§ 31.01 Evaluation of services for the mentally disabled.

(a) The commissioner shall ensure that all services for the mentally disabled, whether provided by the department, by a local governmental unit or by a provider of services, are periodically evaluated and that departmental budget requests reflect such evaluations.

(b) In order to ensure that such evaluations and the resulting reports and data generated are comparable for all services to the mentally disabled throughout the state, the commissioner shall promulgate rules and regulations requiring the development of evaluation criteria and methods which shall include, but not be limited to:

(1) uniform definitions of services for the mentally disabled;

(2) uniform financial and clinical reporting procedures;

(3) requirements for the generation and maintenance of uniform data for all individuals receiving services from any provider of services;

(4) uniform criteria for evaluating categories of need; and

(5) uniform standards for all comparable services and programs.

(c) A timetable for development and implementation of evaluation criteria and methods shall be included in such rules and regulations to ensure the orderly and adequate compliance by the department and its facilities, local governmental units and providers of services. Such timetable shall also include specific dates by which such evaluation criteria and methods, and the evaluation reports and data developed with such criteria and methods shall be included in the budget request submitted to the department by the department facilities, local governmental units and providers of services.

(d) (1) Notwithstanding any other provision of law, the commissioner, or his designee, may require from any hospital, as defined under article twenty-eight of the public health law, any information, report, or record necessary for the purpose of carrying out the functions, powers and duties of the commissioner related to the investigation of deaths and complaints of abuse, mistreatment, or neglect concerning mentally disabled individuals who receive services, or had prior to death received services, in a facility as defined in section 1.03 of this chapter, and have been treated at such hospitals.

(2) Any information, report, or record requested by the commissioner or his designee pursuant to this subdivision shall be limited to that information that the commissioner determines necessary for the

completion of his investigation.

(3) The information, report or record received by the commissioner or his designee pursuant to this subdivision shall be subject to section two thousand eight hundred five-m, section eighteen, as added by chapter four hundred ninety-seven of the laws of nineteen hundred eighty-six and article twenty-seven-F of the public health law, section 33.13 of this chapter, and any applicable federal statute or regulation.