

SENATE BILL 2296

By Kyle

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, Section 71-6-113, is amended by deleting the language in the section in its entirety and by substituting instead the following:

(a) It is the legislative intent that the department of mental health and 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 in any way possible to provide 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 or developmental disabilities, is in need of specialized care or medical treatment, the department of mental health and disabilities, the department of health, and the division of mental retardation services of the department of finance and administration, or their successor agencies, shall give priority to such person for appropriate placement or treatment.

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