



Justice Center for the Protection of People with Special Needs

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Former DeWitt Group Home Nurse Sentenced after Resident in Her Care Dies

NYS Justice Center for the Protection of People with Special Needs Launches Abuse Prevention Initiative

Syracuse, NY—NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced that a former DeWitt group home nurse accused of sleeping on the job, was sentenced today on her guilty plea in connection with an incident in which a medically frail individual in her care later died.

Tanya Lemon (DOB: 01/31/79), of Syracuse was sentenced to 90 days in jail and 5 years probation. She agreed to resign her state position and be barred for life from working with vulnerable persons in New York State. Lemon had been employed as an overnight-shift nurse at a state-operated group home for individuals with developmental disabilities. She pled guilty in October 2014 to:

- 1 count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the First Degree, a class "E" Felony.

The conviction stems from the defendant's failure to check on the service recipient every two hours as she was required to do. As a result, the victim went more than eight hours without receiving supplemental oxygen from an oxygen mask. He died 14 days later after being diagnosed with a brain injury that resulted from prolonged oxygen deprivation. The arrest was the result of a joint investigation conducted by the Justice Center and the Town of DeWitt Police Department. The case was prosecuted by Justice Center Deputy Special Prosecutor Jacqueline Kagan.

"This case serves a tragic reminder of the serious risk posed by an all too common workforce problem of caregiver fatigue or workers sleeping on shifts," said Gunning. "The Justice Center fully investigates incidents that result in harm to service recipients and holds individuals responsible for such misconduct. We also identify the systemic failures that may contribute to such incidents to empower actions to prevent abuse and neglect."

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A new resource developed by the Justice Center, which highlights common sense practices that can easily be employed to help keep people receiving services safe, has been launched. This first in a series of *Spotlight on Prevention* toolkits is focused on the dangers of caregiver fatigue. For more information on the toolkit and the Justice Center's prevention initiatives, please visit the Justice Center's website at:

<http://www.justicecenter.ny.gov/spotlight-prevention/home>

The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center's investigation team or, when appropriate, to a local law enforcement agency for follow-up.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the "Staff Exclusion List" or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

The group home where the incident occurred is operated by the Office for People With Developmental Disabilities (OPWDD). OPWDD is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office of Children and Family Services (OCFS), the Department of Health (DOH), the Office of Mental Health, (OMH), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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Editor's note: In compliance with Disciplinary Rule 7-107A of the Code of Professional Responsibility, you are advised that a charge is an accusation and that a defendant is presumed innocent until and unless proven guilty.