

West's Tennessee Code Annotated

Title 33. Mental Health and Substance Abuse and Intellectual and Developmental Disabilities

Chapter 6. Mental Health Service

Part 4. Emergency Involuntary Admission to Inpatient Treatment

T. C. A. T. 33, Ch. 6, Pt. 4, Refs & Annos

Currentness

T. C. A. T. 33, Ch. 6, Pt. 4, Refs & Annos, TN ST T. 33, Ch. 6, Pt. 4, Refs & Annos

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Title 33. Mental Health and Substance Abuse and Intellectual and Developmental Disabilities

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T. C. A. § 33-6-401

§ 33-6-401. Detention

Currentness

IF AND ONLY IF

(1) a person has a mental illness or serious emotional disturbance, AND

(2) the person poses an immediate substantial likelihood of serious harm under § 33-6-501 because of the mental illness or serious emotional disturbance,

THEN

(3) the person may be detained under § 33-6-402 to obtain examination for certification of need for care and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-401, TN ST § 33-6-401

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T. C. A. § 33-6-402

§ 33-6-402. Warrantless detention

Effective: October 1, 2007

Currentness

If an officer authorized to make arrests in the state, a licensed physician, a psychologist authorized under § 33-6-427(a), or a professional designated by the commissioner under § 33-6-427(b) has reason to believe that a person is subject to detention under § 33-6-401, then the officer, physician, psychologist, or designated professional may take the person into custody without a civil order or warrant for immediate examination under § 33-6-404 for certification of need for care and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-402, TN ST § 33-6-402

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T. C. A. § 33-6-403

§ 33-6-403. Admission to hospital or treatment resource

Currentness

IF AND ONLY IF

(1) a person has a mental illness or serious emotional disturbance, AND

(2) the person poses an immediate substantial likelihood of serious harm, under § 33-6-501, because of the mental illness or serious emotional disturbance, AND

(3) the person needs care, training, or treatment because of the mental illness or serious emotional disturbance, AND

(4) all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the person,

THEN

(5) the person may be admitted and detained by a hospital or treatment resource for emergency diagnosis, evaluation, and treatment under this part.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-403, TN ST § 33-6-403

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T. C. A. § 33-6-404

§ 33-6-404. Detention by hospital or treatment resource

Effective: June 25, 2009

Currentness

IF

(1)(A) a licensed physician, psychologist, or designated professional takes a person into custody under § 33-6-402, OR

(B) a person is brought to the physician, psychologist, or designated professional for examination under this section,

THEN

(2) the physician, psychologist, or designated professional shall immediately examine the person and decide whether the person is subject to admission to a hospital or treatment resource under § 33-6-403, AND

(3)(A) IF

(i) the person is not subject to admission, THEN

(ii) the physician, psychologist, or designated professional shall release the person, AND

(B) IF

(i) the person is subject to admission, THEN

(ii) the physician, psychologist, or designated professional shall complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, AND

(iii) the physician, psychologist, or designated professional shall assess the person's clinical needs and need for physical restraint or vehicle security and determine the mode of transportation to the hospital in consultation with the mandatory prescreening agent, other mental health professional familiar with the person, or a knowledgeable family member, AND

(iv) if admission is sought at a state-owned or operated hospital or treatment resource, the physician, psychologist or designated professional shall verify that the state-owned or operated hospital or treatment resource has been contacted and has available suitable accommodations, acknowledging such verification in writing.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2009 Pub.Acts, c. 531, § 37, eff. June 25, 2009.

T. C. A. § 33-6-404, TN ST § 33-6-404

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T. C. A. § 33-6-405

§ 33-6-405. Reserved

Currentness

T. C. A. § 33-6-405, TN ST § 33-6-405

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T. C. A. § 33-6-406

§ 33-6-406. Transportation of persons certified for admission to hospital or treatment resource; notice to the hospital or treatment resource; telehealth evaluations; transportation grant program

Effective: May 25, 2021

Currentness

(a) If the person certified for admission under § 33-6-404 is not already at the facility, hospital or treatment resource at which the person is proposed to be admitted, the physician, psychologist or designated professional who completed the certificate of need under § 33-6-404 shall give the sheriff or the transportation agent designated under part 9 of this chapter the original of the certificate and turn the person over to the custody of the sheriff or transportation agent who shall transport the person to a hospital or treatment resource that has available suitable accommodations for the person for proceedings under § 33-6-407; provided, that, if admission is sought to a state-owned or operated hospital or treatment resource, the physician, psychologist or designated professional who completed the certificate of need under § 33-6-404 shall also provide to the sheriff or transportation agent a written statement verifying that the state-owned or operated hospital or treatment resource has been contacted and has available suitable accommodations, and the sheriff or transportation agent shall not be required to take custody of the person for transportation unless both the original of the certificate and the written statement are provided. If the original of the certificate is unavailable, then an identical hard copy or electronic copy submitted by reliable electronic means must be accepted for purposes of this section. Failure of the sheriff or other county transportation agent to provide both a certificate of need and the written statement to the receiving state-owned or operated hospital or treatment resource for proceedings under § 33-6-407 shall result in all costs attendant to the person's admission and treatment being assessed to the transporting county.

(b)(1) Before transportation begins, the sheriff or transportation agent shall notify the hospital or treatment resource at which the person is proposed to be admitted as to where the person is and the best estimate of anticipated time of arrival at the hospital or treatment resource.

(2) The sheriff or transportation agent shall notify the hospital or treatment resource of the anticipated time of arrival. If the sheriff or transportation agent has given notice and arrives at the hospital or treatment resource within the anticipated time of arrival, then the sheriff or transportation agent is required to remain at the hospital or treatment resource long enough for the person to be evaluated for admission under § 33-6-407, but not longer than one (1) hour and forty-five (45) minutes. After one (1) hour and forty-five (45) minutes, the person is the responsibility of the evaluating hospital or treatment resource, and the sheriff or transportation agent may leave.

(3) In counties having a population of six hundred thousand (600,000) or more according to the 1970 federal census of population or any subsequent federal census, subdivisions (b)(1) and (2) do not apply, and the sheriff or transportation agent is relieved of further transportation duties after the person has been delivered to the hospital or treatment resource, and transportation duties shall be assumed by appropriate personnel of the hospital or treatment resource.

(c)(1) Subject to annual appropriations, there is established a grant program to assist sheriffs required to transport persons to a hospital or treatment resource for emergency mental health transport under this section. The department of finance and administration, in consultation with the department of mental health and substance abuse services and the division of TennCare, shall develop and administer the grant program. Assistance from this grant program must not be provided for emergency mental health transports where a physician, psychologist, or designated professional determines that the person can be transported by one (1) or more friends, neighbors, or other mental health professionals familiar with the person, relatives of the person, or a member of the clergy pursuant to § 33-6-901.

(2) A sheriff may contract with one (1) or more third parties or other law enforcement agencies to transport persons to a hospital or treatment resource in accordance with this section. The sheriff shall deem a third party or law enforcement agency contracted to perform this function to be the designated secondary transportation agent pursuant to § 33-6-901. Any contract entered into under this subsection (c) is subject to audit by the comptroller of the treasury or the comptroller's designee.

(3) A sheriff may receive grant funds provided under this subsection (c) and pay the grant funds to third parties or other law enforcement agencies with which the sheriff contracts to transport persons to a hospital or treatment resource in accordance with this section. The receipt or expenditure of grant funds received by a sheriff under this subsection (c) is subject to audit by the comptroller of the treasury or the comptroller's designee.

(d) If telehealth services are available and offered by a hospital or treatment resource at which a person is proposed to be admitted pursuant to this part, then the hospital or treatment resource may elect to conduct an evaluation for admission under § 33-6-407 through telehealth as defined in § 56-7-1002.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2002 Pub.Acts, c. 730, § 40, eff. July 1, 2002; 2009 Pub.Acts, c. 531, §§ 38 to 40, eff. June 25, 2009; 2019 Pub.Acts, c. 512, § 1, eff. July 1, 2019; 2021 Pub.Acts, c. 538, § 3, eff. May 25, 2021.

T. C. A. § 33-6-406, TN ST § 33-6-406

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T. C. A. § 33-6-407

§ 33-6-407. Examination to determine admission; transportation duty

Effective: July 1, 2013

Currentness

(a) A hospital or treatment resource that receives a person transported under § 33-6-406 shall have a licensed physician examine the person to determine whether the person is subject to admission under § 33-6-403.

(b) If the person is subject to admission under § 33-6-403, the physician shall complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation and treatment.

(c) If the person is not subject to admission and the sheriff or transportation agent is under a duty to remain at the hospital or treatment resource under § 33-6-406, the sheriff or transportation agent shall return the person to the county.

(d) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, the hospital or treatment resource shall return the person to the county.

(e) A hospital, treatment resource, or health care provider shall be immune from any civil liability and shall have an affirmative defense to any criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource or from the transportation of a person to and from the hospital or treatment resource.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2009 Pub.Acts, c. 531, § 41, eff. June 25, 2009; 2013 Pub.Acts, c. 32, § 1, eff. July 1, 2013.

T. C. A. § 33-6-407, TN ST § 33-6-407

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T. C. A. § 33-6-408

§ 33-6-408. Admission of person already at hospital or treatment resource

Effective: July 10, 2015

Currentness

If the person has been certified as subject to admission under § 33-6-403 and is already at the hospital or treatment resource at which the person is proposed to be admitted, the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation and treatment. The application shall be accompanied by the two (2) certificates of need and shall state the reasons and circumstances under which the person was taken into custody.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-408, TN ST § 33-6-408

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T. C. A. § 33-6-409

§ 33-6-409. Repealed by 2002 Pub.Acts, c. 730, § 41, eff. July 1, 2002

Currentness

T. C. A. § 33-6-409, TN ST § 33-6-409

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T. C. A. § 33-6-410

§ 33-6-410. Admission to state hospital or treatment resource

Currentness

If the chief officer of a state hospital or treatment resource determines that the person is subject to admission under § 33-6-403 and has the required certificates of need, then the chief officer of the state facility shall admit and detain the person for emergency diagnosis, evaluation and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-410, TN ST § 33-6-410

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T. C. A. § 33-6-411

§ 33-6-411. Admission to private or local public hospital or treatment resource; state service contract

Currentness

IF

(1) the chief officer of a licensed private or local public hospital or treatment resource determines that the person is subject to admission under § 33-6-403 and has the required certificates of need, AND

(2) the facility has contracted with the state to serve persons in the region,

THEN

(3) the facility shall admit and detain the person in conformity with its obligations under its contract with the state for emergency diagnosis, evaluation and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-411, TN ST § 33-6-411

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-412

§ 33-6-412. Admission to private or local public hospital or treatment resource; cost arrangements

Effective: October 1, 2007

Currentness

IF

(1) the chief officer of a licensed private or local public hospital or treatment resource determines that the person is subject to admission under § 33-6-403 and has the required certificates of need, AND

(2)(A) a parent, legal guardian, legal custodian, conservator, spouse, or an adult relative of the person, or any other person has made arrangements to pay the cost of care and treatment in a hospital, or treatment resource, OR

(B) the facility chooses to accept the person when no third person has made arrangements to pay the cost,

THEN

(3) the facility may admit and detain the person for emergency diagnosis, evaluation and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-412, TN ST § 33-6-412

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T. C. A. § 33-6-413

§ 33-6-413. Notice to court of admission; notice of information

Effective: January 1, 2020

Currentness

(a) The chief officer, upon admission of the person, shall notify the judge of the general sessions court where the hospital or treatment resource is located, by telephone or in person, and shall provide the information from the certificates of need and such other information as the court may desire, that is in the possession of the hospital or treatment resource, bearing on the condition of the person. If the general sessions court finds that there is probable cause to believe that the defendant is subject to admission to a hospital or treatment resource under § 33-6-403, the court may order the defendant admitted for not more than five (5) days from the date of the order, excluding Saturdays, Sundays and holidays, for emergency diagnosis, evaluation and treatment pending a probable cause hearing under § 33-6-422. If the court does not order the defendant admitted, the defendant shall be released.

(b) The court shall cause a notice containing the information described in this subsection (b) to be mailed to the defendant, the defendant's attorney, the chief officer of the hospital or treatment resource and the parent, legal guardian, conservator, spouse or adult next of kin of the defendant. The notice shall contain the following information:

(1) The time and place of the probable cause hearing;

(2) The defendant's rights, including, but not limited to, right to counsel, right to waive a hearing, right to confront and cross-examine witnesses, and right to be protected from compelled self-incrimination;

(3) The status of the defendant if judicially committed, including, but not limited to:

(A) The person's prohibition against purchasing a firearm under § 39-17-1316;

(B) The person's prohibition against obtaining a handgun carry permit under § 39-17-1351 or § 39-17-1366; and

(C) The suspension or revocation of a handgun carry permit under § 39-17-1352 once judicially committed to a hospital or treatment resource pursuant to this title;

(4) The person's right to appeal the prohibition against purchasing a firearm pursuant to § 39-17-1316; and

(5) The person's right to appeal the denial of a handgun carry permit pursuant to §§ 39-17-1352, 39-17-1353, and 39-17-1354.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2009 Pub.Acts, c. 578, § 7, eff. Jan. 1, 2010; 2019 Pub.Acts, c. 479, § 13, eff. Jan. 1, 2020.

T. C. A. § 33-6-413, TN ST § 33-6-413

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T. C. A. § 33-6-414

§ 33-6-414. Court not available

Currentness

If the judge is not available and all other provisions of this part have been complied with, the admitting facility may hold the defendant for not more than twenty-four (24) hours pending a court order under § 33-6-413, and the staff may render only necessary emergency treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-414, TN ST § 33-6-414

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T. C. A. § 33-6-415

§ 33-6-415. Treatment prior to probable cause hearing

Effective: July 10, 2015

Currentness

Pending the probable cause hearing under § 33-6-422, no treatment shall be given that will make the defendant unable to consult with counsel or to prepare a defense in proceedings for involuntary care and treatment. No psychosurgery, convulsive treatments, or insulin treatment shall be undertaken for any psychiatric disorder until an order has been entered, after the § 33-6-422 probable cause hearing in accordance with this part, requiring continued involuntary care and treatment of the defendant.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-415, TN ST § 33-6-415

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 4. Emergency Involuntary Admission to Inpatient Treatment (Refs & Annos)

T. C. A. § 33-6-416

§ 33-6-416. Notice of admission order

Currentness

If the court orders the admission of the defendant for diagnosis, evaluation and treatment under § 33-6-413, the chief officer shall give notice of the order to the defendant and by mail or telephone to the parent, legal guardian, legal custodian, conservator, spouse, or adult next of kin of the defendant. The notice shall state specifically the basis for the defendant's detention and the standards for possible future commitment. The notice shall also inform the defendant of the defendant's right to counsel during the course of proceedings for involuntary care and treatment.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-416, TN ST § 33-6-416

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-417

§ 33-6-417. Release or transfer prior to probable cause hearing

Effective: October 1, 2007

Currentness

If the defendant is released under § 33-6-705 or this part before the § 33-6-422 hearing, the chief officer shall notify the court that ordered the defendant's emergency diagnosis, evaluation and treatment. If the defendant is transferred to another facility before the § 33-6-422 hearing, the court shall transfer the hearing to the general sessions court of the county to which the defendant is transferred, and the hearing shall be held within five (5) days of the defendant's original detention under this part.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-417, TN ST § 33-6-417

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-418

§ 33-6-418. Probable cause hearing procedures

Currentness

Probable cause proceedings under § 33-6-422 shall be conducted in conformity with §§ 33-3-610 -- 33-3-615.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-418, TN ST § 33-6-418

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-419

§ 33-6-419. Representation by counsel; appointment of guardian ad litem

Currentness

The defendant's attorney shall notify the court of the representation immediately after accepting it. If the defendant does not employ an attorney, the court shall appoint an attorney to represent the defendant not later than two (2) days after the original detention or three (3) days before the date of the hearing, whichever is earlier. An attorney representing the defendant shall not serve as guardian ad litem. If the court determines that the defendant is not able to understand the nature of the proceedings and cannot communicate with counsel in the conduct of the case, the court may appoint another person to serve as the defendant's guardian ad litem.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-419, TN ST § 33-6-419

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-420

§ 33-6-420. Waiver of probable cause hearing

Effective: October 1, 2007

Currentness

If the defendant consents in writing to a waiver of hearing, counsel may waive the hearing upon proper notice to the court.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-420, TN ST § 33-6-420

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-421

§ 33-6-421. Time for filing certificates of need; contents

Currentness

The chief officer shall file with the court, by the time of the probable cause hearing, certificates of need for care and treatment from two (2) licensed physicians or one (1) licensed physician and a psychologist qualified under § 33-6-427(a), certifying that the defendant satisfies the requirements of § 33-6-502(1)–(4), and that if involuntary treatment is not continued the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under § 33-6-403, and showing the factual foundation for the conclusions on each item of the certificates.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2002 Pub.Acts, c. 730, § 42, eff. July 1, 2002.

T. C. A. § 33-6-421, TN ST § 33-6-421

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-422

§ 33-6-422. Probable cause findings and order

Effective: July 10, 2015

Currentness

If, after the hearing is waived or is completed and the court has completed its consideration of the evidence, including the certificates of the examining professionals, and any other information relevant to the mental condition of the defendant, the court finds probable cause to believe that the defendant is subject to care and treatment under § 33-6-502, and that if involuntary treatment is not continued the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under § 33-6-403, the court may order the defendant held for care and treatment pending a hearing under chapter 6, part 5 of this title, for not more than fifteen (15) days after the probable cause hearing unless a complaint is filed under chapter 6, part 5 of this title, within the fifteen (15) days.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-422, TN ST § 33-6-422

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-423

§ 33-6-423. Release order

Effective: October 1, 2007

Currentness

The court shall order the release of the defendant from the hospital or treatment resource and terminate the proceedings under this part, if the court does not find both that:

- (1) There is probable cause to believe that the defendant is subject to care and treatment under § 33-6-502; and
- (2) There is probable cause to believe that if involuntary treatment is not continued, the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under § 33-6-403.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-423, TN ST § 33-6-423

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-424

§ 33-6-424. Release by chief officer

Currentness

If the chief officer determines that the defendant's condition does not support the filing of the certificates required by § 33-6-422, the chief officer shall release the defendant. The chief officer shall release the defendant five (5) days, excluding Saturdays, Sundays, and holidays, from the date of the general sessions court's original order to hold the defendant, unless the general sessions court has ordered the defendant's further care and treatment under § 33-6-422 or the defendant has been committed under chapter 6, part 5 of this title. The chief officer shall release the defendant not later than fifteen (15) days after the probable cause hearing unless a complaint is filed under chapter 6, part 5, within the fifteen (15) days.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-424, TN ST § 33-6-424

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-425

§ 33-6-425. Detention at custodial facility

Currentness

No defendant shall be detained at a jail or other custodial facility for the detention of persons charged with or convicted of criminal offenses, unless the defendant is under arrest for the commission of a crime.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-425, TN ST § 33-6-425

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-426

§ 33-6-426. Execution of first certificate of need by non-physician

Currentness

If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001.

T. C. A. § 33-6-426, TN ST § 33-6-426

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 33-6-427

§ 33-6-427. Authority of non-physicians

Effective: April 15, 2014

Currentness

(a) If a person is a licensed psychologist designated as a health service provider by the board of healing arts and is actively practicing as such, the person may take any action authorized and perform any duty imposed on a physician by §§ 33-6-401 -- 33-6-406.

(b) The commissioner may designate a person to take any action authorized and perform any duty imposed on a physician by §§ 33-6-401 -- 33-6-406 to the extent the duties are within the scope of practice of the profession in which the person is licensed or certified, if the person:

(1) Is a qualified mental health professional under § 33-1-101 or is a licensed physician assistant with a master's degree and expertise in psychiatry as determined by the department based upon training, education or experience;

(2) Is licensed or certified to practice in the state if required for the discipline; and

(3) Satisfactorily completes a training program approved and provided by the department on emergency commitment criteria and procedures.

(c) Subsection (b) does not affect any property right of an employee of the state while the person is acting in the person's capacity as employee of the state.

Credits

2000 Pub.Acts, c. 947, § 1, eff. March 1, 2001; 2001 Pub.Acts, c. 334, § 5, eff. June 5, 2001; 2002 Pub.Acts, c. 730, § 43, eff. July 1, 2002; 2014 Pub.Acts, c. 688, § 1, eff. April 15, 2014.

T. C. A. § 33-6-427, TN ST § 33-6-427

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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