§ 13.21 Directors of state operations offices and developmental disabilities regional offices in the office for people with developmental disabilities.

(a) The directors of both the state operations offices and developmental disabilities regional offices in the office for people with developmental disabilities shall be appointed by the commissioner. Each such director shall be in the non-competitive class and designated as confidential as defined by subdivision two-a of section forty-two of the civil service law and shall serve at the pleasure of the commissioner. He or she shall in exercising his or her appointing authority take, consistent with article twenty-three-A of the correction law, all reasonable and necessary steps to insure that any such person so appointed has not previously engaged in any act in violation of any law which indicates a propensity to act in a manner that would compromise the health and safety of patients in the facility of which he or she is director. He or she shall manage the state operations office or developmental disabilities regional office and administer its personnel system subject to applicable law, the regulations of the commissioner, and the rules of the state civil service commission. The directors of the developmental disabilities regional offices and state operations offices shall maintain effective supervision of all parts of their respective offices. The directors of state operations offices shall generally provide for the administration of supports and services to individuals with developmental disabilities in state operated programs. Directors of regional offices shall generally oversee the administration of supports and services to individuals with developmental disabilities in settings outside the state operated programs.

(b) Such directors shall have the responsibility of seeing that there is humane treatment of individuals with developmental disabilities receiving services in settings operated, licensed, certified, funded or approved by this office and shall investigate, or cause to be investigated, every reportable incident in accordance with article eleven of the social services law. Also in accordance with article eleven of the social services law, the director shall require allegations of reportable incidents to be reported to the vulnerable persons' central register, which shall screen and immediately forward

reports that appear to allege crimes to the appropriate law enforcement agency. The vulnerable persons' central register shall notify immediately, and in any event within three working days, the board of visitors of the facility and the mental hygiene legal service located in the same judicial department as the state operations office of every complaint of patient abuse or mistreatment and shall inform the board and the mental hygiene legal service of the results of his or her investigation.

(c) In any investigation into the treatment and care of individuals with developmental disabilities or the conduct, performance, or neglect of duty of officers or employees, the commissioner or his or her designee shall be authorized to subpoena witnesses, compel their attendance, administer oaths to witnesses, examine witnesses under oath, and require the production of any books or papers deemed relevant to the inquiry or investigation. A subpoena issued under this section shall be regulated by the civil practice law and rules.

(d) The director of a state operations office shall be responsible for the provision of state operated community developmental disabilities services in those areas that the commissioner may assign. Such responsibility shall, consistent with article forty-one of this chapter, include the operation of state operated facilities and the development of needed facilities. The director of a developmental disabilities regional office shall be responsible for the provision of community developmental disabilities services to individuals in settings other than state operated programs. Such regional director's responsibility shall, consistent with article forty-one of this chapter, include the oversight of facilities and programs other than those operated by the state.

(e) Each state operations director of the office shall, upon notice from the commissioner or upon knowledge that programs of such facility may be contracted or terminated, implement procedures to ensure timely notification to affected employees. Such procedures shall include, but not be limited to:

(1) dissemination and posting of all decisions, policies and procedures with respect to all aspects of such actions and their impact on facility staff; and

(2) compliance with all requirements and protection of employee rights

pursuant to collective bargaining agreements with the designated legal representative of the employees and the civil service law.