NEW YORK STATE | Office for People With Developmental Disabilities

KATHY HOCHUL
Governor

WILLOW BAER
Commissioner

October 7, 2025

VIA USPS CERTIFIED MAIL & EMAIL

Arlene Gonzalez-Sanchez, Executive Director
Easter Seals New York, Inc.
633 3rd Avenue
6th Floor
New York, NY 10017

Mark Legaspi, President, Board of Directors
[redacted]

Re: Agency Placement on Early Alert

Dear Ms. Gonzalez-Sanchez and Mr. Legaspi:

The purpose of this letter is to formally notify you that Easter Seals New York, Inc. was placed on Early Alert effective September 19, 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 Bureau of Program Certification (BPC):

On January 9, 2025, OPWDD's Bureau of Program Certification completed a Fundamental Survey at the Intermediate Care Facility (ICF) located at [redacted], and issued a Statement of Deficiencies (SOD) for non-condition level deficiencies pertaining to governing body, client protections, facility staffing, active treatment, health care, and dietetic services. On April 21, 2025, BPC returned to the ICF to complete a Post Certification Visit due to a complaint and identified that the approved Plan of Corrective Action (POCA) dated February 20, 2025, was not implemented, previous deficiencies were not remediated, and additional deficient practices were identified during the survey. As a result, BPC issued another SOD.

Subsequently, on June 30, 2025, and July 1, 2025, BPC conducted follow-up visits at the ICF located at [redacted], and determined that no progress had been made in correcting the previously identified deficiencies issued in the April 21, 2025 SOD. Following the visit, an adverse action SOD was issued for the non-compliance identified in the following conditions of participation: governing body, client protections and facility staffing. During this visit, it was determined that the agency failed to ensure that immediate protections were implemented for seven of the abuse/neglect incidents filed from March 1, 2025, to July 1, 2025 (W127). In three of these incidents the agency failed to remove staff who were identified as targets in the allegations of abuse. In addition, review of investigative records determined that the agency failed to ensure investigations were thorough and completed timely (W154). Three of the seven investigations delegated to the agency were not completed at the time of the review (W156).

In addition, BPC Survey staff conducted a visit to the ICF located at [redacted] on September 2, 2025, and identified many of the same issues as described above. Following the visit, an adverse action SOD was issued for non-compliance identified in the following conditions of participation: governing body, client protections and facility staffing.

The issuing of the above SODs that include repeat deficiencies, leading to condition-level non-compliance, demonstrates that the agency has failed to effectively remediate the deficient practices, and this failure has put the individuals' health and safety at risk.

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.

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
Kevin Valenchis, Deputy Commissioner, Division of Fiscal Policy and Management
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Robert Borchers, Deputy Director, Office of Audit Services
Mary Jane Vogel, Deputy Director, Division of Quality Improvement
Maryellen Moeser, Deputy Director, Division of Quality Improvement