§ 7.21 Directors of facilities.

(a) The director of a facility under the jurisdiction of the office of mental health shall be its chief executive officer. Each such director shall be in the noncompetitive class and designated as confidential as defined by subdivision two-a of section forty-two of the civil service law and shall be appointed by and serve at the pleasure of the commissioner. He or she shall manage the facility subject to applicable law and the regulations of the commissioner of mental health. Before the commissioner shall issue any such regulation or any amendment or revision thereof, he or she shall consult with the facility directors regarding its suitability. The director shall maintain effective supervision of all parts of the facility and over all persons employed therein or coming thereon and shall generally direct the care and treatment of patients. Directors presently serving at office of mental health facilities shall continue to serve under the terms of their original appointment.

(b) Such director shall have the responsibility of seeing that there is humane treatment of the patients at his or her facility and shall investigate, or cause to be investigated, every reportable incident in accordance with article eleven of the social services law. Also in accordance with article eleven of the social services law, the director shall require allegations of reportable incidents to be reported to the vulnerable persons' central register, which shall screen and immediately forward reports that appear to allege crimes to the appropriate law enforcement agency. The vulnerable persons' central register shall notify immediately, and in any event within three working days, the board of visitors of the facility and the mental hygiene legal service located in the same judicial department as the hospital, school, or institution of every complaint of patient abuse or neglect and shall inform the board and the mental hygiene legal service of the results of his investigation.

(c) In any investigation into the treatment and care of patients or the conduct, performance, or neglect of duty of officers or employees, the director of a department hospital shall be authorized to subpoena witnesses, compel their attendance, administer oaths to witnesses, examine witnesses under oath, and require the production of any books or papers deemed relevant to the inquiry or investigation. A subpoena

issued under this section shall be regulated by the civil practice law and rules.

(d) Each facility director of the office shall, upon notice from the commissioner or upon knowledge that programs of such facility may be contracted or terminated, implement procedures to ensure timely notification to affected employees. Such procedures shall include, but not be limited to:

(1) dissemination and posting of all decisions, policies and procedures with respect to all aspects of such actions and their impact on facility staff; and

(2) compliance with all requirements and protection of employee rights pursuant to collective bargaining agreements with the designated legal representative of the employees and the civil service law.

(e) Every facility director or designee thereof is authorized and empowered to grant leaves of absence to employees of such facility not involved in direct patient care who are volunteer firefighters as defined in subdivision one of section three of the volunteer firefighters' benefit law, responding to an emergency within the community for such periods as the volunteer firefighters are engaged in the actual performance of their duties as volunteer firefighters.