

HOUSE BILL 1936

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 6, relative to abuse, neglect, and
exploitation of adults.

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

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) The district attorney general of each judicial district shall establish, or cause to be established, an adult protective investigative team ("APIT") for the purpose of:

(1) Coordinating the investigation of suspected instances of abuse, neglect, or exploitation of an adult;

(2) Coordinating responses to suspected instances of abuse, neglect, or exploitation of an adult, including the following services:

(A) Medical;

(B) Legal;

(C) Housing;

(D) Social welfare; or

(E) Other remedial services; and

(3) Referral to the appropriate authorities for criminal or civil legal action.

(b)

(1) As determined by the district attorney general, or the district attorney's designee, the APIT shall consist of representatives, from within the judicial district wherever appropriate, of:

- (A) The district attorney general, or the district attorney's designee;
- (B) Local law enforcement agencies;
- (C) The department's adult protective services section;
- (D) The Aging Commission of the Mid-South;
- (E) Nonprofit organizations that provide victim services or adult care services;
- (F) Providers of medical, legal, or housing services or facilities to adult victims of abuse, neglect, or exploitation; and
- (G) Any other entity which the district attorney general, or the district attorney's designee, determines is necessary for the successful operation of the APIT.

(2) Upon establishment of the district's APIT, the district attorney general, or the district attorney's designee, shall inform the department of the APIT's membership, including the agencies, organizations, or entities represented. The district attorney general, or the district attorney's designee, shall also promptly inform the department of any changes to the APIT's membership, including any changes to agencies, organizations, or entities represented.

(c) Each APIT shall:

(1) Meet regularly, as determined by the district attorney general, or the district attorney's designee; provided, that meetings shall be held at least quarterly;

(2) Investigate all instances of suspected abuse, neglect, or exploitation of an adult that are based on:

- (A) Reports or concerns raised by potential victims or third parties; or

(B) Reports or concerns raised by members of the APIT's represented agencies, organizations, or entities; and

(3) Adhere to the standards, definitions, investigative methods, procedures, and remedial courses of action described in this part.

(d) The district attorney general, or the district attorney's designee, shall coordinate the creation of a memorandum of understanding that describes the APIT's procedures and methods of operation in detail, including confidentiality requirements and the sharing of information among the APIT's members in accordance with subsection (f). The memorandum shall be signed by a representative of each agency, organization, or entity participating in the APIT.

(e) By March 15 of each year, each district attorney general shall cause to be filed with the department an annual report that summarizes the work of the APIT for the previous calendar year.

(f)

(1) Except as otherwise permitted by law:

(A) Records, reports, and information concerning reports of abuse, neglect, or exploitation of an adult shall be kept confidential among the APIT's members; and

(B) It is unlawful for any person, except for purposes directly connected with the administration of this part, to knowingly disclose, receive, make use of, or authorize, or knowingly permit, participate in, or acquiesce to the use of, any information received or generated in the course of the APIT's investigations, responses, or activities.

(2) Disclosure may be made to persons and entities directly involved in the administration of this part, including:

(A) Persons providing medical, legal, housing, social welfare, or other services necessary for the well-being of the adult client;

(B) Attorneys, next friends, or other representatives of the adult client who are legally empowered to act in the adult client's interest;

(C) Representatives of law enforcement;

(D) Grand juries or courts in the exercise of official business;

(E) Members of the APIT; and

(F) Persons engaged in bona fide research or audit purposes; provided, that only information in the aggregate without identifying information shall be provided for research or audit purposes and confidentiality of the data is maintained.

(3) Unless expressly provided otherwise in statute or within the APIT's memorandum of understanding, members of the APIT may share information described in subdivision (f)(1) among members for the purpose of effectuating the APIT's mission.

(4) Unless strictly necessary for the provision of medical, legal, housing, social welfare, or other services, the name of the potential or actual victim or client shall be shared outside of the APIT only with representatives of law enforcement and organizations devoted to victims' rights, services, or advocacy.

(5) To promote efficiency and effectiveness in its mission, the APIT may maintain a database of information about past and ongoing cases; provided, that identifying information about individual victims and clients shall not be accessed by any person outside of the APIT other than those persons serving as care coordinators or victim advocates, or who represent organizations providing those services.

(6) Notwithstanding this subsection (f), identifying information for the person who reports a case of suspected abuse, neglect, or exploitation of an adult shall be kept strictly confidential. The identifying information shall not be disclosed to any person or organization within or without the APIT, unless the reporting person expressly consents to disclosure.

(g) Any person participating in good faith in any action or omission authorized or required under this part shall be immune from any civil or criminal liability that might otherwise result by reason of such action or omission.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.