NEW YORK STATE OF OPPORTUNITY. | Office for People With Developmental Disabilities

KATHY HOCHUL
Governor

KERRI E. NEIFELD
Commissioner

WILLOW BAER
Executive Deputy Commissioner

December 4, 2023

VIA USPS CERTIFIED MAIL & EMAIL

Kenneth Oni-Eseleh, Executive Director
Keli House Community Services, Inc.
184 Route 216
Stormville, NY 12582

Philip Akpan, President, Board of Directors
[redacted]

Re: Agency Placement on Early Alert

Dear Mr. Oni-Eseleh and Mr. Akpan:

The purpose of this letter is to formally notify you that Keli House Community Services, Inc. was placed on Early Alert effective November 17, 2023, due to programmatic concerns identified by the Division of Quality Improvement's Bureau of Program Certification and concerns regarding the agency's financial condition. To ensure that individuals with developmental disabilities in New York State receive appropriate services and protections, the Office for People with Developmental Disabilities (OPWDD) has established an internal Early Alert Committee. The purpose of the Early Alert process is to monitor the performance of a provider that has not achieved and maintained compliance with applicable laws and regulations and/or has significant fiscal issues that may affect the health and safety of individuals receiving services.

OPWDD has placed your agency on Early Alert due to serious and systemic deficiencies found during an Agency Review completed on August 22, 2023. The agency was issued a 45-Day Statement of Deficiency (SOD) for failure to meet regulatory requirements in areas including, but not limited to:

- Rights Protections
- Incident Management
- Hiring Practices, including the completion of required background checks
- Staff Training, Management and Development
- Safety and Maintenance
- Behavioral Intervention

During the August 2023 Agency Review, Immediate Jeopardy was declared due to the agency's failure to complete employee background checks in accordance with New York Codes, Rules, and Regulations (NYCRR), Part 633.22

(d) (2). The agency provided an Immediate Plan of Corrective Action (POCA) on 8/17/2023 and submitted an additional amendment to the POCA on 9/15/2023. In the Immediate POCA, the agency states, “Staff in the certified setting will not be allowed to work until the Criminal Background Check (CBC), Mental Hygiene Law (MHL), Statewide Exclusion List (SEL) and SCR (Statewide Central Registry) checks are completed, and results are obtained.”

During BPC’s 45-day validation visit on 10/4/2023, it was determined that the agency failed to implement the immediate corrective actions stated in the 8/17/2023 POCA. BPC issued a second Immediate Jeopardy deficiency due to the agency’s failure to ensure employee background checks were completed as required. BPC found that two employees did not have CBC checks completed and a third employee’s SCR results had not been received and was working with individuals in the day program.

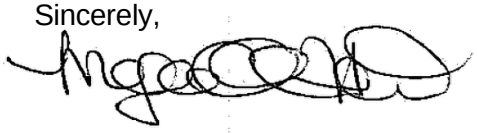
Early Alert placement is also due to the following fiscal concerns identified by OPWDD's Division of Fiscal Reporting and the Office of Audit Services:

- Latest internal financial statements for period ending 9/30/23 indicated the agency had a negative cash balance, negative working capital, and a significant net loss from operations.
- The agency has an outstanding balance from a 50% Medicaid penalty imposed due to the untimely submission of the 2021 Consolidated Fiscal Report.
- The agency has funded short-term obligations with debt (loan from Executive Director).
- The agency may have a potential issue refinancing a balloon payment on a mortgage originating in March 2024, given the operating performance.

While on Early Alert, OPWDD will monitor the Agency’s progress in remediating areas on non-compliance and the agency’s financial condition and will determine when the agency has demonstrated that compliance has been systemically achieved and has effective systems in place to maintain on-going compliance. While in Early Alert status, OPWDD will not consider any Agency requests for expansion of services and suspend any expansion that is in process.

Representatives from OPWDD will meet with Agency leadership and the Board of Directors to further discuss concerns, the Early Alert process and OPWDD’s expectations. This meeting will be scheduled at a time that is convenient for the agency and the Board. If you have any questions prior to the meeting, please contact Joanne Howard, Director of Fiscal Reporting at: joanne.howard@opwdd.ny.gov and 518-402-4330 or Brian O’Donnell, Statewide Director, Bureau of Program Certification at: brian.odonnell@opwdd.ny.gov and (646)766-3467 or Robert Borchers, Deputy Director, Office of Audit Services at: robert.borchers@opwdd.ny.gov and (518) 402-4259.

Sincerely,



Megan O’Connor-Hebert
Deputy Commissioner
Division of Quality Improvement

cc:

Board of Directors
Kerri Neifeld, Commissioner
Willow Baer, Executive Deputy Commissioner
Brian O'Donnell, Statewide Director, Bureau of Program Certification
Maryellen Moeser, Deputy Director, Division of Quality Improvement
Mary Jane Vogel, Deputy Director, Division of Quality Improvement
Meg Adams, Director, Incident Management Unit
Richard Cicero, Director. Office of Internal Controls
Abiba Kindo, Deputy Commissioner, Service Access, Program Implementation & Stakeholder Support
Ann Marie Peterson, Associate Commissioner, Service Access, Program Implementation & Stakeholder Support
Eileen Haynes, Acting General Counsel. Counsel's Office
Joanne Howard, Director, Fiscal Reporting and Data Analysis
Earl Jefferson, Director, Central Operations
Joan Volpe, Regional Director, Region 3
Wendy Colonno, Deputy Director Taconic Regional Office, Division of Service Access, Program Implementation and Stakeholder Support
Josh Olsen, Deputy Counsel, Counsel's Office
Angela Hernandez, Senior Attorney, Counsel's Office
Ellie Smith, Director, Statewide Director, Continuous Quality Improvement and Quality Strategies
Michele Schwartz, Area Director, Continuous Quality Improvement