

HOUSE BILL 7025

By Todd

AN ACT to amend Tennessee Code Annotated, Title 33,
relative to mental health.

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

SECTION 1. Tennessee Code Annotated, Section 33-3-206, is amended by deleting the section and substituting:

IF AND ONLY IF

(1) a service recipient has communicated to a qualified mental health professional or behavior analyst

(A) an actual threat of bodily or physical harm against a clearly identified victim, including a category of victims or a specific geographic target, OR

(B) to a reasonable degree of certainty, a probable threat of bodily or physical harm against a clearly identified victim, including a category of victims or a specific geographic target, AND

(2) the professional or analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's or analyst's specialty under similar circumstances, has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so,
THEN

(3) the professional or analyst shall take reasonable care to predict, warn of, or take precautions to protect the clearly identified victim, including any

category of victims or specific geographic targets, from the service recipient's planned or potential violent behavior.

SECTION 2. Tennessee Code Annotated, Section 33-3-207, is amended by deleting the section and substituting:

The duty imposed by § 33-3-206 may be discharged by the professional or service provider by:

- (1) Informing the clearly identified victim or victims of the threat;
- (2) Having the service recipient admitted on a voluntary basis to a hospital;
- (3) Taking steps to seek admission of the service recipient to a hospital or treatment resource on an involuntary basis pursuant to chapter 6 of this title;
- (4) Informing the applicable local law enforcement agency pursuant to § 33-3-210; or
- (5) Pursuing a course of action consistent with current professional standards that will discharge the duty.

SECTION 3. Tennessee Code Annotated, Section 33-3-210, is amended by deleting the section and substituting:

(a) If a service recipient has communicated to a qualified mental health professional or behavior analyst an actual or, to a reasonable degree of certainty, probable threat of serious bodily or physical harm or death against a reasonably identifiable victim, category of victims, or geographic target, then the qualified mental health professional or behavior analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's or analyst's specialty under similar circumstances, who has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act and is likely to carry

out the threat unless prevented from doing so, shall immediately report the service recipient to local law enforcement, who shall take appropriate action based upon the information reported.

(b) If a mental health professional or behavior analyst is required to report pursuant to subsection (a), then the professional or analyst shall report the following information:

(1) Complete name and all aliases of the service recipient;

(2) Name of the mental health professional or behavior analyst and the name of the private or state hospital or treatment resource from which the individual may be receiving services;

(3) Date of birth of the service recipient;

(4) Race and sex of the service recipient;

(5) Social security number of the service recipient if available;

(6) The names or identities of any reasonably identifiable potential victims, categories of victims, or geographic targets to the extent such information was communicated by the service recipient or reasonably inferable from the communications of the service recipient; and

(7) A detailed statement of the service recipient's communications or actions which warrant reporting under this section.

(c) The information in subdivisions (b)(1)-(3) and (5)-(7), the confidentiality of which is protected by other statutes or regulations and declared to be protected by this section, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353, and 39-17-1354.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to acts occurring on or after the effective date of this act.