§ 460-c. Inspection and supervision. 1. Excepting state institutions for the education and support of the blind, the deaf and the dumb, facilities subject to the approval, visitation and inspection of the state department of mental hygiene or the state commission of correction, facilities operated by or under the supervision of the division for youth and facilities subject to the supervision of the department of health pursuant to article twenty-eight of the public health law, the department shall inspect and maintain supervision over all public and private facilities or agencies whether state, county, municipal, incorporated or not incorporated which are in receipt of public funds, which are of a charitable, eleemosynary, correctional or reformatory character, including facilities or agencies exercising custody of dependent, neglected, abused, maltreated, abandoned or delinquent children, agencies engaged in the placing-out or boarding-out of children as defined in section three hundred seventy-one of this chapter, homes or shelters for unmarried mothers, residential programs for victims of domestic violence as defined in subdivision five of section four hundred fifty-nine-a of this chapter and adult care facilities.

2. Upon inspection of any facility subject to the inspection and supervision of the department pursuant to subdivision one of this section, inquiry may be made to ascertain:

(a) whether the objectives of the facility or agency are being accomplished;

(b) whether all applicable provisions of law and regulations of the department are being fully complied with;

(c) the general management and financial condition of the facility, including any sources of public funds received;

(d) its methods of and equipment for scholastic and career education, and whether the same are best adapted to the needs of the residents and beneficiaries;

(e) its methods of administration;

(f) its methods of and equipment for providing care, medical attention, treatment and discipline of its residents and beneficiaries, and whether the same are best adapted to the needs of the residents and beneficiaries;

(g) the qualifications and general conduct of its officers and employees;

(h) the condition of its grounds, buildings and other property; and

(i) any other matter connected with or pertaining to its usefulness and good management or to the interests of its residents or beneficiaries.

2-a. Special procedures relating to abuse and neglect of vulnerable persons. (a) If the report of an investigation of abuse or neglect is substantiated in accordance with article eleven of this chapter, the director or operator of a residential facility or program shall submit to the department, within ten business days of receipt of notice of the substantiated report, a written plan of prevention and remediation to be taken with respect to the subject of such report to protect the continued health, safety and welfare of the service recipients and provide for the prevention of future acts of abuse or neglect. The department shall approve or disapprove such plan and specify necessary revisions within ten days of its receipt and shall monitor its implementation pursuant to the provisions of this chapter.

(b) In the event an investigation of a report of alleged abuse or neglect determines that a preponderance of evidence of abuse or neglect exists and such abuse or neglect may be attributed in whole or in part to noncompliance by the facility or program with provisions of this chapter or regulations of the department applicable to the operation of such residential facility or program, the director or operator of such facility or program shall, in consultation with officials of the department responsible for the approval of operating certificates and for monitoring the provision of protective services to service recipients, develop a plan of prevention and remediation which shall be submitted to and approved by the department in accordance with time limits established by regulations of the department. Implementation of such plan shall be jointly monitored by officials of the department responsible for the approval of operating certificates and for monitoring the provision of protective services to service recipients. In reviewing the continuing qualification of a residential facility or program for an operating certificate, the department shall evaluate such facility's or program's compliance with plans of prevention and

remediation developed and implemented pursuant to this section.

(c) Development and implementation of plans pursuant to this section shall, to the extent possible, be coordinated with remediation plans required by local social services districts.

3. With respect to any corporation heretofore or hereafter formed by a special act or under a general law, or any unincorporated organization, institution, facility or agency, which actually engages in any of the aforementioned works but which is not in receipt of public funds, the department is authorized to inspect and supervise with respect to the health, safety, treatment and training of its residents, or of the children under its custody.

4. The commissioner or any official so authorized by him may conduct any inquiry pursuant to the authority of section thirty-four of this chapter, in relation to any matter arising out of an inspection performed pursuant to this title. Any officer or duly authorized employee shall have full access to the grounds, buildings, books and papers relating to any such facility or agency and may require from the officers and persons in charge thereof any information he may deem necessary in the discharge of his duties. The department may establish rules according to which, and provide blanks and forms upon which, such information shall be furnished, in a clear, uniform and prompt manner.

5. Any officer, superintendent or employee of any such facility or agency who shall intentionally refuse to admit any officer or inspector of the department for the purpose of inspection, or shall intentionally refuse or fail to furnish the information required by the department or any officer or inspector, shall be guilty of a misdemeanor.

6. The rights and powers conferred by this section may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county, or both.

7. The inspection and supervision powers and duties of the commissioner as established by this section may, in the case of any family type home for adults with a capacity of four or less, be

delegated in whole or in part, to the local commissioner of the social services district in which such facility is located, and such local commissioner shall make reports regarding such facility in such form and manner and at such time as the department regulations may require.