
45 C.F.R. § 1326.27

Access to service providers and individuals with developmental disabilities.

- (a) Access to service providers and individuals with developmental disabilities shall be extended to all authorized agents of a P&A system.
- (b) The P&A system shall have reasonable unaccompanied access to individuals with developmental disabilities at all times necessary to conduct a full investigation of an incident of abuse or neglect.
- (1) Such access shall be afforded upon request, by the P&A system when:
- (i) An incident is reported or a complaint is made to the P&A system;
- (ii) The P&A system determines that there is probable cause to believe that an incident has or may have occurred;
or
- (iii) The P&A system determines that there is or may be imminent danger of serious abuse or neglect of an individual with a developmental disability.
- (2) A P&A system shall have reasonable unaccompanied access to public and private service providers, programs in the State, and to all areas of the service provider's premises that are used by individuals with developmental disabilities or are accessible to them. Such access shall be provided without advance notice and made available immediately upon request. This authority shall include the opportunity to interview any individual with developmental disability, employee, or other persons, including the person thought to be the victim of such abuse, who might be reasonably believed by the system to have knowledge of the incident under investigation. The P&A may not be required to provide the name or other identifying information regarding the individual with developmental disability or staff with whom it plans to meet; neither may the P&A be required to justify or explain its interaction with such persons.

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