

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 212
SENATE BILL NO. 2296

By Kyle, Marrero

Substituted for: House Bill No. 2254

By Yokley, Mike Turner, Hackworth, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 6, Part 1, relative to adult protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-6-103, is amended by deleting subdivision (k)(2) in its entirety and by substituting instead the following:

(k)(2)(i) Notwithstanding any other provisions of subdivision (k)(1) or this part to the contrary, the Department of Human Services shall not be required to investigate, and the Department of Mental Health and Developmental Disabilities and the division of mental retardation services of the Department of Finance and Administration, or their successor agencies, shall not be required to report to the Department of Human Services, any allegations of abuse, neglect or exploitation involving any person that arise from conduct occurring in any institutions operated directly by either the Department of Mental Health and Developmental Disabilities or by the division of mental retardation services of the Department of Finance and Administration.

(ii) Allegations of abuse, neglect or exploitation of individuals occurring in the circumstances described in subdivision (2)(i) shall be investigated, respectively, by investigators of the Department of Mental Health and Developmental Disabilities and the division of mental retardation services of the Department of Finance and Administration, or their successor agencies, who have been assigned to investigate such allegations.

SECTION 2. Tennessee Code Annotated, Section 71-6-103(b)(2), is amended by deleting the language "director of the county office of the department" and substituting instead the language "director of adult protective services for the department, or the director's designee".

SECTION 3. Tennessee Code Annotated, § 71-6-113, is amended by deleting the section in its entirety and by substituting instead the following:

§ 71-6-113.

(a) It is the legislative intent that the Department of Mental Health and Developmental Disabilities, the Department of Health, and the division of mental retardation services of the Department of Finance and Administration, or their successor agencies, shall assist the Department of Human Services with providing the services required under this part.

(b) When the Department of Human Services is unable to find a resource for any person in need of protective services who, because of mental or physical illness, mental retardation or developmental disabilities, is in need of specialized care or medical treatment, the Department of Mental Health and Developmental Disabilities, the Department of Health, and the division of mental retardation services of the Department of Finance and Administration, or their successor agencies shall, based upon available resources, give priority to such person for appropriate placement or treatment if such person is eligible for placement.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 30, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of May 2009



PHIL BREDESEN, GOVERNOR