



TENNESSEE DEPARTMENT OF MENTAL HEALTH & DEVELOPMENTAL DISABILITIES
- 2009 LEGISLATIVE SUMMARY -

PC #	SB	HB	Summary – To view a Public Chapter from this list, visit: http://www.state.tn.us/sos/acts/ . To view a bill from this list visit: http://capitol.tn.gov .	T.C.A.
TDMHDD Departmental Legislation				
PC 0549 (effective 06/25/2009)	2282	2295	CRIMINAL LAW: Mental health exams for juveniles alleged delinquent. Clarifies that the department of mental health and developmental disabilities can pay for outpatient mental health examinations of juveniles alleged to be delinquent or unruly but not inpatient evaluations. The bill requires an outpatient evaluation be completed first. It specifies that the state is responsible for payment of the outpatient evaluation. Requires the outpatient evaluation be completed within 30 days of the receipt of the order. Inpatient evaluations may be ordered after the completion of an outpatient evaluation and upon the recommendation of the outpatient evaluator. Maintains that the city or county is responsible for payment of the inpatient evaluation. For crisis services it defines a behavioral health emergency as an acute onset of a behavioral health condition that manifests itself by an immediate substantial likelihood of serious harm as defined in section 33-6-501 The bill requires that a crisis service provider respond to a child experiencing a behavioral health emergency within 2 hours and that the crisis service provider notify the court immediately if the crisis service provider is unable to respond within 2 hours. Finally, if the crisis service provider is unable to respond within the required timelines they are required to inform the court of alternate method of assessment.	37-01-0128 37-01-0150
PC 0186 (effective 05/07/2009)	2298	2250	HEALTH CARE: Alcohol and drug services transferred to mental health. Transfers responsibility for various functions related to drug and alcohol services from the department of health to department of mental health and developmental disabilities and changes	04-31-0703 04-31-0706 04-31-0710

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			additional services to reflect the departmental restructuring.	33-02-0402 39-17-0439 40-33-0211 40-35-0303 55-10-0403 55-10-0452 57-05-0205 63-22-0113 68-01-0601 68-01-0602 68-01-0603 68-01-0604 68-01-0605 68-01-0606 68-11-0202 68-11-0203 68-11-0204 68-11-0206 68-11-0213 68-24-0101 68-24-0102 68-24-0103 68-24-0104 68-24-0105 68-24-0106 68-24-0201 68-24-0202 68-24-0203 68-24-0401

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				68-24-0402 68-24-0501 68-24-0502 68-24-0503 68-24-0504 68-24-0505 68-24-0506 68-24-0507 68-24-0508 68-24-0509 68-24-0510 68-24-0701 68-24-0702 71-03-0154
Mental Health Related Legislation				
Bill is in House Budget sub although DMHDD plans to study it this summer.	0034*	0297	HEALTH CARE: Mandatory outpatient treatment program. Adds participation in mandatory outpatient treatment to the courses of action that must be pursued prior to judicial commitment for involuntary care and treatment. Clarifies that a person may be judicially ordered to participate in any medically appropriate outpatient treatment when it is a less drastic alternative to commitment.	0297 33-06-0500 33-06-0502
PC 0404 (effective 06/11/2009)	0441	1669	HEALTH CARE: Availability of crisis care services. The Department of Mental Health and Developmental Disabilities (DMHDD) is required to coordinate with other departments and agencies to promote access to a continuum of appropriate services for persons in	33-06-0105

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			<p>psychiatric emergencies including a 24-hour, seven-day-a-week toll-free telephone number, telephone and walk-in triage screening, assessment, intervention and follow-up, and access to crisis respite and crisis stabilization beds. States the legislative intent for the DMHDD to maintain funding and services for the portion of emergency psychiatric services continuum for persons who are not eligible for TennCare and are uninsured at levels equal to those provide on January 1, 2009. DMHDD must report to the Planning and Policy Council and the Fiscal Review Committee identifying all means the Department intends to use to increase resources available in the event that appropriations are not sufficient to continue funding these services at that level.</p>	
PC 0468 (effective 07/01/09)	0772	1385	<p>HEALTH CARE: Transportation of persons with a mental illness. Grants prescreening agents, physicians, or licensed psychologists state employee status and prohibits the entities that employ them and sheriffs from being held civilly liable for damages arising out of a transport if it is determined that an involuntary admission for mental health treatment patient does not need to be restrained or have vehicle security when being transported. Requires any secondary transportation agent, municipal law enforcement agency, friend, relative, clergy member, or other mental health professional authorized to transport an individual without the use of restraints or security to sign a form agreeing to pay any and all costs associated with the transport.</p>	08-42-0100 08-42-0101 33-06-0900 33-06-0901
PC 0419 (effective 07/01/2009) – Note: this is also part of the omnibus bill SB 2357	0927	1348	<p>CRIMINAL LAW: Court-ordered outpatient evaluation of criminal defendant. Authorizes a court to order outpatient evaluation of criminal defendant pending a post-trial proceeding under certain circumstances. It also grants the court authority to order the defendant in a capital case post-conviction proceeding to be evaluated for a mental condition on an outpatient basis if no prior evaluation has been conducted. If the outpatient evaluator concludes that an inpatient evaluation is necessary, the court may order the defendant to be hospitalized for not more than 30 days.</p>	33-07-0301

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PC 0095 (effective 07/01/2009)	1538	1551	HEALTH CARE: Behavioral health safety net. Clarifies that it is the legislative intent that the department of mental health and developmental disabilities make the funding of the behavioral safety net of Tennessee the highest priority. Requires the department, in the event that appropriations to the department are not sufficient to continue funding these services at a level at least equivalent to the services currently being provided, then the department shall provide a report to the planning and policy council and the fiscal review committee. Specifies that the report is to identify all means the department intends to use to increase resources available. The legislation was amended to define "adult behavioral health services for the seriously and persistently mentally ill" to mean behavioral health services for individuals 19 years of age or older. Establishes that support for community based providers of behavioral health services is for adults who are uninsured and whose income is at least 100 percent of the federal poverty level. Clarifies that the department of mental health and developmental disabilities maintain the funding amount and the extent of services of the behavioral health safety net of Tennessee. Establishes that if the appropriations are not sufficient, the department must provide a report to the planning and policy council.	33-06-0103 71-05-0103 71-05-0148
PC 0069 (effective 04/15/2009)	1547	1654	PROFESSIONS & LICENSURE: Doctoral clinical psychology students. Adds doctoral clinical psychology students in university-operated training clinics as being eligible to receive third-party reimbursement from any managed care plan or third party payor.	63-11-0224
In Senate General Welfare.	2031	1914	HEALTH CARE: Consulting family members for outpatient treatment plan. Authorizes a releasing facility and qualified mental health professional to consult with certain additional adult family members in developing an outpatient treatment plan.	33-06-0603 33-00-0000
PC 0578 (effective 01/01/2010)	2236	2249	HANDGUNS: Reporting requirements. Requires committing courts to report to FBI-NICS and Dept. of Safety those individuals who have been judicially committed as an involuntary to receive inpatient mental health treatment. As part of the reporting process these individuals will no longer be able to obtain a handgun carry permit or purchase a	04-00-0000 08-00-0000 16-00-0000 33-00-0000

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			To view a Public Chapter from this list, visit: http://www.state.tn.us/sos/acts/ .	T.C.A.
			handgun. This brings the state in line with federal law.	
				38-00-0000 39-00-0000 39-17-1352 40-00-0000 49-00-0000 54-00-0000 55-00-0000 65-00-0000
Disability/Developmental Disability/MR Related Legislation				
PC 0264 (effective 05/20/2009)	0939	0465	PROFESSIONS & LICENSURE: Nurse practitioners/physician assistants - disability tags. Allows nurse practitioners and physician assistants, with the same authority as a physician, to issue certified statements of disability or deafness to the department of revenue for the purpose of obtaining disabled license tags.	38-08-0106 55-21-0100 55-21-0152
PC 0477 (effective 06/23/2009)	1121	1275	HEALTH CARE: Developmental disabilities study committee agenda. Requires the Tennessee Code Commission to change code references from the Division of Mental Retardation Services to the Division of Intellectual Disabilities Services wherever it appears in Tennessee Code Annotated Titles 4, 33, and 71 as volumes are replaced and supplements are published. Senate amendment 2, as amended, deletes the language "idiot or lunatic." Requires that if any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.	04-00-0000 33-00-0000 33-05-0109 71-00-0000
Senate 05/18/2009	SJR 0072		HEALTH CARE: Access to home-based services for disabled. Expresses support for people with developmental disabilities having access to home and community based	

adopted.			services provided through a single distinct entity in state government.	
Signed by governor 05/27/2009.	SJR 0201		HEALTH CARE: Impact of Vocational Rehabilitation Order of Selection. Directs the department of human services to review the impact of Vocational Rehabilitation Order of Selection on the mentally ill. Amendment: Senate amendment 1 deletes all language of the original resolution and directs the Department of Human Services (DHS) to consider the number and severity of functional limitations that arise from mental illness in determining the eligibility and priority category for Vocational Rehabilitation services rather than the feasibility of basing eligibility on disability alone.	
Alcohol/Drug Related Legislation				
PC 0459 (effective 07/01/09)	0451	1655	HEALTH CARE: Functions of licensed alcohol and drug abuse counselors. Includes adds assisting clients with applying for state and federal benefits to the list of functions performed by licensed alcohol and drug abuse counselors. Expands the scope of alcohol and drug abuse counseling services to include the evaluation and treatment of persons who have had their lives significantly impacted by compulsive gambling disorder. Establishes that a counselor evaluating or treating a person impacted by compulsive gambling disorder shall not have less than 60 hours of specialized education through formal classroom training or continuing education hours. An applicant for a license shall have experience with at least 10 patients. A supervisor is required to have at least 60 hours of formal classroom instruction to supervise a counselor.	33-00-0000 68-11-0000 68-24-0000 68-24-0609
Taken Off Notice	1512	1293	TRANSPORTATION VEHICLES: Ignition interlock device for DUI offenders. Requires the court to order the motor vehicle owned or driven by person convicted of DUI on first or second offense with a BAC of .18 percent or more to have a functioning ignition interlock device installed after a 60 day suspension of the person's driver license. Also requires device to be installed on vehicle owned or driven by a person convicted of third offense DUI after a 90 day suspension of person's driver license.	40-33-0000 40-33-0211 55-10-0400 55-10-0403 55-10-0406 55-10-0412
Taken Off Notice	2004	1883	HEALTH CARE: Future direction of oversight of methadone clinics. Urges the department of health to undertake an analysis to assist the legislature in determining the future direction of licensing and oversight of methadone maintenance programs and to share any findings, if so undertaken, with the governor and the health and human resources committee of the house and the general welfare, health and human resources committee of	68-11-0000 68-11-1600

the senate.

Other State Agency/Commission Related Legislation

PC 0554 (effective 07/01/2009)	2355	2392	PUBLIC FINANCE: Appropriations - FY 2008-2009 and FY 2009-2010. Makes appropriations for fiscal years 2008-2009 and 2009-2010.	
PC 0531 (effective 07/01/2009)	2357	2389	<p>Makes mental health law changes necessary to implement budget reduction and manage population levels at regional mental health institutes (RMHIs). Subjects admissions to RMHIs to available suitable accommodations. In situations in which an emergency admission to an RMHI is sought, the sheriff is not required to take custody of the person for transportation until the certifying professional provides both a certificate of need and a written statement indicating suitable available treatment. Requires counties to pay cost of court-ordered evaluations and treatment in misdemeanor cases. Clarifies that defendants found not guilty by reason of insanity will be diagnosed and evaluated on out-patient basis. Authorizes the commissioner to contract for temporary staff increases at state owned treatment centers when occupancy level requires.. Requires the department of mental health and developmental disabilities to report quarterly to the health, welfare and finance committees of both houses on the impact of available suitable accommodations, including the number of delays, in state owned treatment facilities. Phases in the reduction of bed capacity at state owned or operated facilities as determined by the department. Changes the definition of "available suitable accommodations" or "suitable available accommodations" to mean a state owned or operated hospital or treatment resource has the capacity, as reasonably determined by the Commissioner of Mental Health and Developmental Disabilities, and the medical capability, equipment and staffing to provide appropriate level of care, treatment and physical security to an individual in an unoccupied and unassigned bed. In instances where an individual is not admitted or transferred to a state owned or operated hospital or treatment resource due to the facility not having suitable available accommodations, the Commissioner is required to expeditiously find a state-owned or operated hospital or treatment resource to accommodate the person upon the availability of suitable available accommodations. Grants the court authority to order the defendant in a capital case post-conviction proceeding to be evaluated for a mental condition on an outpatient basis if no prior evaluation has been conducted. If the outpatient evaluator concludes that an inpatient evaluation is necessary, the court may order the defendant to be</p>	<p>02-00-0000 03-00-0000 04-00-0000 05-00-0000 06-00-0000 07-00-0000 08-00-0000 09-00-0000 11-00-0000 12-00-0000 13-00-0000 16-00-0000 33-00-0000 36-00-0000 37-00-0000 38-00-0000 39-00-0000 40-00-0000 41-00-0000 42-00-0000 43-00-0000 44-00-0000 45-00-0000 47-00-0000 48-00-0000 49-00-0000 50-00-0000</p>

			hospitalized for not more than 30 days.	51-00-0000 54-00-0000 55-00-0000 56-00-0000 57-00-0000 58-00-0000 59-00-0000 60-00-0000 61-00-0000 62-00-0000 63-00-0000 65-00-0000 66-00-0000 67-00-0000 68-00-0000 70-00-0000 71-00-0000
PC 0001 (effective 03/02/2009)	0318	0419	In the event that a reduction-in-force is implemented, notwithstanding any other provision of law to the contrary, including, but not limited to, any related rules, policies, practices, procedures or orders, the Commissioner of Human Resources, in addition to any other existing powers, shall have the power and authority, with the approval of the appointing authorities of the affected departments, to move qualified employees by transfer, promotion, reduction in rank, or lateral reclassification within and between agencies without requiring certification on any list of eligibles.	8-30-320 8-30-402 8-30-401
PC 0142 (effective 04/16/2009)	1359	1367	As enacted, establishes provisions governing the TCRS amount of service and salary credit for persons whose work hours are reduced due to reductions in funding levels; exempts certain deferred and tax-sheltered compensation plans for certain employees from approval requirements; revises other various provisions governing pensions and compensation programs for public employees and officers.	4-29-236 8-25-103 8-25-104 8-25-105 8-34-101 8-34-321 8-34-401 8-34-402 8-34-403 8-34-604

				8-34-619 8-35-404 8-36-123
Child Focused Legislation				
Off notice	392	0622	CRIMINAL LAW: Juvenile sex offenders on sex offender registry. Requires juveniles 14 to 18 years of age adjudicated delinquent for commission of offenses of aggravated rape of a child, rape of a child, aggravated rape, and attempt to commit any such offense to register with the sex offender registry as a violent juvenile sexual offender.	
PC 0593 (effective 08/17/09)	0456	0459	CRIMINAL LAW: Court-ordered mental health evaluations for juveniles. Authorizes the Council of Juvenile and Family Court Judges to establish and administer a program to reimburse counties for the costs associated with inpatient mental health evaluations. Specifies that the fund may pay for evaluations for juveniles charged with an offense which would constitute a felony if committed by an adult. Allows the fund to pay for full or partial reimbursement of the following: <ul style="list-style-type: none"> ○ the costs of inpatient mental health examinations or evaluations ordered by a juvenile court judge ○ the costs of transportation for a mental health examination or evaluation ○ the costs of detention incurred pursuant to Section 37-1-116(f) for the purposes of obtaining an outpatient evaluation or examination at a detention facility located in another county Specifies that the program is subject to available funds. Allows the council to adopt rules and regulations for the administration of the fund. Funded in FY 2010 for \$600,000 non-recurring	37-01-0000 37-01-0150
PC 0160 (effective 07/01/2009)	0680	0202	EDUCATION: School notified when a student is adjudicated delinquent. Allows a court to make a finding that the child's school must be notified based on the circumstances surrounding the offense if the adjudication of delinquency is for an offense not listed. Adds a new subdivision to include offenses not previously listed, for which a court has ordered school notification based on the circumstances surrounding such offense.	37-01-0131 49-06-3051
PC 0358 (effective 07/01/2009)	0809	0325	FAMILY LAW: Confidentiality of DCS records. Specifies that applications, certificates, records, reports, legal documents and petitions made or information received by the department of children's services that directly or indirectly identify a child or family	10-07-0504 37-01-0403 37-01-0409

			receiving services from the department or that identifies the person who made a report of child abuse or neglect are to be kept confidential and not be open for public inspection. Amendment: House amendment 1 clarifies that this bill will not prohibit the disclosure of certain information regarding children who are placed in in-patient mental health treatment programs upon a finding of delinquency to designated school personnel who are required to develop a transition plan for the child upon the child's discharge. Clarifies that this bill will not prohibit disclosure of certain information amongst school employees who are authorized to create a plan to set out a list of goals to provide a violent juvenile offender an opportunity to succeed in school and provide for school safety.	37-05-0107
PC 0127 (effective 07/01/2009)	0850	1552	HEALTH CARE: Universal mental health testing of juveniles. Places restrictions on universal mental health testing, or psychiatric or socioemotional screening of juveniles. Requires certain consent by a juvenile's parent, guardian, legal custodian, or caregiver before such testing can occur.	49-02-0100 49-02-0124
Deferred to 2010	0852	0830	HEALTH CARE: Isolation and restraint for mental health care. Enacts the "Isolation and Restraint Modernization and Positive Behavioral Supports Act" in order to prevent unreasonable, unsafe and unwarranted uses of isolation and restraint practices. Allows for a child to be restrained or isolated only if it is provided for in the child's family service plan, except in situations used to assure the physical safety of the child or others nearby. Requires department staff who must isolate or restrain a child to report the incident to the child's case manager who must record the use of isolation or restraint and the facts surrounding such use.	33-08-0000 37-05-0000
Deferred to call of the chair for Senate General Welfare	2095	1236	HEALTH CARE: Infants addicted to alcohol or controlled substances. Requires the bureau of TennCare and the department of health to work with health care providers to enhance opportunities for women who are pregnant to receive treatment for addiction to alcohol or controlled substances. Requires the bureau of TennCare, the department of mental health and developmental disabilities, the department of children's services and the department of health to work together to ensure that women who are addicted to alcohol or drugs and who have recently given birth will be referred to the appropriate agencies for any necessary services for themselves and their babies. Requires health care providers to comply with the clinical standard of care in deciding whether to administer a confirmatory test, what treatment is needed, and what medical follow-up is appropriate. Requires a health care provider who determines a newborn infant is suffering from neonatal abstinence	37-05-0000 68-00-0000 68-05-0000

			syndrome to notify the department of children's services. Establishes that such health care provider is not liable in any civil or criminal action that is based solely upon such report. Requires all hospitals and birthing centers to report to the department of health the number of infants born in their facility who were exposed to alcohol or drugs prenatally. Establishes criteria for consent form containing information concerning drug or alcohol test results.	
PC 0415 (effective 06/03/2009)	0686	0638	As enacted, requires the executive director of the select committee on children and youth to establish a non-funded, voluntary, post-custody services advisory council to identify the effectiveness and utilization of post-custody services and make recommendations for the continued operation of the system of post-custody services and supports; requires other action in regard to services and supports and persons in foster care.	37-2-501 37-2-502 37-2-503 37-2-504 37-2-505

Licensure Legislation				
Taken Off Notice	1226	0702	HEALTH CARE: Entities providing educational services to mentally ill. Exempts from licensure by the department of mental health and developmental disabilities any facilities operated by nonprofit entities providing educational services for persons over 18 with mental retardation and that do not receive any governmental funds for providing such services.	33-02-0403 71-02-0400 71-02-0402
Taken Off Notice	2013	1821	HEALTH CARE: Developmentally disabled adult facilities. Exempts certain adult day habilitation facilities providing services to developmentally disabled adults from individual program plan and medical care requirements.	33-00-0000 33-02-0400 49-00-0000
Still in committee	2129	2241	HEALTH CARE: Employees of mental health residential facilities. Prohibits any mental health residential treatment facility or mental health supportive living facility to employ a person who is a convicted felon.	33-00-0000 33-02-0400
PC 0426 (effective 06/11/2009)	2201	2344	HEALTH CARE: Residential facilities for the developmentally disabled. Exempts facilities that house persons on a temporary or transitional basis or through a specialized court program addressing the needs of individuals both in court custody and dually diagnosed with a developmental disability and mental illness from licensure requirements.	33-02-0418
To be studied this fall	2351	0545	HEALTH CARE: Halfway House Registration Act. Establishes registration process for halfway houses and requires the department of commerce and insurance to oversee registrations and renewals of halfway houses.	63-00-0000
General Health Related Legislation				
PC 0401 (effective 06/09/2009)	2295	2286	HEALTH CARE: Registry of persons who have been abused or neglected. Clarifies that the department of health must maintain a registry containing the names of any persons who have been determined by Tennessee government agencies as well as any state or federal court or any administrative bodies to have abused, neglected, misappropriated or exploited the property of vulnerable individuals. Further defines acts considered exploitation. Provides instruction for the removal of individual's names from the registry.	68-11-1001 68-11-1004 68-11-1006 68-11-1008

			(Part of Administration Package.)	
PC 0212 (effective 05/13/2009)	2296	2254	GOVERNMENT REGULATION: Reports of abuse or neglect of adults. Specifies that the division of mental retardation services of the department of finance and administration is not required to report to the department of human services any allegations of abuse, neglect or exploitation involving any person in any of the institutions operated by the division. Specifies that such allegations will be investigated by investigators within the division itself. (Part of Administration Package)	71-06-0103 71-06-0113
PC 0067 (effective 7/1/2009)	0408	0462	Makes deceiving or failing to disclose drug history to certain health care professionals in an effort to illegally obtain controlled substances a Class A misdemeanor and requires certain health care professionals to report suspicion of such to local law enforcement. Creates civil immunity for health care providers acting in good faith to comply with this law.	53-11-309 53-11-402

If you questions regarding this summary, please contact:

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