

Adult Protective Services Removal from Abuse Registry

Policy 8.23

Effective: November 01, 2023

Introduction

Any individual who has been placed on the Vulnerable Persons Registry by the Tennessee Department of Human Services may make a written request for removal from the Registry. The request will be reviewed by the Advisory Committee and a final determination made by the Commissioner or the Commissioner's designee.

Scope

This policy provides a removal process for the individuals who have been placed on the Vulnerable Persons Registry pursuant to Tenn. Code Ann. § 68-11-1003(g). The policy and the Request for Removal forms will be accessible on the Tennessee Department of Human Services' website.

Policy

A. Requests for Removal from the Registry

Two (2) years after the date of placement, the applicant may follow these steps to request removal:

1. Requests for removal from the Vulnerable Persons Registry (VPR) must be sent to APS.Secretarial.DHS@tn.gov and include:
 - a. The basis for the request, including any extenuating or mitigating circumstances that would, in the person's opinion, clearly warrant removal from the VPR;
 - b. A statement of the incident, including the facts and what the person has done to ensure the incident will not occur again if they are allowed to work with vulnerable adults again;
 - c. Three (3) letters of recommendation from individuals regarding the facts of the incident and why they recommend the applicant be removed from the VPR. The letters must be detailed regarding the facts;

- d. Two (2) current work references;
 - e. A signed release for the Tennessee Department of Human Services (TDHS) to obtain employment information and personnel records; and
 - f. Any additional documentary evidence the individual would like to be considered.
2. A Tennessee Bureau of Investigation (TBI) background check must be paid for and ordered by the applicant. The notarized results must be sent to the TDHS Advisory Committee directly from the TBI. The background check must be less than three (3) months old at the time the application is completed in its entirety. The applicant should complete all of the steps in #1 above before requesting the background check.

B. Advisory Committee Composition and Review

Requests for removal from the VPR shall be heard by an Advisory Committee (all members must sign an [APS Confidentiality and Nondisclosure Agreement Letter](#) before participating in the review.) The applicant must appear before the Advisory Committee, whether virtually or in person, and may bring legal counsel and/or any person(s) they wish to speak on the applicant's behalf.

1. The Advisory Committee is comprised of the following as available:
 - a. The Adult Protective Services (APS) Director;
 - b. The APS regional supervisor (RS);
 - c. The APS team coordinator (TC);
 - d. The APS investigative specialist (IS) familiar with the case;
 - e. A TDHS Office of General Counsel (OGC) representative;
 - f. A TBI employee familiar with adult abuse, neglect, and exploitation (A/N/E) cases; and

- g. An ad hoc member whom TDHS deems qualified to make recommendations based on experience or education and background with adult A/N/E cases.

Note: APS staff of the same job title may serve on the Advisory Committee in place of APS staff involved in the original case who are not available to participate.

2. The Advisory Committee will review all information and, if it is determined that removal is warranted, the Committee may recommend in writing to the Commissioner (or designee), that individual be removed from the VPR.
3. The final decision regarding the recommendation for removal from the VPR shall be made by the Advisory Committee and shall be submitted to the Commissioner (or designee) for approval. If the determination is made to remove the person from the VPR, the Commissioner or Commissioner's designee shall send a letter to the Health Facilities Commission (HFC), requesting removal and include the reasons for the removal request.

C. Commissioner Review and Final Determination

1. The final decision regarding the recommendation for removal from the VPR shall be made by the Advisory Committee and submitted to the Commissioner (or designee) for approval.
2. The Commissioner (or designee) shall have discretion to adopt or decline the recommendation of the Advisory Committee.
3. Notification of the final determination shall be sent to the requestor within sixty (60) days after the removal request is received by the Advisory Committee, along with any necessary appeal rights.

D. Removal Notification

If the determination is made to remove the person from the VPR, the Commissioner or Commissioner's designee shall send a letter to the HFC, requesting such removal and include the reasons for the removal request.

E. Ability to Appeal

If a request is denied, the applicant may appeal the decision by the Advisory Committee and receive a

hearing under the Uniform Administrative Procedures Act (T.C.A. §§ 4-5- 301 et seq.) by filing a request for appeal, in writing, within ten (10) days of the mailing date of the Commissioner or designee's decision to:

Division of Appeals and Hearings

1st Floor, James K. Polk Building
505 Deaderick Street
ATTN: Clerk's Office
Nashville, TN 37243
Fax: (615) 248-7013 or (866) 355-6136
Phone: (866) 787-8209
Email: AppealsClerksOffice.DHS@tn.gov

The appeal will consider whether the process was properly followed, but will not address the merits of the underlying conviction that serves as the basis for the placement on the VPR.

If an applicant's request has been denied, he/she must wait no less than three (3) years from the date of denial before reapplying. If reapplying for removal from the VPR and an applicant's request has been denied, he/she must:

- be prepared to demonstrate a change in circumstances, or;
- provide new information which explains why removal is now warranted.

Note: Incomplete applications will not be sent to the Advisory Committee. All items must be submitted together or the application will be denied.

Supporting Documents

[HS-3468 APS Confidentiality and Nondisclosure Agreement Letter](#)

[HS-3469 Abuse Registry Removal Request Documentation Reviewed Checklist](#)

[HS-3471 Request for Removal from Abuse Registry \(Externally posted\)](#)

[HS-3472 Abuse Registry Removal Additional Information Request](#)

[Abuse Registry Removal Approval Letter](#)

[Abuse Registry Removal Denial Letter](#)

[Recommendation to Commissioner Letter](#)

[Request to Health Facilities Commission for Removal of Individual](#)

Definitions/Acronyms

Term	Definition
A/N/E	Abuse, neglect, exploitation
APS	Adult Protective Services
HFC	Health Facilities Commission
OGC	Office of General Counsel
TBI	Tennessee Bureau of Investigation
TDHS	Tennessee Department of Human Services
VPR	Vulnerable Persons Registry
Vulnerable Persons Registry	The abuse registry for the State of Tennessee is maintained by the Health Facilities Commission. The abuse registry includes names of persons who have abused, neglected, exploited or misappropriated the property of vulnerable persons. The names on the abuse registry are submitted for placement by Tennessee departments and agencies which oversee the protection and welfare of vulnerable persons.

Supersedes

Policy 8.23 APS Removal from Abuse Registry, eff. date 02/01/2023

Approval History

Approved By	Approver Title	Approved Date	Effective Date
Clarence Carter	Commissioner	10/25/2023	11/01/2023
Cherrell Campbell-Street	Deputy Commissioner	01/19/2023	02/01/2023
Clarence Carter	Commissioner	10/10/2022	10/15/2022
Clarence Carter	Commissioner	09/17/2021	10/01/2021
Danielle Barnes	Commissioner	10/28/2020	11/01/2020

Revision History

Date	Version	Location of Change	Description/Reason for Change
10/25/2023	11/01/2023	Policy Section and Definitions	Made ad hoc committee member optional; corrected acronyms, replaced Department of Health with Health Facilities Commission, updated links
01/19/2023	02/01/2023	Policy Section	Updated Appeals and Hearings mailing address
10/10/2022	10/15/2022	Policy Section	Section B: Added requirement that applicant appear at the hearing and added the team coordinator as a member of the Advisory Committee
09/17/2021	10/01/2021	Policy Section	Section A: Addition of sentence specifying minimum time before submitting the request for removal
10/28/2020	11/01/2020	N/A	New Policy

Approved By	<i>Clarence H. Carter</i>	Approval Date	10/25/2023
Authority	Tenn. Code Ann. § 68-11-1001, 68-11-1003(g)	Effective Date	11/01/2023
Application	Adult Protective Services Staff		