

SENATE BILL 2398

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 34
and Title 63, relative to conservatorship.

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

SECTION 1. Tennessee Code Annotated, Section 34-3-104(7), is amended by adding the language "or senior psychological examiner" after the language "respondent's psychologist".

SECTION 2. Tennessee Code Annotated, Section 34-3-105, is amended by deleting the section in its entirety and by substituting instead the following:

(a) If the respondent has been examined by a physician or, where appropriate, a psychologist or senior psychological examiner not more than ninety (90) days prior to the filing of the petition and the examination is pertinent, the report of the examination shall be submitted with the petition. If the respondent has not been examined within ninety (90) days of the filing of the petition, cannot get out to be examined or refuses to be voluntarily examined, the court shall order the respondent to submit to examination by a physician or, where appropriate, a psychologist or senior psychological examiner identified in the petition as the respondent's physician, psychologist or senior psychological examiner or, if the respondent has no physician, psychologist or senior psychological examiner, a physician, psychologist or senior psychological examiner selected by the court. The physician, psychologist or senior psychological examiner, on completing the examination, shall send a sworn written report to the court with copies to the petitioner and the guardian ad litem. The physician's, psychologist's or senior psychological examiner's report shall be made a part of the court record.

(b) On motion by the petitioner, the respondent, the adversary counsel, the guardian ad litem, or on its own initiative, the court may order the respondent to submit

to examination by such physicians, psychologists, senior psychological examiners or other specialists who have expertise in the specific disability of the respondent. The examiner shall send a sworn written report to the court with copies to the petitioner, the guardian ad litem and the person requesting the second examination. The court may assess the cost of the second examination against the property of the disabled person or against the person requesting the examination.

(c) Each physician's, psychologist's or senior psychological examiner's sworn report shall contain the following:

- (1) The respondent's medical history; provided, this subdivision shall not be construed to expand the examiner's scope of practice;
- (2) A description of the nature and type of the respondent's disability;
- (3) An opinion as to whether a conservator is needed and the type and scope of the conservator with specific statement of the reasons for the recommendation of conservatorship; and
- (4) Any other matters as the court deems necessary or advisable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.