



News Release

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Contact: Diane Ward, Office of Communications
(518) 549-0200
diane.ward@justicecenter.ny.gov

Nurse Charged after Person with Developmental Disabilities in Her Care Later Dies

NYS Justice Center for the Protection of People with Special Needs to Prosecute Case

Dewitt, NY-- NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced today that Tanya Lemon (DOB: 1/31/79), a licensed practical nurse employed by Central New York DDSO has been charged with endangering a person with developmental disabilities in her care who subsequently died. The arrest was the result of a joint investigation conducted by the Justice Center and the Town of Dewitt Police Department. The facility where the crime is alleged to have occurred is operated by the NYS Office for People With Developmental Disabilities (OPWDD).

The incident was reported to the Justice Center as an administrative death and became a criminal investigation because the Vulnerable Persons Central Register (VPCR) hotline received a call that a staff member, entrusted with the deceased recipient's care, had allegedly been sleeping on the job.

Lemon, who resides in Syracuse, was arrested on a Felony Complaint charging her with:

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

According to the complaint, the defendant was responsible for checking on the victim, who wore an oxygen mask every two hours. It is alleged that the victim, who was described as medically frail had failed to receive supplemental oxygen over an eight hour period. When the defendant finally checked on the victim, he was found to be unresponsive, with dangerously low oxygen levels. 9-1-1 was called and the victim was taken to the hospital where he was diagnosed with hypoxic brain injury due to the prolonged deprivation of oxygen. He died 14 days later.

"The families of medically fragile individuals need to feel confident that when their loved ones are placed in facilities, the individuals responsible for caring for them will be held accountable for crimes both of commission and omission. A failure to perform duties by a caretaker that rise to the level of criminal conduct, such as what happened in this case, will be prosecuted," said Special Prosecutor Gunning. "We commend the work of the Dewitt Police Department who, along with the Justice Center, investigated and gathered the evidence in this case that led to this arrest."

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Lemon was arraigned on the charges in Town of Dewitt Court. Bail was set at \$15,000. She had been placed on paid administrative leave and is due back in court on March 25, 2014. The case is being prosecuted by Justice Center Deputy Special Prosecutor Jacqueline Kagan and Assistant Special Prosecutor Andrew Botts.

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 Office for People With Developmental Disabilities 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.



Tanya Lemon