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Change in Operators Ordered For Troubled Mental Facility

By CLIFFORD J. LEVY

The operator of a troubled residence for the mentally ill in Queens was forced to step down yesterday by state health officials, and a nearby hospital is to run the facility temporarily.

The residence, Leben Home for Adults, in Elmhurst, houses about 350 people with mental illness. For years, under a series of operators, it has been plagued by deficient care and unsafe conditions.

The State Health Department had not cracked down on the home's current operator, Jacob Rubin, until March, when it came to light that in 1998, 24 residents underwent often unnecessary prostate surgeries in what investigators called "assembly line" medical procedures.

The department then said that it would seek to revoke Mr. Rubin's license to operate Leben. Under the agreement announced yesterday, Mr. Rubin resigned and has 60 days to find another operator to replace him. Mr. Rubin's choice must be approved by the state. In the interim, the home will be run by MediSys Health Network, a nonprofit corporation that operates Jamaica Hospital

Medical Center.

The state health commissioner, Dr. Antonia C. Novello, said in a statement that the department's action underscored its commitment to safeguard residents of homes for the mentally ill.

Mr. Rubin's lawyer, Jerome Levy, said his client decided that it would have been too costly to continue fighting the Health Department. "He cares a great deal about the residents, and hopes that this arrangement will enable them to be in good hands," Mr. Levy said.

Mr. Rubin is also facing inquiries by the state attorney general and the United States attorney in Manhattan over the prostate surgeries. His lawyers have asserted that he played no role in the surgeries. The state has already punished two doctors who performed the procedures.

Mr. Rubin's resignation ends a lengthy campaign by lawyers and advocacy groups to pressure the state to take action against him. Among those who highlighted conditions at Leben were two lawyers, Jeanette Zelhof and Julia Price Rosner of MFY Legal Services, and George Gitlitz of the Coalition of Institutionalized Aged and Disabled.