



Minnesota Disability Law Center (MDLC)

Access Authority

October 2025

What is the Minnesota Disability Law Center (MDLC)?

The Minnesota Disability Law Center (MDLC) at Mid-Minnesota Legal Aid, is the designated Protection & Advocacy (P&A) Organization for people with disabilities in Minnesota.¹ MDLC monitors facilities to protect people with disabilities from abuse, neglect, and exploitation.² When necessary, MDLC investigates facilities to uncover and address systemic abuse, neglect, and exploitation.³

Please see the official Minnesota Governor Executive Order designating MDLC as the P&A for Minnesota:

<https://officialdocuments.sos.state.mn.us/Files/GetDocument/93470>

<https://officialdocuments.sos.state.mn.us/Files/GetDocument/118273>

What makes MDLC different from other Legal Aid service providers?

By creating the P&A system, Congress acknowledged that people with disabilities were uniquely vulnerable to neglect and abuse, and additional safeguards were necessary.⁴ As a result, Congress granted each P&A in each state and territory the unique ability to monitor and investigate conditions of facilities, and complete outreach to residents with the goal of ensuring people with disabilities in these facilities have access to P&A services.⁵ The P&A authority and functions are unique and go well beyond those of a traditional legal services provider.

¹ MN Exec. Order No. 12-06, 26 Minn. Reg. 1481 (2012); MN Exec. Order No. 19-29, 42 Minn. Reg. 1235 (2019)

² 42 U.S.C. § 15043(a)(2)(H); 42 U.S.C. § 10805(a)(3); 42 U.S.C. § 300d-53(k)

³ 45 C.F.R. § 1386.22(f); 42 C.F.R. § 51.42(b)

⁴ 42 U.S.C. § 15043

⁵ 42 U.S.C. § 15043

What is “Monitoring” and “Investigating”?

MDLC has access and authority to monitor facilities by entering and touring, conducting interviews with staff and people with disabilities, and reviewing facility records and documents.⁶ The goal of monitoring is to protect people with disabilities from abuse, neglect, and exploitation.⁷ MDLC can also use this access authority to educate individuals with disabilities about their legal rights.⁸

MDLC also has access and authority to investigate facilities.⁹ Investigations stem from concerns from prior monitoring visits, complaints made about a facility through MDLC’s intake process, public reports, among others.¹⁰ MDLC initiates an investigation when it makes a conclusion that it has “probable cause” to believe abuse or neglect has occurred at the facility.¹¹

Where Can MDLC Monitor and Investigate?

As the P&A Organization for Minnesota, MDLC has the authority, under federal law, to reasonably access service providers, facilities, and/or programs providing care and treatment to people with disabilities during normal working hours or other reasonable times.¹² MDLC’s access authority applies to state-run and privately owned settings.¹³

Some examples of sites covered by this access authority include, **but are not limited to:**

- Nursing homes
- Group homes
- Schools
- Jails
- Juvenile detention
- Children’s residential facilities
- Prisons
- Hospitals
- Day programs
- Employment service providers¹⁴

⁶ 42 U.S.C. § 10805; 42 U.S.C. § 15043; 42 U.S.C. § 300

⁷ 42 U.S.C. § 10805; 42 U.S.C. § 15043; 42 U.S.C. § 300

⁸ 42 C.F.R. 51.42(c)(1);

⁹ 42 U.S.C. § 10805; 42 U.S.C. § 15043; 42 U.S.C. § 300

¹⁰ 42 U.S.C. § 10805; 42 U.S.C. § 15043; 42 U.S.C. § 300

¹¹ 42 U.S.C. § 15043; 45 C.F.R. § 1326.25; 42 U.S.C. § 10805, 42 C.F.R. § 51.41.

¹² 42 C.F.R. § 51.42(c). 45 C.F.R. § 1326.27(c)

¹³ 42 C.F.R. § 51.42(b); 45 C.F.R. § 1326.27(b)

¹⁴ 42 C.F.R. § 51.2

What does MDLC do during a Monitoring Visit?

During monitoring visits, MDLC staff have “reasonable unaccompanied access” to facilities.¹⁵ This access authority includes the ability to inspect the facility, monitor for compliance regarding people with disabilities, provide information, and communicate privately with residents.¹⁶

During a monitoring visit, MDLC can request client directory information (name, phone, home address, guardian contact).¹⁷ MDLC often requests policies, demographics, and other data from the facility to better understand the program. Further, monitoring authority allows MDLC to “inspect, view and photograph” any areas of the facility used by or accessible to people with disabilities.¹⁸

¹⁵ 42 C.F.R. § 51.42(b); 45 C.F.R. § 1326.27(b)

¹⁶ 42 C.F.R. §§ 51.41, 51.42(b); 45 C.F.R. §§ 1326.25(a), 1326.27(b)

¹⁷ 45 C.F.R. § 1326.26

¹⁸ 45 C.F.R. § 1326.27(c); 42 C.F.R. § 51.42(c)