§ 31.26 Residential treatment facilities for children and youth.

(a) The commissioner may authorize the operation of residential treatment facilities for children and youth. Such residential treatment facilities may only be operated by not-for-profit organizations.

(b) The commissioner shall have the power to adopt rules and regulations governing the establishment and operation of residential treatment facilities for children and youth. Such rules and regulations shall at least require, as a condition of issuance or retention of an operating certificate for a residential treatment facility for children and youth, that admission of children into such facilities be in accordance with priorities for admission of children most immediately in need of such services in accordance with standards established by the commissioner which shall be in accordance with federal regulations.

(c) The commissioner, in consultation with the commissioner of education and the commissioner of the office of children and family services, shall adopt rules and regulations governing the standards for admissions of individuals to residential treatment facilities required in section 9.51 of this chapter in accordance with federal regulations.

(d) The commissioner of mental health and the commissioner of social services shall enter into a cooperative agreement to govern the operation of residential treatment facilities for children and youth by an authorized agency, visitation, inspection and supervision of such facilities, enforcement of the conditions of operating certificates issued to such facilities by the department of social services and the office of mental health, and protection of the confidentiality of clinical information regarding patients at such residential treatment facilities.

(e) The office of mental health, the department of social services and the department of education shall establish a uniform system by which authorized agencies which operate residential treatment facilities for children and youth report the cost of operating such facilities.

(f) The office of mental health shall, in accordance with the provisions of section four thousand four of the education law, be responsible for paying the tuition costs for children who are receiving care in a residential treatment facility for children and youth if such children are residents of this state and such children were not placed in such a facility by a school district, social services district, the

division for youth or the family court.