

**Amendment No. 3 to HB0692**

**Farmer  
Signature of Sponsor**

**AMEND Senate Bill No. 555\***

**House Bill No. 692**

by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to actions commenced on or after such date.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 34, Chapter 1, is amended by adding a new section :

§ 34-1-133 Expedited Limited Healthcare Fiduciary

(a) If the respondent is under hospitalization in a hospital as those terms are defined in TCA Title 68, Chapter 11, Part 2, and no other person, including an agent acting under the Healthcare Decision Act TCA Title 68, Chapter 11, Part 8, a person acting under the Durable Powers of Attorney for Healthcare Act Title 34, Chapter 6, Part 2 or a living will under TCA Title 32, Chapter 11, Part 1 appears to have the authority and willingness to act and is acting in the best interest of the respondent, the court on petition of a person interested in the respondent's welfare may appoint an expedited limited healthcare fiduciary whose authority is for the limited purpose of consenting to discharge, transfer, and admission and consenting to any financial arrangements or medical care necessary to affect such discharge, transfer or admission to another healthcare facility and whose authority may not exceed sixty (60) days. Immediately upon the receipt of the petition for an expedited limited healthcare fiduciary, the court shall appoint an attorney ad litem to represent the respondent in the proceeding. In

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expediting the appointment of an expedited limited healthcare fiduciary, the court may vary the time periods for hearings including but not limited to the minimum number of days before a hearing under TCA § 34-1-108 or the number of days before appointment of a guardian ad litem under TCA § 34-1-107 or other time periods, but shall not vary requirements as necessary to determine the respondent is in need of a fiduciary.

(b) The court shall hold a hearing on the appropriateness of the appointment within five (5) days of the appointment.

(c) Appointment of an expedited limited healthcare fiduciary is not a determination of the respondent's incapacity.

(d) The court may remove an expedited limited healthcare fiduciary at any time.

(e) The time periods set forth in this section are mandatory and not directory. Failure to comply with those provisions shall void any expedited appointment and remove the authority previously granted to the expedited limited healthcare fiduciary.