

New York City Panel
Minutes of the Meeting, September 7, 2006

Present: Eric Brettschneider, Mathea Rubin, Jocelyn Brown, David Lansner,

OCFS Staff: Richard Nells

SCAA Staff: Karen, Schimke, Diane Mastin

Guests: Charlene Peay, Associate, Lansner & Kubitschek

Student Interns: Jessica Aaron, Elizabeth Lossi, Susanne Budesza and William Durke

The meeting began with a discussion about the lack of a quorum for the meeting. Any decisions made at the meeting will be forwarded by email to the other panel members for their input and vote in order to gain a quorum needed to carry out the actions. Panel members reiterated that the panel's meetings are guided by Robert's Rules of Order absent by-laws for the panel.

Panel chairs gave a report on the panel members' attendance from 2005 to the present and expressed concern about the ability of the panel to reach its goals when panel members are unable to attend meetings. In addition, the panel has four openings. In summary, Brettschneider and Brown have attended 12 out of 12 meetings, Rubin and Lansner 10 out of 12, White 9 out of 12, Hutchins Plummer 6 out of 12, Metzger 5 out of 12, Papa 3 out of 12, and Magnus 1 out of 12. They asked that SCAA staff send an attendance report to the appointment offices for the Assembly, Senate and Governor on behalf of the panel after the election in November.

The panel members then discussed and made decisions regarding the process that will be used to review the three case records and their interest in treating the reviews with professionalism and objectivity and at the same time giving all panel members the opportunity to state their concerns about any particular case. The panel did not revisit the suggestion made at the May panel meeting to review a sample of case records.

The process will be a two part review. The first part will consist of two panel members conducting a review of one of the three case records. The second part of the process will be the discussion of that case record with the full panel.

Meeting attendees, particularly non-panel members in attendance, were reminded of the confidentiality requirements in the discussion as well as with the review process. At the time that a review is discussed and material learned from the records revealed, those who are not members of the panel will be asked to leave. SCAA staff will consult with Charles Carson, OCFS Asst. Deputy Counsel, as to whether or not SCAA staff can be present when case records are discussed.

David Lansner recused himself from any discussion regarding the one specific case due to his involvement with that case. He left the room during the time that the case was discussed at this meeting and will not attend any part of any meetings in the future at which the case is discussed. Individual panel members will have to make their own decision as to whether or not to recuse themselves based upon their professional ethics.

The following decisions were made regarding process.

- If a panel member has any involvement with a specific case, that panel member will not be a reviewer of that case record. That panel member will be interviewed by the reviewer to gain understanding as to his or her concerns and reasons for asking for the review.

- Reports by the reviewers to the panel should be reflective of the mission of the panel and not address areas for which there is a conflict of interest or area of potential harm to the family unless it is directly related to the mission of the panel.
- Discussion needs to take place regarding the scope and anticipated outcomes for the reviews. What does the panel want to accomplish with a review? The tool that SCAA proposed will be sent out by email to all panel members. Panel members will be asked for their suggestions for changes or additions to the form. As drafted, the form serves two purposes: 1) to guide each reviewer and 2) to guide the panel's discussion. The form will be revised from the comments and suggestions received.
- Based upon the feedback received, further guidance will be provided to panel members as to the purpose and scope of the reviews before the reviews are conducted.
- Reviews should be consistent across the three cases, using the same tool and uniformly applying it. At the September 28th meeting, panel members will receive training in using the form before doing the records reviews.
- Assignments for the three cases (in alphabetical order by case name) were suggested and include:
 - a. Lansner and White
 - b. Rubin and Brown
 - c. Metzger and Hutchins Plummer
 Those suggested who were absent will be contacted for their willingness to review the case record.
- Panel asked that SCAA draft a letter to be sent to OCFS asking for child fatality reports for any deaths that occurred from January 1st, 2006 to date in the New York City area. It is important to note that a report on a child's death can take six months to prepare.
- The records reviews should be completed by the panel's next meeting after Sept. 28th. That meeting will be devoted to a discussion of the reviews. See below for suggested date.

OCFS provided the SCR records on all three cases. Brettschneider will hold those records and those received from ACS until the review teams have been trained on the review instrument. At that time he will turn them over to the appropriate team.

These minutes will be circulated as soon as possible and panel members asked to respond by Monday or Tuesday. Once the decisions made are finalized, another communication will be sent on behalf of the panel to ACS.

Panel members decided to cancel the October 19th meeting date and suggest a new date and time of November 7th from 2 to 5 for the meeting to be rescheduled. At this meeting, the panel will discuss the reviews and make recommendations for their annual report.