**§ 19.21 Programs, services, and operation of facilities certified or licensed by the office of alcoholism and substance abuse services; temporary** emergency operating certificates and licenses.

(a) The office shall inspect and approve or disapprove the facilities of and the services provided by alcoholism programs, substance abuse programs, and chemical dependence programs, and any program or facility purporting to provide such services.

(b) The office shall redefine and develop, establish, promulgate, and enforce certification, inspection, licensing, and treatment standards for chemical dependence facilities and staff, which shall be applied in addition to any other standards for any other services provided by such facilities, and which shall be applicable to any facility providing or purporting to provide as part or all of a program of services, any services for the alleviation of the conditions of alcoholism, alcohol abuse, substance abuse, substance dependence, chemical abuse, or chemical dependence. Where appropriate, such standards shall provide for priority of admission for persons whose children have been placed in foster care or are in jeopardy of being so placed pursuant to article ten of the family court act or article six of the social services law.

(c) The office shall have the authority to assist, through counseling or referral, and cause assistance to be provided to, recovering alcoholic persons; or former alcohol abusers, substance abusers, or substance dependent persons; or other persons who have received alcoholism, substance abuse, or chemical dependence services, with respect to any right or privilege impaired, suspended, or forfeited as a result of alcoholism; or past substance abuse, substance dependence, or chemical dependence; or the receipt of such services, in securing the benefits of any non-discrimination laws or policies regarding such persons enacted or adopted by federal, state or local governments.

(d) The office shall establish reasonable performance standards for all providers of alcoholism, substance abuse, and chemical dependence services which are certified by such office pursuant to this title.

(1) Such standards shall:

(i) take into consideration program resources and the functional severity of patients served; and

(ii) be clearly defined and developed in consultation with certified

providers of alcoholism, substance abuse, and chemical dependence services.

(2) The office shall promulgate regulations to implement the provisions of this subdivision which:

(i) establish criteria to assess alcoholism, substance abuse, and chemical dependence treatment effectiveness in accordance with the standards developed pursuant to this subdivision, including but not limited to criteria regarding client retention, completion of program, and outcome results; and

(ii) establish a procedure to be implemented by such office for reviewing and evaluating performance of certified providers of service in a consistent and objective manner.