**SCOPE:**

County MH/MR Administrators  
Community Home Directors  
Non-State Operated Intermediate Care Facilities for the Mentally Retarded (ICF/MR) Directors  
State Operated Intermediate Care Facilities for the Mentally Retarded (ICF/MR) Directors  
Base Service Unit Directors  
Intermediate Care Facilities for Persons with Other Related Conditions (ICF/ORC) Directors  
Family Living Home Directors  
Adult Training Facility Directors  
Vocational Facility Directors  
County Children and Youth Administrators  
Private Children and Youth Agency Directors  
Personal Care Homes  
Attendant Care Directors  
Community Service Program for Persons with Physical Disabilities Providers  
Community Residential Rehabilitation Services (CRRS) Directors  
Psychiatric Outpatient Clinic Directors  
Partial Hospitalization Program Directors  
Psychiatric Hospital Directors  
Long Term Structured Residence Program Directors  
Residential Treatment Facility Program Directors  
Family Based Mental Health Service Directors  
Crisis Intervention Services Directors  
Intensive Case Management/Resource Coordinator Directors

**PURPOSE:**

The purpose of this bulletin is to provide the relevant statutes related to Pennsylvania Protection and Advocacy, Inc. (PP&A) staff, subcontractors and designated agents in order for them to have access to individuals with disabilities, the facilities in which they receive services and their records in accordance with its federal statutory mandate to protect and advocate for the rights of persons with disabilities.
STATUTES:

PP&A is an independent, private, non-profit organization designated by the Commonwealth of Pennsylvania to protect and advocate for persons with disabilities. In carrying out its mission, PP&A operates under the authority of three federal statutes:

- The Developmental Disabilities Act ("DD Act")
  
  The DD Act has been in effect since 1975. The DD Act covers PP&A's responsibilities with regard to persons with developmental disabilities. 42 U.S.C. 15041-15043 (relevant excerpts in Appendix A).

- The Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI")
  
  First enacted in 1986, PAIMI sets forth PP&A's responsibilities for persons who have mental illness. 42 U.S.C. 10801 et seq (relevant excerpts in Appendix B).

- The Protection and Advocacy of Individual Rights Act ("PAIR")
  
  PAIR extends the responsibility of PP&A to all persons with disabilities who are not otherwise covered by the DD and PAIMI Acts (One example: persons with physical disabilities that occurred after age 21). 29 U.S.C. 794e. (Appendix C)

These protection and advocacy laws give PP&A authority to investigate allegations of abuse and neglect. These statutes and their implementing regulations set forth the extent of PP&A's right to access individuals with disabilities, their records and facilities in which they receive treatment. This is consistent with the Department's mission to protect and serve Pennsylvania's most vulnerable citizens. The Department values the on-going monitoring and oversite of all services and programs provided to persons under its supervision.

These federal laws supersede all inconsistent state laws including the Peer Review Protection Act and the Child Protective Services Law. Agencies are advised to consult with their legal counsel regarding the agency compliance with statutory requirements.

OBsolete bulletINS:


View Appendix A

View Appendix B

View Appendix C

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: Regional Program Managers for Mental Retardation; Headquarters Program Managers, Office of Social Programs; Area Directors for Mental Health; and Regional Children & Youth Directors