting tight. I then called you, and you told me that the memo would be going out within the next two days.

On Friday, October 20, 1978, you called me and told me that the memo would be going to Dr. Wallace that afternoon authorizing him to put together a committee to investigate the dental programs at Cresson and Ebensburg and make specific recommendations to the Department of Public Welfare.

I guess now is as good a time as any to ask why you would impanel the Dental Division of the Department of Health to do something they were supposed to have done four years ago? If the Department of Health does find flaws in the dental programs, why would they be motivated to expose them at this point in time when they've been happening for a long time and they have not done anything about them up until now? It seems to an untrained observer that you are once again asking the cat to guard the mice.

On Tuesday, October 24, 1978, I called Dr. Wallace. He told me that he had received the memo the day before (four weeks after his meeting with you and two weeks after you told me he would be getting it). He said he would be the coordinator for the peer

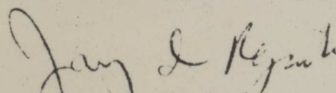
review team and he would contract the Pennsylvania Dental Association for assistance. He also told me that "by late November or the first of December, the team would be making its visits to the centers".

The long, slow process continues to drag on, but a loosely defined date of the end of November or the first of December has been declared by Dr. Wallace.

In light of this and all that has preceded, I am making the following declaration to you. If a committee of dentists, trained and qualified in the field of dentistry for the developmentally disabled, has not conducted its investigation by December 8, 1978, I will make my reports public information, which have heretofore been deemed confidential by your department. I pledge to do everything I can to see that what has to be done is done. I, also, very vehemently request that I have the opportunity to review the names and qualifications of the dentists selected to be members of the peer review. If someone is going to substantiate or refute my findings, they ought to be as qualified as I am. Merely being a dentist, even a dentist in the echelons of the Pennsylvania Dental Association, does not qualify one to make decisions regarding the types and quality or quantity of care being delivered to the residents in our centers.

I believe all of my actions up to the present and what I plan for the future are being conducted in good faith. My purpose is to help the mentally retarded institutionalized residents of our state achieve optimum oral health. For a year I have tried very patiently to work within the system. I believe I have given you sufficient time and cooperation to "clean up your own house". The time for definitive action is drawing near. The history of the situation, which can be amply documented, speaks for itself. In good conscience, I can no longer tolerate inaction and bureaucratic stalling. The deadline for the investigation will be December 8, 1978, and the reports must be available by January 5, 1979.

I remain respectfully,



Jay I. Reznik, D.M.D., M.D.S.