



Section 502.1. Background, intent and legal base

- (a) ~~[Mentally disabled]~~ Individuals with mental illness are provided care and treatment through a variety of multifaceted programs, services and facilities which are certified, operated and/or supervised by the New York State Office of Mental Health (OMH).
- (b) Certain standards have been established by OMH which govern the certification, organization and administration of such programs, services and facilities.
- (c) The Executive Law, section 102, requires that any code, rule or regulation which incorporates by reference any Federal statute, code, rule or regulation previously published in the Code of Federal Regulations or Federal Register, or any previously published data, criteria, standards, specifications, techniques, illustrations or other information, shall set forth in the text thereof precise identification of such materials.
- (d) These regulations are intended to provide the public with specific identification of materials incorporated by reference in regulations set forth in Title 14 NYCRR applicable to services, programs and facilities which are certified, operated and/or supervised by OMH.
- (e) Section 7.09 of the Mental Hygiene Law grants the Commissioner of Mental Health the authority to adopt regulations that are necessary and proper to implement any matter under his or her jurisdiction.

Section 502.2. Publications incorporated by reference

Publication	Title 14 NYCRR Reference
<u>Section 1122, title XI of the Social Security Act; (42 USCA 1820 a-1)</u>	<u>Section 51.7</u>
<u>Title XVIII of the Social Security Act (42 USCA 1395)</u>	<u>Sections 577.4; 578.4(e)</u>
<u>Title XIX of the Social Security Act; 42 USCA 1396</u>	<u>Sections 574.1; 574.4; 574.5; 576.1; 576.4; 576.5; 578.1; 579.1.</u>
<u>42 CFR 401.101-489.57</u>	<u>Sections 574.1; 574.4; 574.5; 576.1; 576.4; 576.5; 577.4; 578.1; 578.4; 579.1; 526.2; 526.4; 583.5;</u>
<u>Building Code of New York State and the Property Maintenance Code of New York State (Title 19 NYCRR Chapter XXXIII, Subchapter A, Parts 1221 and 1226);</u>	<u>Sections 77.3; 512.13;</u>

Life Safety Code 101 of the National Fire Prevention Association.	Sections 77.3; 580.8; 582.8; 589.13; 594.16; 594.17; 595.15; 598.10
American Society of Heating, Refrigeration and Air Conditioning Engineers Guide;	Section 77.3
Food Service Sanitation Publication #934 of the United States Department of Health, Education and Welfare	Section 77.3
ASA Z66.1 American Standards Specifications to Minimize Hazards to Children from Residual Surface Coating Material;	Section 77.3
USA Standards Institute Specifications for Making Buildings Accessible to and Usable by the Physically Handicapped;	Section 77.3
NYS Building Construction Code	Section 77.3
Diagnostic and Statistical Manual of Mental Disorders (DSM)	Parts 501; 507; 511-2; 512; 583; 584; 587; 594; 595; 599; 600
Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e to 2000e-17)	Part 511-2; Sections 580.5; 582.5; 587.6; 590.6; 594.6; 595.6; 599.6; 600.5
Federal Executive Order 11246;	Part 511-2; Sections 580.5; 582.5; 587.6; 590.6; 594.6; 595.6; 599.6; 600.5
Rehabilitation Act of 1973 (29 U.S.C. § 701, et seq.)	Part 511-2; Sections 580.5; 582.5; 587.6; 590.6; 594.6; 595.6; 599.6; 600.5
Vietnam Era Veteran's Readjustment Act (38 U.S.C. § 4212)	Part 511-2; Sections 580.5; 582.5; 587.6; 590.6; 594.6; 595.6; 599.6; 600.5
Federal Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)	Part 511-2; 587.6; 594.6; 595.6
Federal Equal Pay Act of 1963 (29 U.S.C. § 206)	Part 511-2; 587.6; 594.6; 595.6
Americans with Disabilities Act of 1990 (Public Law 101-336)	Sections 511-2.10; 512.9; 527.4, 551.11; 580.8; 582.8; 584.19; 594.6; 595.6; 595.9; 598.10; 595.9
Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy, Security, and Breach Notification (45 CFR Parts 160 and 164)	Part 511-2; Part 600; Sections 543.5; 580.5; 582.5; 590.6; 594.6; 595.6; 596.6; 599.7
42 U.S.C. Section 1396p(d)(4)	Section 522.4
The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, sections 4206 and 4751)	Section 527.2
18 U.S.C. sections 922 (d)(4) and (g)(4).	Sections 543.3; 543.5;
Federal regulations at 27 C.F.R. 478.11	Section 543.4
Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.	Section 543.4
Brady Act (Pub. L. 103-159)	Section 543.5
ADA Standards for Accessible Design (28 CFR Parts 35 and 36)	Sections 551.11; 580.8; 582.8; 584.19;

<u>Guidelines for Design and Construction of Health Care Facilities published by the American Institute of Architects (AIA)</u>	<u>Sections 580.8; 582.8</u>
<u>2010 edition of the Guidelines for Design and Construction of Health Care Facilities published by the Facility Guidelines Institute</u>	<u>Section 584.19;</u>
<u>National Fire Protection Association 101A, Alternative Approaches to Life Safety, published by the National Fire Protection Association,</u>	<u>Section 589.15</u>
<u>Section 829 of Title 21 of the United States Code</u>	<u>Section 596.2</u>
<u>Ryan Haight Act (21 U.S.C. section 823 (f))</u>	<u>Section 596.6</u>
<u>Title XIX of the Federal Social Security Act, section 1901</u>	<u>Section 599.2</u>
<u>International Classification of Diseases (ICD)</u>	<u>Sections 512.4; 583.4; 584.4; 587.4; 599.4; 501.5; 594.4; 595.4</u>

[Publication

Title 14 NYCRR reference

~~(a) Section 1122, title XI of the Social Security Act; 42 USCA 1820 a-1, 1982 edition, pages 141-161.~~

~~Published by and available from:~~

~~West Publishing Co. 50 West Kellogg Blvd. St. Paul, MN 55165~~

~~Section 51.7(g)~~

~~(b) Title XVIII of the Social Security Act; 42 USCA 1395, 1982 edition, pages 355-725.~~

~~Published by and available from:~~

~~West Publishing Co. 50 West Kellogg Blvd. St. Paul, MN 55165~~

~~Section 577.4(e);~~

~~578.4(e)~~

~~(c) Title XIX of the Social Security Act; 42 USCA 1396, 1982 edition, pages 726-931.~~

~~Published by and available from:~~

~~West Publishing Co. 50 West Kellogg Blvd. St. Paul, MN 55165~~

~~Sections 574.1(b);~~

~~574.4(c);~~

~~574.5(a)(2);~~

~~576.1(b);~~

~~576.4(b);~~

~~576.5(a)(2);~~

~~578.1(b);~~

~~579.1(c).~~

~~(d) Regulations promulgated or adopted by the United States Department of Health and Human Services, Code of Federal Regulations, 42 CFR 401.101-489.57, pages 1-1025, revised as of October 1, 1983.~~

~~Published by: Office of the Federal Register, National Archives and Records Service, General Services Administration. Available from:~~

~~Superintendent of Documents U.S. Government Printing Office Washington, DC 20402~~

~~Sections 574.1(b);~~

~~574.4(c);~~

~~574.5(a)(2);~~

~~576.1(b);~~

~~576.4(b);~~

~~576.5(a)(2);~~

~~577.4(e);~~

~~578.1(b);~~

~~578.4(e);~~

~~579.1(c).]~~

Section 502.3. Availability and accessibility of materials

Publications are filed with the Office of the Secretary of State of the State of New York, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, and may be viewed at the

law libraries of the New York State Supreme Court, the Legislative Library in the NYS Capitol, or viewed by appointment with the New York State Office of Mental Health, Office of Counsel, 44 Holland Avenue, Albany, NY 12229, telephone (518) 474-1331; Monday through Friday, 9 a.m.-5 p.m.

Copies are also available by writing to the NYS Office of Mental Health, Office of Counsel, 44 Holland Avenue, Albany, NY 12229; federal documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington D.C. 20402. Copies of the Code of Federal Regulations (CFR) are also available at many public libraries and bar association libraries.

~~[Materials cited in this Part are available for inspection and copying at the following locations at the Office of Mental Health:~~

~~(a) New York State Office of Mental Health, Records Access Office, Counsel's Office, 44 Holland Avenue, Albany, NY 12229, telephone (518) 474-1331; Monday through Friday, 9 a.m.-5 p.m.~~

~~(b) New York State Office of Mental Health, Library, Counsel's Office, 44 Holland Avenue, Albany, NY 12229, telephone (518) 474-1331; Monday, 9 a.m.-3:30 p.m.; Tuesday through Friday, 9:30-11:30 a.m.]~~