October 30, 2025

VIA USPS CERTIFIED MAIL & EMAIL

Maria Cappoletti, Executive Director
Kelberman Center, Inc.
2513 Sunset Avenue
Utica, New York 13502

Dr. Michael Kelberman, President, Board of Directors
[redacted]

Re: Agency Placement on Early Alert

Dear Ms. Cappoletti and Dr. Kelberman:

The purpose of this letter is to formally notify you that Kelberman Center, Inc. was placed on Early Alert effective October 17, 2025, due to systemic regulatory compliance concerns identified by the Bureau of Program Certification (BPC).

To ensure that individuals with developmental disabilities in New York State receive appropriate services and protections, the Office for People With Developmental Disabilities (OPWDD) established the Early Alert Committee. The purpose of the Early Alert process is to monitor the performance of providers that have not maintained compliance with applicable laws and regulations that may affect the health and safety of individuals receiving services.

OPWDD has placed your agency on Early Alert status due to the following concerns identified by BPC:

From November 21, 2023 – October 24, 2025, BPC conducted 28 surveys. During this period, five 45-day letters and twelve Statements of Deficiencies (SODs) have been issued to the agency. Four of the surveys occurred due to BPC receiving complaints, and the survey results identified the validity of the complaints.

Based on the deficient practices identified in the (17) Statements of Deficiencies (SODs) issued by BPC during this time period, the SODs included repeat deficiencies, and it was determined that the agency has failed to implement and monitor corrective actions to remediate the identified concerns. The SODs contained repeated deficiencies in the following areas: the implementation of safeguards, the provision of health services, the provision of nursing oversight, and this failure has put individuals' health and safety at risk.

Following the issuance of the above SODs, OPWDD representatives provided support and technical assistance, meeting with the agency's Chief Executive Officer in September 2024 and again in March of 2025. A Management Plan (MP) was required and developed by the agency. BPC has monitored the agency's implementation of the MP and determined that it has not been effective in remediating the systemic regulatory

non-compliance, as demonstrated by the repeat deficiencies identified during on-going surveys. In addition, another OPWDD provider agency was supporting the Kelberman Center to address the concerns identified in the agency's provision and oversight of health care services, but despite these efforts, the Kelberman Center has failed to demonstrate progress in remediating the systemic areas of concern.

The Regional Field Office (RFO) also identified concerns regarding the provision of the agency's clinic services, specifically that the agency does not have the clinicians available to provide required clinic services. On September 15, 2025, the RFO met with the agency to clarify the staffing at the clinic. The agency originally informed the RFO that the agency's clinic staff included Clinical Psychologists, appropriately supervised by Licensed Master Social Workers (LMSW), as well as, Occupational (OT), Speech and Physical Therapists (PT). However, during the meeting on September 15, 2025, the agency verified that the clinic only has one full-time Psychologist. The agency reported that there was a job offer made to a new LMSW and recruitment efforts are in process to secure therapists to provide OT, PT and Speech services.

While on Early Alert, OPWDD will monitor the agency's progress in remediating areas of non-compliance 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. During this time, 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 the agency's leadership and Board of Directors to further discuss these concerns, the Early Alert process, and OPWDD's expectations.

As a reminder, the Commissioner may revoke, suspend, or limit an operating certificate at any time upon a determination that the provider has failed to comply with the terms of its operating certificate or with the provisions of applicable statutes, rules, or regulations. (See Mental Hygiene Law (MHL) §16.17[a]). Accordingly, OPWDD reserves the right to pursue further action at any time it determines the health and safety of individuals requires such actions, or should systemic regulatory non-compliance be identified.

If you have any questions prior to the meeting, please contact Chad Mitchell, Regional Director, Bureau of Program Certification at: Chad.M.Mitchell@opwdd.ny.gov.

Sincerely,

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

cc: Agency Board of Directors
Willow Baer, Commissioner
John Barbuto, Executive Deputy Commissioner
Deborah Ellis, Chief of Staff
Eileen Haynes, Deputy Commissioner and General Counsel
Joshua Olsen, Deputy General Counsel
Abiba Kindo, Deputy Commissioner, Service Access, Program Implementation & Stakeholder Support

Ann Marie Peterson, Associate Commissioner, Service Access, Program Implementation & Stakeholder Support
Delia Tucker, Statewide Director, Service Access, Program Implementation & Stakeholder Support
Vincent Schmidt, Director – Region 3, Regional Field Office
Kevin Valenchis, Deputy Commissioner, Division of Fiscal Policy and Management
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