§ 31.05 Issuance of an operating certificate.

(a) No operating certificate shall be issued by the commissioner unless the commissioner finds:

1. that the premises, equipment, personnel, records, and program are adequate and appropriate to provide the services for the mentally disabled which are sought to be authorized,

2. that such services will be provided in compliance with applicable law and regulations,

3. that, in the case of a community residence or residential care center for adults, residents will be evaluated upon admission and periodically thereafter to determine their need for mental health services which are not provided on site,

4. that, in the case of any community residence or residential care center for adults, adequate and appropriate aftercare services are available (i) through a department facility or (ii) within the community in which such residence is located; and

5. that, in the case of any community residence or residential care center for adults, the provider of services of such residence will assist residents in gaining access to such aftercare services.

* 6. that, in the case of any comprehensive psychiatric emergency program, there are services and necessary agreements, contracts or affiliations to provide crisis intervention services, crisis outreach services, crisis residence services, extended observation beds, triage and referral services as part of an approved comprehensive psychiatric emergency services plan submitted pursuant to section 31.27 of this article.

* NB Repealed July 1, 2027

7. that an application for the establishment or operation of a facility for which an operating certificate is required by this article from the commissioner of mental health has been approved in accordance with applicable provisions of this article.

(b) The commissioner may disapprove an application for an operating certificate, may authorize fewer services than applied for, and may place such limitations and conditions on the operating certificate as he deems desirable. In such case he shall afford the applicant an opportunity to be heard and such hearing shall be public, if so requested by the applicant.

(c) The commissioner shall specify on each operating certificate the kind or kinds of services for the mentally disabled that are authorized, any limitations or conditions, and the expiration date of the certificate.