

The HIGHLANDS Current



Dreams
Come True
for Elijah
Hughes
Page 24

NOVEMBER 20, 2020

Celebrating 10 Years!

Support us at highlandscurrent.org/join

By Leonard Sparks

SPECIAL REPORT

Placed in Harm's Way

Disproved suspicions land Philipstown girl in troubled facility

The girl, then 12 years old, was supposed to be safe.

Taken from her mother three months earlier by the Putnam County Department of Social Services, she sat in an exam room at the Cumberland Hospital for Children and Adolescents near Richmond, Virginia — a seven-hour drive from her home in Philipstown.

Every child admitted to the facility underwent what was supposed to be a standard initial exam by its medical director, Daniel Davidow. He counted the Philipstown girl's piercings and examined her

body for cuts and scratches, she said. The doctor was "way too handsy," recalled the girl, who is now 16, but the idea that his touches might have been sexual did not register until she began talking with other girls at the hospital.

"They told me the things that the doctor

did to them, and I remember being like, 'Oh, he did that to you, too,'" she recalled. "Then it clicked."

Four years later, those conversations between girls in 2016 have grown into an ongoing criminal investigation and a \$127 million class-action lawsuit filed Oct. 20 on

behalf of the Philipstown girl and 19 other former Cumberland patients who allege they suffered sexual and physical abuse at the hands of Davidow, staff members and other patients during their stays.

They have also fueled a mother's outrage.

Everything was triggered by a call from Morgan Stanley Children's Hospital in Manhattan, where the woman took her daughter for treatment in February 2016. Instead, the mother found herself investigated for neglect and suspected of a controversial disorder known as Munchausen syndrome by proxy, in which a mentally ill caregiver causes illness or injury or invents

(Continued on Page 6)



DEMOCRACY IN ACTION — Susan Prazenka, an official with the Putnam Board of Elections, processes an absentee ballot on Wednesday (Nov. 18) in Carmel. Putnam has completed its tally of more than 11,000 mail-in votes. See Page 5.

Photo by Ross Corsair

Garrison Goes All-Virtual

Schools anticipate virus restrictions

By Chip Rowe

The Garrison School switched to an all-virtual model on Wednesday (Nov. 18) in anticipation of the state ending in-person learning at schools in Putnam County because of rising COVID-19 infection rates. Haldane also said it was preparing to go all-virtual, if necessary.

Garrison Superintendent Carl Albano said on Saturday (Nov. 14) that he was anticipating the county would enter the state-designated "yellow precautionary zone" because its 7-day rolling average positivity rate was on track to exceed 3.5 percent for 10 consecutive days and its new daily cases to exceed 15 or more on a 7-day average as of Thursday (Nov. 19).

Students have been attending Garrison, which has kindergarten through eighth grade, in-person, except for those whose parents or guardians opted to have them learn remotely.

"I am providing this advance notice so our students, families and teachers will have the opportunity to plan accordingly," he told parents. "Tuesday will mark our 49th day of in-person school this year," which he called a "remarkable accomplishment."

To stay open, schools in yellow zones must test at least 20 percent of students and staff each week. Albano said the Garrison district does not have the capability to do that immediately, but that it may not matter because the county is also on track to enter the orange precaution-

(Continued on Page 10)

Can the Hemp Business Survive?

Retailers say ban on bud may kill industry

By Leonard Sparks

Soaps, deodorant, beard oil, pain relievers, lotion, hand sanitizer and an anti-anxiety tincture for pets.

The array of products Grant McCabe

creates using oil extracted from hemp he grows on a Marlboro farm to sell in his Beacon shop, The Leaf, could soon have an imprimatur: New York-certified.

Last month, the state Department of Health unveiled proposed regulations governing how the plant is processed to extract cannabidiol oil (CBD) and other cannabinoid substances from its leaves

and flowers. The proposals would set standards for products sold by retailers, including food and drinks.

But the regulations also would ban the sale of the smokable flower, or bud, of the plant, which retailers say is where they make most of their profits.

Although it's part of the cannabis family, hemp is low in THC, the psychoactive ingredient in marijuana that produces its high. Demand has soared for products contain-

(Continued on Page 21)

Special Report *(from Page 1)*

medical problems for someone under his or her care.

Soon after, Putnam County took her daughter.

A frantic search for answers

How did a child from Philipstown end up being treated — and allegedly abused — at a facility in Virginia?

As a 3-year-old, the girl had been diagnosed with Type 1 diabetes. Her body was failing to produce enough natural sugar-absorbing insulin. To counter that, she would need to inject insulin for the remainder of her life to keep her blood sugar level stable.

In January 2016, the girl began experiencing episodes of hypoglycemia, or low sugar levels, and seizures. The lows “were not the typical situation where you give a [diabetic] kid a juice box and 10 or 15 minutes later they start to come back up,” the mother recalled. Instead, her daughter “was continuing to crash out.”

On Feb. 15, 2016, the mother took her daughter to Westchester Medical Center, where she was found to have diabetic ketoacidosis, a life-threatening condition. The woman said she told the doctors that, during the preceding weeks, the girl had experienced “unexplained and serious episodes of hypoglycemia.”

“Then you have one doctor who met us for five minutes and who was like, shut it down, and made this call.

Much of that February was spent in hospitals or talking with and emailing doctors in an effort to figure out what was happening, the woman said. Someone suggested Morgan Stanley Children’s Hospital, and so, on the evening of Feb. 29, she drove her daughter to the emergency room. They brought along insulin pens, a glucose meter and orange juice, which she used to raise the girl’s blood sugar when it was low, according to the mother.

After an hours-long wait in the emergency room, tests determined that the girl had an unexplained surplus of insulin in her system and she was admitted to the hospital, her mother said. The next morning, endocrinologists saw her for the first time. Right away, the mother said, they confiscated the insulin she brought. Days of medical and psychiatric tests followed and she realized “they thought it was me” giving her daughter too much insulin, the mother said.

“Everyone was telling me, ‘That’s [Morgan Stanley] where she needs to be; that’s where the best care is,’” the woman recalled. “Then you have one doctor who met us for five minutes and who was like, shut it down, and made this call.”

The call was to the state’s child-abuse hotline.

Reporting abuse

A single-page summary, dated March



The Cumberland Hospital for Children and Adolescents is located near Richmond, Virginia.

3, 2016, of the report made to the State-wide Central Register of Child Abuse and Maltreatment (SCR), a hotline maintained by the Office of Children and Family Services, does not identify the person who called. But the number belongs to Morgan Stanley Children’s Hospital, part of the NewYork-Presbyterian system. (A representative for NewYork-Presbyterian did not respond to multiple requests for comment.)

According to the summary, the caller reported that the mother was “administering insulin when it is not needed” and the daughter “is having seizures because of it. The child is being placed at imminent risk by the mother’s actions.”

As in other states, New York designates doctors, nurses, therapists, teachers, police officers, dental hygienists, camp directors and other professionals who come in contact with children as “mandated reporters” who can be charged with a misdemeanor or be held liable for civil damages if they have “reasonable cause” to suspect physical or sexual abuse and don’t report it to the SCR, which was created in 1964.

The state explains in its materials for mandated reporters that “your suspicion can be as simple as distrusting an explanation for an injury.”

If the mandated reporters err on the side of caution and report suspicions that don’t turn out to be valid, the law provides them with immunity from civil and criminal liability, except in cases involving “willful misconduct or gross negligence.” The law also guarantees confidentiality to mandated reporters.

It is a system that encourages “over-reporting,” primarily against single, low-income mothers with few resources to fight back, said Christine Gottlieb, an adjunct professor at the New York University School of Law who directs its Family Defense Clinic.

Because of the minimal standard of proof, as many as 47,000 people are added to the SCR database in New York each year, she said. About 85 percent are allegations of neglect, rather than abuse.

For that reason, Gottlieb, said, “when a parent brings their child to the hospital, we shouldn’t be starting from, ‘Oh, they probably did something wrong.’”

There have been well-documented cases where parents have been found guilty of

intentionally harming their children to gain sympathy for themselves as caregivers. In Westchester County, a woman named Lacy Spears is serving a sentence of 20-years-to-life after being convicted in 2015 of killing her 5-year-old son by slowly poisoning him with salt; prosecutors said she craved attention from friends and doctors.

But there are also cases where caregivers, often single mothers, have been unfairly accused. In Los Angeles, a mother was awarded \$6 million in damages after she lost custody of her son when social workers accused her of intentionally starving him.

Some allegations of medical child abuse have led to “horrible miscarriages of justice” against parents who are merely in distress over their child’s health problems, said Eric Mart, a forensic psychologist and the author of *Munchausen’s Syndrome by Proxy Reconsidered*.

“Sometimes they’re just overwrought,” he said. “They think that there’s a problem, they’re misguided or they’ve been to some of the doctors who have more out-of-the-mainstream views of things, and they show up in the emergency room and somebody says: ‘Look, this is crap; this is medical child abuse.’”

“When a parent brings their child to the hospital, we shouldn’t be starting from, ‘Oh, they probably did something wrong.’”

He added, “just because you’re demanding or obnoxious or anxious, or don’t agree with everything doctors say, doesn’t make you abusive.”

Ten years ago, Michele Titus, then a Democratic member of the state Assembly and now a New York City Civil Court judge, introduced legislation requiring a Family Court hearing before a child could be taken from parents because of a Munchausen-syndrome-by-proxy allegation.

“Mothers who present the problem of their children in ways perceived as unusual or problematic have become entangled in legal battles that should have been resolved

clinically,” Titus wrote in the legislative memo. The bill would have allowed parents and guardians to speak at the hearing and bring in specialists and other witnesses to testify.

Last introduced in February 2019, Titus’ bill has never left committee.

‘I can’t imagine something worse’

A day after the hospital reported that it suspected abuse, a state child protective services worker interviewed the Philipstown girl at the hospital. During the interview, according to a Putnam County Department of Social Services (DSS) document provided by the mother, the girl was told her mother was suspected of “injecting her with insulin and making her sick.”

The girl “stated that is not true,” according to the document, and said that her mother was only concerned about the erratic blood sugar levels.

The mother said she stayed in her daughter’s hospital room each night but was not allowed to be alone with her. A guard sat by the door and a member of the hospital’s staff occupied a chair beside her daughter’s bed, she said.

Reports to the state child-abuse hotline are forwarded to county child protective services. In this case, the report was sent to the Putnam County DSS to investigate.

(Citing “strict confidentiality laws concerning child-welfare cases,” Faye Thorpe, the lawyer for the agency, said it could not comment.)

The magnitude of the doctor’s suspicions was realized when the Philipstown mother was told to come alone to Carmel for a meeting at the Putnam County DSS. As she drove in a rainstorm from the hospital in Manhattan, she recalled thinking it “was over” and she would only need to sign some documents.

She was asked to sign a document: a form consenting to the temporary removal of the child from her home. When she refused, Putnam filed a petition in Family Court to take her daughter.

“Being a mother defines who I am,” the woman said. “So, having the state say to me that they were taking custody of my child and that there was a restraining order — that they didn’t feel she was safe with me — I can’t imagine something worse.”

(Continued on Page 7)



Dr. Daniel Davidow, the former medical director of the Cumberland Hospital for Children and Adolescents

(Continued from Page 6)

Fighting back

While she fought to regain custody of her daughter, friends helped care for her other children and the family dogs. (The woman was not accused of abusing her other children.) A friend covered for her at work. Friends, neighbors and colleagues drafted letters of support. They described a mother with “bright, well-mannered, good-natured happy children” who organized birthday parties, donated clothes to people in need and once suggested her son give banana bread to “people he wanted to thank for being kind to him.”

“Someone chose the wrong person to accuse of wrongdoing,” one friend observed. Another wrote of her own problems getting a diabetic teenager to comply with her insulin regimen, calling it “a common issue among the teenagers and I don’t think the parents should be punished for this.”

Today, the woman says “the good of Philipstown saved us. I feel so bad for somebody who didn’t have what I had.”

The woman, who said she spent at least \$20,000 on legal fees, was still under a restraining order when her daughter was released from Morgan Stanley on March 24, 2016. The county recommended she be sent to a group home in Poughkeepsie, but after the mother protested, Judge James Rooney of Putnam County Family Court agreed to grant temporary custody to the woman’s landlord and his wife, who live in Philipstown.

Two days later, on March 26, the girl had an episode of hypoglycemia overnight, and the landlord and wife took her to the emergency room at NewYork-Presbyterian Hudson Valley Hospital in Cortlandt Manor. According to the mother, the girl was released after a few hours.

Ten days later, the landlord and his wife discovered a clogged toilet had been caused by a discarded insulin pen. It was the first evidence that the girl was misusing her

medication.

According to the Centers for Disease Control and Prevention, many adolescents and adults with diabetes experience “burn-out,” growing weary of the regimented routine of managing insulin and diet, and begin skipping insulin doses, blood-sugar tests and medical appointments, or mismanaging their condition in other ways.

Moira McCarthy, a medical journalist and the author of *Raising Teens with Diabetes: A Parent Survival Guide*, whose own daughter was diagnosed at age 6, told Healthline.com that her daughter “struggled on and off for a number of years” with regulating her insulin and ended up with diabetic ketoacidosis at 13.

“It’s kind of like the Scarlet Letter of diabetes,” McCarthy said. “There was all this shame around these struggles, when in reality all of these teenage hormones along with a diabetes burden is like a melting pot for trouble.”

““ The good of Philipstown saved us. I feel so bad for somebody who didn’t have what I had.”

In an interview, the Philipstown girl described this as a tumultuous period in which she was having difficulty making friends and faced bullying and teasing.

“It started with me trying to get out of class; the nurse’s office was my safe place,” she said. “After that it just kind of exploded in my face.”

Despite the discovery of the flushed insulin pen, Putnam County refused to support returning custody to the mother. It claimed it had substantiated three other allegations of neglect against her: “inadequate guardianship,” “lack of medical care” and “inadequate supervision.”

Each allegation, the Philipstown mother

said, related to an incident when she was at work and her daughter, left alone but under the eye of a neighbor, had a seizure.

“I had to go to work; I had to support my family,” the mother said.

The girl was sent back to a hospital, this time to the Maria Fareri Children’s Hospital at Westchester Medical Center, where she underwent a weeks-long evaluation. A psychiatrist who met with her wrote in a report that he felt “very strongly that she does not need hospitalization in an acute inpatient psychiatric unit” and that “exposure to that setting would likely result in her getting worse.”

He presented two options: The girl could receive outpatient treatment, or she could be sent to an in-patient residential program. One of the two facilities he recommended was Cumberland Hospital for Children and Adolescents in Virginia, which specializes in treating children with multiple medical issues.

The mother said that the Putnam County DSS, convinced that it was still unsafe to send the girl home, told her that no local facilities were equipped to manage her diabetes.

The mother said she did some research and found reports from the Virginia Department of Health that noted issues at Cumberland such as understaffing, mismanagement of medications, torn mattresses and access to potential weapons like wire hangers.

On April 16, 2019, Rooney signed an order to send the girl to Cumberland. A lawyer the mother hired said the order could be appealed but that he wouldn’t recommend it. Her daughter was driven by ambulance to Cumberland on May 2, 2016. The woman followed in her car.

“I knew that this place was no good,” she said, and her daughter described the long drive to Cumberland as “probably the worst day out of everything that had happened.” Her three-month stay at Cumberland would begin with Davidow’s examination.

How We Reported This Story

The Current was approached by a Philipstown resident in 2018 about her interactions with the Putnam County Department of Social Services and Cumberland Hospital, but she was not comfortable sharing details. She contacted the paper again earlier this year, noting that a class-action lawsuit was about to be filed and that she and her daughter would be willing to speak on the record and provide documentation.

We are not printing the woman’s name because it would identify her daughter, who is still a minor and the alleged victim of sexual abuse.

Senior Editor Leonard Sparks interviewed the woman and her daughter at length. He also attempted to contact the agencies and medical professionals involved for clarification and their responses to the allegations. Thank you to WTVR, the CBS affiliate in Richmond, Virginia, for its reporting on the allegations against Cumberland Hospital.

Chip Rowe, Editor

An abuse scandal

By the fall of 2019, former patients at Cumberland and the parents of patients had grown so concerned about allegations of abuse that they formed a private Facebook group to share their stories.

It was after joining the group that the Philipstown mom learned that journalists at WTVR, the CBS affiliate in Richmond, were reporting that the Virginia State Police had been investigating the hospital since 2017.

Asked by *The Current* about her own experiences at Cumberland, the Philipstown girl said that, in addition to Davidow’s “handsy” exam, she was bullied by older female patients and ogled by older boys. Her mother said she, too, observed some of these behaviors during a week-long visit to see her daughter at Cumberland.

The mother’s notes, shared with *The Current*, described fights, staff members chasing runaway patients and a girl who cut herself with a razor. Her daughter, she said, “called crying every day to get her home” during her stay. She also told her mother about the uncomfortable exam.

“She told me it happened to her and she told me that other girls were talking about it, as well,” the woman said. “It was like a well-known thing among the girls.”

In February of this year, the Virginia attorney general announced that Herschel “Mickey” Harden, 72, a former therapist at the hospital, had been charged with two felony counts of “object sexual penetration” of a former patient. (His trial is scheduled to begin Feb. 10.) That same month,

(Continued on Page 8)

Changes Coming

Things will soon change in New York for parents accused of neglect, such as the Philipstown mother, whose names are placed on the Statewide Central Register of Child Abuse and Maltreatment, said Christine Gottlieb, director of the Family Defense Clinic at the New York University School of Law.

Under a state law that goes into effect on Jan. 1, 2022, the standard of evidence required to add a person's name to the registry for abuse or neglect will change from "some credible evidence" to "a fair preponderance of evidence." A search of the register is required for many jobs and professional licenses.

In addition, if a Family Court dismisses the charges, a parent will no longer need to take separate legal action to have the record sealed, as the Philipstown mother had to do. Finally, for those accused of neglect, records will be sealed after eight years for most jobs and 12 years for all jobs; under the old law, that only happened when the youngest child named in the report turned 28.

Special Report *(from Page 7)*

WTVR broadcast a story about a Florida teenager who alleged that Davidow had abused her at Cumberland.

Soon after the report aired, Davidow took a leave of absence, according to WTVR, and had his license revoked. In April, the hospital hired a new medical director.



Mickey Harden

The class-action lawsuit filed in state court in Virginia on Oct. 20 by a personal-injury firm based in Virginia Beach names Davidow and Harden, Cumberland and Universal Health Services, which owns the hospital. The alleged victims — all identified only by their initials — were as young as 9 at the time of their stays.

During Davidow's exams for girls, according to the lawsuit, he "fraudulently stated he needed to check the minor patient's femoral [inner-thigh] pulse" and "would then place his hand beneath the minor patient's undergarments." Some of the plaintiffs, including one confined to a wheelchair, accuse Davidow of abusing them in other parts of the facility, including in their rooms.

Along with the abuse allegations, Cumberland is accused of fraudulently keeping patients longer than necessary to increase revenues, ignoring reports about

abuse and giving "misleading information" to parents in order to maintain custody.

In a statement on Wednesday (Nov. 18), Michael Goodman, Davidow's attorney, said the allegations "attribute illicit behaviors to him by nameless parties" who have "chosen to disparage Dr. Davidow with unfounded claims and to lay ruin to the career of a caring and compassionate clinician."

"Dr. Davidow absolutely denies all allegations that he ever sexually assaulted or abused any patient at Cumberland," Goodman said. "We are confident that when these matters are tried in court, the evidence will clearly prove that these allegations are completely without merit."

Garrett Hamilton, Cumberland's chief executive officer, did not respond to a request for comment, nor did a spokesperson for Universal Health Services.

According to a New Kent County Sheriff's Office report obtained by WTVR, during an interview in 2017, Davidow said that he examined patients to check on their pubertal development, including feeling for pubic hair. A child protective services investigator determined the allegations were unfounded, according to the report.

WTVR also reported on the class-action lawsuit, and the Philipstown mother said that, while watching the segment online, she was struck when the reporter noted that, of the plaintiffs alleging abuse, the youngest were 12 years old at the time.

"I'm like, 'That's my daughter,'" the woman said. "Hearing the newsperson say it, that was the punch in the gut."

'There's no apology'

In June 2016, the Putnam County DSS said it would ask a judge to restore custody only if the Philipstown mother underwent a psychiatric evaluation. During her first appointment, the woman said she had to complete a "600-question true-and-false" exam. The second appointment ended up being a four-hour conversation with the psychiatrist, she said.

"He was the first and only person involved in the case to hear my side of the story," she said.

On July 15, after receiving the psychiatrist's report, Judge Rooney ordered the girl, who was still at Cumberland, returned to

“He was the first and only person involved in the case to hear my side of the story.

her mother. Fourteen days later, when her daughter was released from the hospital, the woman drove to Virginia to retrieve her.

In his order, Judge Rooney noted that the mother could challenge Putnam County's finding that there was "credible evidence" of neglect and have the record sealed. If she didn't, employers and licensing agencies searching child-abuse hotline records would see she had been reported for neglect.

On July 28, 2016, the state Office of Children and Family Services denied the Philipstown woman's request to have her record sealed. "There is no convincing evidence in the record to demonstrate that you would not behave as you did in the past in similar circumstances in the future," it said in a letter.

Many parents are not aware they can request a hearing to appeal such decisions, said Gottlieb. "If they request them, they have a good chance of winning," she said.

In this case, that is what happened. Although Putnam County DSS opposed her appeal, an administrative law judge ruled that the state agency had "failed to establish by a fair preponderance of the evidence" — the standard used at the administrative review level — "that the subject committed the maltreatment giving rise to the report." It would be sealed.

While relieved, the woman said, "there was no, 'We're sorry we took away a year of your life.' There was nothing."

Three years after the ordeal, the Philipstown mom says her daughter has matured into a "fabulous human," although she feels they were both scarred by the experience with Putnam County and Cumberland.

"With time and perspective, she can understand how little she was and what happened to her," the woman said. "She's always going to be on-guard — and me, too."

The Hudson Highlands are More Popular Than Ever: Learn How HHLT is Responding and How You Can Help

DEMAND FOR HOUSING • INCREASED VISITATION
EXPANDING PARKLAND • INCLUSION

Join us for two FREE webinars to catch up with HHLT on these topics.

Tuesday, November 24th, at 1pm
Wednesday, December 2nd, at 7pm

Visit hhlt.org or contact ashley.rauch@hhlt.org for more info and to register.

Help Us Help You!

We'd like to learn more about our readers and what you like to read.

TAKE OUR ONLINE SURVEY

and you'll have a chance to win free mail delivery for a year.

Visit highlandscurrent.org/survey