

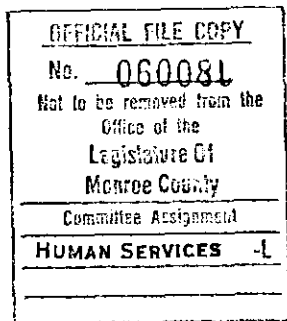


Monroe County Legislature

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March 13, 2006



To the Honorable
Monroe County Legislature
407 Monroe County Office Building
39 West Main Street
Rochester, New York 14614

Re: Directing the Human Services Committee to exercise its oversight powers as established Section 545-20 code of Monroe County, for the purpose of conducting an Independent investigation into the death of Charles Lyon, Monroe County Adult Protective Services client.

Honorable Legislators:

On February 2, 2005, the body of a 63-year-old Adult Protective Services client was found in his Rochester home, by all accounts several months after his death. Prior referrals calling for an investigation were deferred to the Administration. Although the Administration has indicated that an internal and State investigation has taken place no report has been provided to this Legislature. Despite several requests for a report, by the Democratic Members of the Human Services Committee, no report or information has been provided.

Numerous questions remain unanswered:

- What role, if any, did the Department of Health and Human Services (DHHS) have in the failure to discover Mr. Lyons,
- What role did other agencies play in the failure to discover his death
- What steps should be taken, or what processes need to be amended to insure that this does not happen again
- Did federal privacy restrictions established by the 1996 Health Insurance Portability Accountability Act play a role in the failure to discover Mr. Lyons
- Is there a need for better coordination of services to insure that the vulnerable elderly are not overlooked.

As the Administration has failed to act, or if it has acted, it has failed to share its findings with the Legislature and with the public, then it is within our mandate to conduct the investigation ourselves. As

the Body responsible for County policy and oversight of all departments, it is incumbent upon the Monroe County Legislature to ascertain all the facts of the case and all possible avenues for prevention of similar occurrences in the future. It behooves this Legislature to understand the nature of the contact and involvement that the Department of Human Services had with Mr. Lyons particularly in light of the report that has been shared on the A.J. Gibson.

We, therefore, request that this Honorable Body direct the Human Services Committee to exercise its oversight powers as established by Section 545-20 Code of Monroe County, for the purpose of conducting an independent investigation into the death of Charles Lyon, Monroe County Adult Protective Services client.

The Committee may conduct this review in the manner deemed most appropriate by the Committee chair. However, we do request and recommend a public hearing that would include, but not be limited to, testimony from the following: The Division of Adult Protective Services: the Monroe County Office for the Aging; Family Services of Rochester; the Monroe County Federation of Social workers; and the Rochester Police Department. We further request that the President, at the Committee's request, exercise its subpoena power to compel the testimony of those who have relevant information to this investigation. We further request and recommend that this hearing be held within two (2) legislative cycles. This proposal shall have no impact on the on the revenues or expenditures of the 2006 Monroe County budget.

Please forward this matter to the appropriate committee(s) for favorable action.

Respectfully submitted,

Jose Cruz
Legislator - District 29

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Democratic Leader

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Legislator - District 27

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