



## Policy: 8.23

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**Title** *Adult Protective Services Removal from Abuse Registry*

**Approved by**

**Approval Date:** 10/28/2020

**Effective Date:** 11/01/2020

**Authority** Tenn. Code Ann. § 68-11-1001, 68-11-1003(g)

**Application** Adult Protective Services Staff

### Policy Statement

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.

### Reason for Policy

This policy provides a removal process for the individuals that 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

1. Requests for removal from the registry must be sent to [APS.Secretarial.DHS@tn.gov](mailto: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 registry;
  - 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 registry. 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 that 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 registry shall be heard by an Advisory Committee (all members must sign an APS Confidentiality and Nondisclosure Agreement Letter before participating in the review.)

1. The Advisory Committee shall be composed of:
  - a. The Adult Protective Services (APS) Director;
  - b. The APS regional supervisor;
  - c. The APS investigative specialist familiar with the case;
  - d. A TDHS Office of General Counsel (OGC) representative;
  - e. A TBI employee familiar with adult abuse, neglect, and exploitation cases (as available); and
  - f. An ad hoc member TDHS deems qualified to make recommendations based on experience or education and background with adult abuse, neglect and exploitation cases.
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 registry.
3. The final decision regarding the recommendation for removal from the registry shall be made by the APS Advisory Committee and shall be submitted to the Commissioner (or designee) for approval. If the determination is made to remove the person from the Vulnerable Persons Registry (VPR), the Commissioner or Commissioner's designee shall send a letter to the Department of Health, 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 registry 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 request for removal 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 Tennessee Department of Health (TDH), requesting such removal and include the reasons for the removal request.

### **E. Ability to Appeal**

If a request was 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**

James K. Polk Building  
505 Deaderick Street, 1st Floor  
ATTN: Clerk’s Office  
PO Box 198996  
Nashville, TN 37219-8996  
Fax: (615) 248-7013 or (866) 355-6136  
Phone: (866) 787-8209  
Email: [AppealsClerksOffice.DHS@tn.gov](mailto: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 registry 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 Department of Health for Removal of Individual](#)

**Retention of Records** *Pending*

**Definitions/Acronyms**

<b>Term</b>	<b>Definition/Acronym</b>
<b>APS</b>	<i>Adult Protective Services</i>
<b>OGC</b>	<i>Office of General Counsel</i>
<b>TBI</b>	<i>Tennessee Bureau of Investigation</i>

**TDH** *Tennessee Department of Health*

**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 Tennessee Department of Health. 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.*

**APPROVAL HISTORY**

<b>Approved by</b>	<b>Approver Title</b>	<b>Approved Date</b>	<b>Effective Date</b>
<i>Danielle Barnes</i>	<i>Commissioner</i>	<i>10/28/2020</i>	<i>11/01/2020</i>

**REVISION HISTORY**

<b>Date</b>	<b>Version</b>	<b>Location of Change</b>	<b>Description/Reason for Change</b>
<i>Date of Current approval</i>	<i>Effective Date</i>	<i>List of changes in the document</i>	<i>Explanation for each change</i>