

HOUSE BILL 7058

By Cochran

AN ACT to amend Tennessee Code Annotated, Title 33,  
Chapter 3, Part 2, relative to special liability.

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 the following:

(a) As used in this section and §§ 33-3-207 – 33-3-210, "healthcare provider" means a physician licensed under title 63, chapter 6 or 9, a nurse practitioner certified under § 63-7-123, or a physician assistant licensed under title 63, chapter 19.

(b) If a service recipient has communicated to a qualified mental health professional, licensed behavior analyst, or healthcare provider an actual threat of bodily harm against a victim, and the qualified mental health professional, licensed behavior analyst, or healthcare provider, using the reasonable skill, knowledge, and standard of care ordinarily possessed and exercised by the professional's, analyst's, or provider'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 attempt to carry out the threat unless prevented from doing so, then the qualified mental health professional, licensed behavior analyst, or healthcare provider shall take reasonable care to predict, warn of, or take precautions to protect the victim from the service recipient's violent behavior.

SECTION 2. Tennessee Code Annotated, Section 33-3-207, is amended by deleting the language "the professional or service provider" and substituting "the qualified mental health professional, licensed behavior analyst, or healthcare provider".

SECTION 3. Tennessee Code Annotated, Section 33-3-207(1), is amended by deleting the language "clearly identified victim" and substituting "victim".

SECTION 4. Tennessee Code Annotated, Section 33-3-207, is amended by adding the following new subdivision:

(5) Reporting the threat made by the service recipient to local law enforcement, pursuant to § 33-3-210.

SECTION 5. Tennessee Code Annotated, Section 33-3-208(2), is amended by deleting the language "clearly identified victim" and substituting "victim".

SECTION 6. Tennessee Code Annotated, Section 33-3-208(1), is amended by deleting the language "qualified mental health professional or behavior analyst" and substituting "qualified mental health professional, licensed behavior analyst, or healthcare provider".

SECTION 7. Tennessee Code Annotated, Section 33-3-210(a), is amended by deleting the subsection and substituting:

(a) If a service recipient has communicated to a qualified mental health professional, licensed behavior analyst, or healthcare provider an actual threat of serious bodily harm or death against a victim, then the qualified mental health professional, licensed behavior analyst, or healthcare provider, using the reasonable skill, knowledge, and standard of care ordinarily possessed and exercised by the professional'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 attempt 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.

SECTION 8. Tennessee Code Annotated, Section 33-3-210(b), is amended by deleting the language "mental health professional or behavior analyst" wherever it appears and

substituting "qualified mental health professional, licensed behavior analyst, or healthcare provider".

SECTION 9. Tennessee Code Annotated, Section 33-3-210(b), is amended by deleting the language "the professional or analyst" and substituting "the qualified mental health professional, licensed behavior analyst, or healthcare provider".

SECTION 10. This act takes effect October 1, 2023, the public welfare requiring it.