

HOUSE BILL 2516

By Harris

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 34 and Title 71, Chapter 2, relative to  
conservatorships.

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

SECTION 1. Tennessee Code Annotated, Title 34, Chapter 3, Part 1, is amended by adding the following new section:

(a) There is created the statewide office of conservatorship management and registry, hereafter referred to in this section as the "office".

(b) The office is composed of nine (9) members, which include:

(1) The commissioner on aging and disability or the commissioner's designee;

(2) The commissioner of health or the commissioner's designee;

(3) The commissioner of intellectual and developmental disabilities or the commissioner's designee;

(4) The commissioner of correction or the commissioner's designee;

(5) The commissioner of mental health and substance abuse services or the commissioner's designee; and

(6) The following public members, to be appointed by the governor:

(A) One (1) current member of the judiciary with experience in probate matters;

(B) One (1) representative from the Conservatorship Association of Tennessee;

(C) One (1) representative from either a legal services program or legal aid office in this state, or an attorney who contracts with either program or office; and

(D) One (1) representative of the Tennessee Center for Decision-Making Support.

(c) Initial appointees to the office of conservatorship management under subdivision (b)(6) serve staggered terms as follows:

(1) The persons appointed under subdivisions (b)(6)(A) and (b)(6)(B) shall serve initial terms terminating on June 30, 2026; and

(2) The persons appointed under subdivisions (b)(6)(C) and (b)(6)(D) shall serve initial terms terminating on June 30, 2027.

(d)

(1) Following the expiration of members' initial terms as prescribed in subsection (c), all appointments to the office of conservatorship management are for terms of three (3) years and shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(2) Public members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) Members shall be eligible for reappointment to the office following the expiration of their terms, but shall serve no more than two (2) consecutive three-year terms.

(e) The purpose of the office is to:

(1) Review the care and management provided by conservators to ensure the health, safety, and welfare of individuals under a conservatorship;

(2) Enhance the review of the management of assets by conservators;

(3) Assist in the provision and direction of available resources to promote effective and successful conservatorships;

(4) Educate conservators and the public about conservatorships in this state;

(5) Provide notification to the public when a conservator is removed for cause;

(6) Create the capacity to document and track information for conservatorships; and

(7) Create the capacity to detect fraud and abuse of persons subject to conservatorship by enhancing this state's ability to identify potential areas of concern.

(f) A majority of the members constitutes a quorum. The governor shall appoint a chair from the members appointed pursuant to subdivision (b)(6).

(g) The office shall meet quarterly and may meet more often upon a call of the chair.

(h) The office is administratively attached to the commission on aging and disability. All appropriate agencies of state government shall provide assistance to the office upon request of the office.

(i) If vacancies occur on the office for any cause, the governor shall fill the vacancies within sixty (60) days for the duration of the unexpired term, if applicable.

(j) No members of the office shall receive compensation, nor shall members be entitled to reimbursement for actual travel and other expenses incurred in attending any meeting and in performing any duties prescribed in this section.

SECTION 2. For the purpose of appointing members to the office, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it.