§ 461. Responsibility for standards. 1. The department shall promulgate and may alter or amend regulations effectuating the provisions of this title, including but not limited to establishing fiscal, administrative, architectural, safety, nutritional and program standards which apply to all adult care facilities subject to its inspection and supervision. Such regulations may be promulgated, altered or amended only after consultation with the board of social welfare, department of mental hygiene, health department and office for the aging.

2. In addition to those standards established pursuant to regulations under subdivision one hereof, the department of mental hygiene may propose any supplementary standards relating to the necessity for and content of programs designed to protect the health and well-being of mentally disabled persons, as defined in the mental hygiene law, which shall apply to any facility which cares for a significant number of such persons. The promulgation by the department of any regulations adopting such supplementary standards shall be subject to the approval of the department of mental hygiene.

3. Nothing contained within this title shall prohibit an operator of any adult care facility from exceeding the requirements of this title or the regulations of the department which effectuate the provisions of this title.