



- Abuse Registry Home
- Registry Information
- Abuse Definitions
- Professions and Health Related Boards
- License Verification



## Abuse Registry

### Abuse Definitions

**Definitions:** To review an agency's definitions, click on a link below or scroll through the entire page:

- [Department of Health](#)
- [Department of Mental Health and Developmental Disabilities](#)
- [Division of Mental Retardation Services](#)
- [Department of Human Services](#)
- [Department of Children's Services](#)

#### Department of Health:

##### 42 C.F.R. § 488.301

**Abuse:** The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish

**Misappropriation of resident property:** The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent

**Neglect:** The failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness

##### Tenn. Code Ann. § 68-11-901

Every nursing home resident/patient has the following minimum rights:

- (21) To be free from willful abuse or neglect, as these terms are defined by § 71-6-102

##### Tenn. Code Ann. § 71-6-102

- (1) "Abuse or neglect" means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services that are necessary to maintain that person's health or welfare. Nothing in this part shall be construed to mean a person is abused or neglected or in need of protective services for the sole reason that the person relies on or is being furnished treatment by spiritual means through prayer alone in accordance with a recognized religious method of healing in lieu of medical treatment; further, nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Act, compiled in title 32, chapter 11, and if the provisions of such medical care would conflict with the terms of such living will.
- (8) "Exploitation" means the improper use by a caretaker of client funds that have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.
- (12) "Sexual abuse" occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an "adult," as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.

#### Department of Mental Health and Developmental Disabilities:

##### Tenn. Code Ann.:

##### T.C.A. 33-2-402

- (1) "Abuse" means the knowing infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish;
- (4) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of belongings or money without consent;
- (5) "Neglect" means failure to provide goods or services necessary to avoid physical harm, mental anguish, or mental illness, which results in injury or probable risk of serious harm.

**0940-5-1.01(10): Emotional Abuse** - - Any threatening behavior or statement directed toward a client that causes emotional trauma or fear including, but not limited to, ridicule; gestures which subject the client to humiliation or degradation; threatening motions or noises intended to startle or frighten the client.

**0940-5-1-.01(27): Physical Abuse** - - Harmful or painful physical contact, including, but not limited to, the intentional striking, shoving, or pushing of a client by anyone, including another client. Also included is the use of excessive force when restraining a client (e.g., using methods restrain a client which are not outlined in staff training) and acts which constitute sexual activity.

**0940-5-1-.01(36): Verbal Abuse** - - Insulting or coarse language directed toward a client which subjects the client to humiliation or degradation, including, but not limited to, swearing at a client, name calling, taunting, and other inappropriate verbal behavior.

---

**Division of Mental Retardation Services:**

***Tenn. Code Ann.:***

***T.C.A. 33-2-402***

- (1) "Abuse" means the knowing infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish;
- (4) "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of belongings or money without consent;
- (5) "Neglect" means failure to provide goods or services necessary to avoid physical harm, mental anguish, or mental illness, which results in injury or probable risk of serious harm.

***Tenn. Comp. R. & Regs.:***

**0940-5-1.01(10): Emotional Abuse** - - Any threatening behavior or statement directed toward a client that causes emotional trauma or fear including, but not limited to, ridicule; gestures which subject the client to humiliation or degradation; threatening motions or noises intended to startle or frighten the client.

**0940-5-1-.01(27): Physical Abuse** - - Harmful or painful physical contact, including, but not limited to, the intentional striking, shoving, or pushing of a client by anyone, including another client. Also included is the use of excessive force when restraining a client (e.g., using methods restrain a client which are not outlined in staff training) and acts which constitute sexual activity.

**0940-5-1-.01(36): Verbal Abuse** - - Insulting or coarse language directed toward a client which subjects the client to humiliation or degradation, including, but not limited to, swearing at a client, name calling, taunting, and other inappropriate verbal behavior.

---

**Department of Human Services:**

***Tenn. Code Ann. § 71-6-102***

- (1) "Abuse or neglect" means the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services which are necessary to maintain that person's health or welfare. Nothing in this part shall be construed to mean a person is abused or neglected or in need of protective services for the sole reason that the person relies on or is being furnished treatment by spiritual means through prayer alone in accordance with a recognized religious method of healing in lieu of medical treatment; further, nothing in this part shall be construed to require or authorize the provision of medical care to any terminally ill person if such person has executed an unrevoked living will in accordance with the provisions of the Tennessee Right to Natural Death Law, compiled in title 32, chapter 11, and if the provisions of such medical care would conflict with the terms of such living will.
  - (8) "Exploitation" means the improper use by a caretaker of client funds which have been paid by a governmental agency to an adult or to the caretaker for the use or care of the adult.
  - (12) "Sexual abuse" occurs when an adult, as defined in this chapter, is forced, tricked, threatened or otherwise coerced by a person into sexual activity, involuntary exposure to sexually explicit material or language, or sexual contact against such adult's will. Sexual abuse also occurs when an "adult," as defined in this chapter, is unable to give consent to such sexual activities or contact and is engaged in such activities or contact with another person.
- 

**Department of Children's Services:**

***Tenn. Code Ann.***

***T.C.A. § 37-1-102(b)***

- (1) "Abuse" exists when a person under the age of eighteen (18) is suffering from, has sustained, or

may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker.

- (21) "Severe child abuse" means:
- (A) The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death and the knowing use of force on a child that is likely to cause great bodily harm or death;
  - (B) Specific brutality, abuse or neglect towards a child which in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct.

**T.C.A. § 37-1-602**

- (3)
- (B) "Child sexual abuse" also means the commission of any act involving the unlawful sexual abuse, molestation, fondling or carnal knowledge of a child under thirteen (13) years of age that on or after November 1, 1989, constituted the criminal offense of:
    - (i) Aggravated rape under § 39-13-502;
    - (ii) Aggravated sexual battery under § 39-13-504;
    - (iii) Aggravated sexual exploitation of a minor under § 39-17-1004; or
    - (iv) Criminal attempt as provided in § 39-12-101 for any of the offenses listed above;
    - (v) Especially aggravated sexual exploitation of a minor under § 39-17-1005.
    - (vi) Incest under § 39-15-302;
    - (vii) Rape under § 39-15-503;
    - (viii) Sexual battery under § 39-15-505;
    - (ix) Sexual exploitation of a minor under § 39-17-1003;
  - (C) "Child sexual abuse" also means one (1) or more of the following acts:
    - (i) Any penetration, however slight, of the vagina or anal opening of one (1) person by the penis of another person, whether or not there is the emission of semen;
    - (ii) Any contact between the genitals or anal opening of one (1) person and the mouth or tongue of another person;
    - (iii) Any intrusion by one (1) person into the genitals or anal opening of another person, including the use of any object for this purpose, except that it shall not include acts intended for a valid medical purpose;
    - (iv) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that it shall not include:
      - (a) Acts which may reasonably be construed to be normal caretaker responsibilities, interactions with, or affection for a child; or
      - (b) Acts intended for a valid medical purpose;
    - (v) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose;
    - (vi) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:
      - (a) Solicit for or engage in prostitution; or
      - (b) Engage in an act prohibited by § 39-17-1003;
  - (D) For the purposes of the reporting, investigation, and treatment provisions of T.C.A. §§ 37-1-603 – 37-1-615 "child sexual abuse" also means the commission of any act specified in subdivisions (a)(2)(A)-(C) against a child thirteen (13) years of age through seventeen (17) years of age if such act is committed against the child by a parent, guardian, relative, person residing in the child's home, or other person responsible for the care and custody of the child;
- (7) "Mental injury" means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

