§ 31.11 Certain duties of providers of services.

It shall be the duty of every holder of an operating certificate, or program funded or administered by the office of mental health to assist the department and the commission on quality of care for the mentally disabled in carrying out their respective regulatory and oversight functions by:

1. complying with the applicable provisions of this chapter, other applicable laws, and the regulations of the commissioner.

2. making such reports as are necessary to provide notification to the district attorney or other appropriate law enforcement official and the commissioner or his or her authorized representative as soon as possible, or in any event within three working days, if it appears that a crime may have been committed against a patient receiving services from such provider, unless it appears that the crime includes an employee, intern, volunteer, consultant, contractor, or visitor and the alleged conduct caused physical injury or the patient was subject to unauthorized sexual contact, or if it appears the crime is endangering the welfare of an incompetent or physically disabled person pursuant to section 260.25 of the penal law, or if the crime was any felony under state or federal law, then the district attorney or other appropriate law enforcement official must be contacted immediately, and in any event no later than twenty-four hours and such other reports, uniform and otherwise, as are required by the commissioner or his or her authorized representative with respect to its operations. If there is reasonable cause to believe that the crime against the client may have occurred in a facility or program of any other service provider licensed, certified, funded or operated by a state agency, the administrator or chief executive officer of such other service provider shall also be notified as soon as possible, or in any event within three working days. Provided however, nothing herein shall require such report to an administrator or chief executive officer of a provider who is alleged to have committed the crime. The commissioner may execute a memorandum of understanding with the commissioners of other appropriate state agencies to ensure the coordination and cooperation of such agencies and providers of services

with regard to the conduct of any investigation and prevention of unnecessary duplicative investigations resulting from the report of an alleged crime that may have occurred in a facility or program of another service provider. Information obtained by the commissioner or the commission on quality of care for the mentally disabled from the records of patients receiving services shall be kept confidential in accordance with the provisions of this chapter.

3. cooperating with the commissioner or his or her authorized representative and the commission on quality of care for the mentally disabled or any representative authorized by the chair of such commission in any investigation or inspection conducted by the department of mental hygiene or commission on quality of care for the mentally disabled.

4. permitting the commissioner or his or her authorized representative and the commission on quality of care for the mentally disabled or any representative authorized by the chair of such commission to inspect its facility and all books and records, including patient records, kept by it and to interview and examine any patient at its facility except that no such patient may be examined against his or her will.

5. providing, to the office of mental health, in a form or format requested by the commissioner, records requested by such office relating to persons as described in subdivision (j) of section 7.09 of this chapter who may be disqualified from possessing a firearm pursuant to 18 USC 922(4)(d).