

42 C.F.R. § 51.41

Access to records.

- (a) Access to records shall be extended promptly to all authorized agents of a P&A system.
- (b) A P&A system shall have access to the records of any of the following individuals with mental illness:
 - (1) An individual who is a client of the P&A system if authorized by that individual or the legal guardian, conservator or other legal representative.
 - (2) An individual, including an individual who has died or whose whereabouts is unknown to whom all of the following conditions apply:
 - (i) The individual, due to his or her mental or physical condition, is unable to authorize the P&A system to have access.
 - (ii) The individual does not have a legal guardian, conservator or other legal representative, or the individual's guardian is the State or one of its political subdivisions; and
 - (iii) A complaint or report has been received and the P&A system has determined that there is probable cause to believe that the individual has been or may be subject to abuse or neglect.

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