§ 41.44 Community residential services for the mentally ill.

(a) The commissioner of mental health is authorized, within appropriations made therefor, to establish a continuum of community residential services for the mentally ill.

(b) The commissioner shall establish standards for the operation and funding of community residential services, including but not limited to:

1. criteria for admission to and continued residence in each type of community residence;

2. periodic evaluation of services provided by community residences;

3. staffing patterns for each type of community residence; and

4. guidelines for determining state aid to community residences, as described in subdivision (c) of this section.

(c) Within amounts available therefor and subject to regulations established by him and notwithstanding any other provisions of this article, the commissioner may provide state aid to local governments and to voluntary agencies in an amount not to exceed one hundred percent of net operating costs of community residences for the mentally ill. The commissioner shall establish guidelines for determining the amount of state aid provided pursuant to this section. The guidelines shall be designed to enable the effective and efficient operation of such residences and shall include, but need not be limited to standards for determining anticipated revenue, for retention and use of income exceeding the anticipated amount and for determining reasonable levels of uncollectible income. Such state aid to voluntary agencies shall not be granted unless there has been prior approval of the proposed community residence by the local governmental unit.

(d) The commissioner shall establish standards for the operation and funding of residential care centers for adults, including but not limited to:

1. criteria for admission to and continued residence in residential care centers for adults, including curfews, restrictions against on-site use of alcohol and controlled substances and criminal involvement. For

residential care centers for adults licensed or established after April first, nineteen hundred eighty-eight criteria for admission shall also include but not be limited to, in the case of centers on the grounds of existing state operated psychiatric hospitals, the availability of at least twenty-five percent of the placements for community clients. In the case of community based residential care centers for adults, a minimum of fifty percent of the placements within a region shall be reserved for community clients. For the purposes of this section a community client is any person who, immediately prior to admission to the residential care center for adults, was not a resident of a state operated psychiatric hospital for more than thirty consecutive days, or if such person was residing in the community immediately prior to admission to the residential care center for adults, was not a resident of a state operated psychiatric hospital within the previous thirty days;

2. provision of on-site services by residential care centers for adults which shall include but not be limited to, case management, medication management, and development of a recommended service plan for each resident for necessary social, vocational and clinical services;

3. periodic review of services provided by residential care centers for adults;

4. staffing patterns for residential care centers for adults which shall be sufficient to provide on-site supervision twenty-four hours per day at each facility; and

5. guidelines for determining state aid to residential care centers for adults as described in subdivisions (e) and (f) of this section.

(e) Within amounts available therefor and notwithstanding any other provisions of this article, the commissioner may provide state aid to local governments and to voluntary agencies for the operation of residential care centers for adults in accordance with paragraph one of this subdivision, and may provide state aid to local governments, voluntary agencies, and other individuals or organizations certified to operate residential care centers for adults, in accordance with

paragraph two of this subdivision.

1. The commissioner may provide state aid in an amount not to exceed one hundred percent of net operating costs of residential care centers for adults. The commissioner shall establish guidelines for determining the amount of state aid provided pursuant to this paragraph.

2. The commissioner may provide state aid through the payment of fees for reimbursable services. For purposes of this paragraph, reimbursable services include, but are not limited to, room and board. The commissioner shall establish standards for programs funded under this section and shall by rule or regulation annually establish fees for each reimbursable service, subject to the approval of the director of the budget. Fees may be varied for geographic reasons or for other good cause shown.

(f) Within amounts available therefor, the commissioner may provide state aid to local governments and voluntary agencies for capital costs for residential care centers for adults at the rate of up to fifty percent of such capital costs; provided, however, that no such state aid shall be granted unless the recipient enters into an agreement in a form acceptable to the commissioner guaranteeing that the residential care center for adults will be operated by the recipient or made available at no cost to another provider of services or the office of mental health for no less than twenty years, and grants the state such security and real property interests as the commissioner may require.

(g) No psychiatric center shall have more than one residential care center for adults on its grounds unless the commissioner of mental health submits a report to the legislature and the governor demonstrating the appropriateness of such additional residential care center for adults. After October first, nineteen hundred eighty-seven, the commissioner shall not convert inpatient buildings on the grounds of a psychiatric center to a residential care center for adults unless such buildings are vacant, nor cause such buildings to be vacated solely for the purposes of establishing a residential care center for adults.