

Pt. 1326

45 CFR Ch. XIII (10–1–24 Edition)

concerning which the system represented an individual.

(2) Notwithstanding paragraph (e)(1) of this section, if an audit, monitoring review, evaluation, or other investigation by the Department produces evidence that the system has violated the Act or the regulations, the system will bear the burden of proving its compliance. The system's inability to establish compliance because of the confidentiality of records will not relieve it of this responsibility. The P&A may elect to obtain a release regarding personal information and privacy from all individuals requesting or receiving services at the time of intake or application. The release shall state that only information directly related to client and case eligibility will be subject to disclosure to officials of the Department.

[80 FR 44807, July 27, 2015, as amended at 81 FR 35647, June 3, 2016]

PART 1326—DEVELOPMENTAL DISABILITIES FORMULA GRANT PROGRAMS

Subpart A—Basic Requirements

Sec.

- 1326.1 General.
- 1326.2 Obligation of funds.
- 1326.3 Liquidation of obligations.
- 1326.4 [Reserved]

Subpart B—Protection and Advocacy for Individuals With Developmental Disabilities (PADD)

- 1326.19 Definitions.
- 1326.20 Agency designated as the State Protection and Advocacy System.
- 1326.21 Requirements and authority of the State Protection and Advocacy System.
- 1326.22 Periodic reports: State Protection and Advocacy System.
- 1326.23 Non-allowable costs for the State Protection and Advocacy System.
- 1326.24 Allowable litigation costs.

Subpart C—Access to Records, Service Providers, and Individuals With Developmental Disabilities

- 1326.25 Access to records.
- 1326.26 Denial or delay of access to records.
- 1326.27 Access to service providers and individuals with developmental disabilities.
- 1326.28 Confidentiality of State Protection and Advocacy System records.

Subpart D—Federal Assistance to State Councils on Developmental Disabilities

- 1326.30 State plan requirements.
- 1326.31 State plan submittal and approval.
- 1326.32 Periodic reports: Federal assistance to State Councils on Developmental Disabilities.
- 1326.33 Protection of employees interest.
- 1326.34 Designated State Agency.
- 1326.35 Allowable and non-allowable costs for Federal assistance to State Councils on Developmental Disabilities.
- 1326.36 Final disapproval of the State plan or plan amendments.

Subpart E—Practice and Procedure for Hearings Pertaining to States' Conformity and Compliance With Developmental Disabilities State Plans, Reports, and Federal Requirements

GENERAL

- 1326.80 Definitions.
- 1326.81 Scope of rules.
- 1326.82 Records to the public.
- 1326.83 Use of gender and number.
- 1326.84 Suspension of rules.
- 1326.85 Filing and service of papers.

PRELIMINARY MATTERS—NOTICE AND PARTIES

- 1326.90 Notice of hearing or opportunity for hearing.
- 1326.91 Time of hearing.
- 1326.92 Place.
- 1326.93 Issues at hearing.
- 1326.94 Request to participate in hearing.

HEARING PROCEDURES

- 1326.100 Who presides.
- 1326.101 Authority of presiding officer.
- 1326.102 Rights of parties.
- 1326.103 Discovery.
- 1326.104 Evidentiary purpose.
- 1326.105 Evidence.
- 1326.106 Exclusion from hearing for misconduct.
- 1326.107 Unsponsored written material.
- 1326.108 Official transcript.
- 1326.109 Record for decision.

POST-HEARING PROCEDURES, DECISIONS

- 1326.110 Post-hearing briefs.
- 1326.111 Decisions following hearing.
- 1326.112 Effective date of decision by the Secretary.

AUTHORITY: 42 U.S.C. 15001 *et seq.*

SOURCE: 80 FR 44807, July 27, 2015, unless otherwise noted. Redesignated at 81 FR 35645, June 3, 2016.