

ASSEMBLY BILL NO. 649—COMMITTEE ON JUDICIARY

(ON BEHALF OF AGING SERVICES DIVISION)

MARCH 22, 1999

Referred to Committee on Judiciary

SUMMARY—Removes certain obsolete provisions concerning certain protective services for older persons. (BDR 15-734)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to older persons; removing certain obsolete provisions concerning certain protective services for older persons; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 200.5093 is hereby amended to read as follows:
2 200.5093 1. A person required to make a report pursuant to this
3 section shall make the report immediately, but in no event later than 24
4 hours after there is reason to believe that an older person has been abused,
5 neglected, exploited or isolated. The report must be made to:
6 (a) The local office of the ~~welfare or~~ aging services division of the
7 department of human resources;
8 (b) A police department or sheriff's office;
9 (c) The county's office for protective services, if one exists in the
10 county where the suspected action occurred; or
11 (d) A toll-free telephone service designated by the aging services
12 division of the department of human resources.
13 If the report of abuse, neglect, exploitation or isolation of an older person
14 involves an act or omission of the ~~welfare division,~~ aging services
15 division or a law enforcement agency, the report must be made to an
16 agency other than the one alleged to have committed the act or omission.
17 Each agency, after reducing the report to writing, shall forward a copy of

1 the report to the aging services division of the department of human
2 resources.

3 2. Reports must be made by the following persons who, in their
4 professional or occupational capacities, know or have reason to believe
5 that an older person is being or has been abused, neglected, exploited or
6 isolated:

7 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
8 podiatric physician, medical examiner, resident, intern, professional or
9 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
10 and family therapist, alcohol or drug abuse counselor, driver of an
11 ambulance, advanced emergency medical technician or other person
12 providing medical services licensed or certified to practice in this state,
13 who examines, attends or treats an older person who appears to have been
14 abused, neglected, exploited or isolated.

15 (b) Any personnel of a hospital or similar institution engaged in the
16 admission, examination, care or treatment of persons or an administrator,
17 manager or other person in charge of a hospital or similar institution upon
18 notification of the suspected abuse, neglect, exploitation or isolation of an
19 older person by a member of the staff of the hospital.

20 (c) A coroner.

21 (d) Every clergyman, practitioner of Christian Science or religious
22 healer, unless he acquired the knowledge of abuse, neglect, exploitation or
23 isolation of the older person from the offender during a confession.

24 (e) Every person who maintains or is employed by an agency to provide
25 nursing in the home.

26 (f) Every attorney, unless he has acquired the knowledge of abuse,
27 neglect, exploitation or isolation of the older person from a client who has
28 been or may be accused of such abuse, neglect, exploitation or isolation.

29 (g) Any employee of the department of human resources.

30 (h) Any employee of a law enforcement agency or a county's office for
31 protective services or an adult or juvenile probation officer.

32 (i) Any person who maintains or is employed by a facility or
33 establishment that provides care for older persons.

34 (j) Any person who maintains, is employed by or serves as a volunteer
35 for an agency or service which advises persons regarding the abuse,
36 neglect, exploitation or isolation of an older person and refers them to
37 persons and agencies where their requests and needs can be met.

38 (k) Every social worker.

39 (l) Any person who owns or is employed by a funeral home or
40 mortuary.

41 3. A report may be filed by any other person.

42 4. A person required to make a report pursuant to this section who has
43 reasonable cause to believe that an older person has died as a result of

1 abuse, neglect or isolation shall report this belief to the appropriate medical
2 examiner or coroner, who shall investigate the cause of death of the older
3 person and submit to the appropriate local law enforcement agencies, the
4 appropriate prosecuting attorney and the aging services division of the
5 department of human resources his written findings. The written findings
6 must include the information required pursuant to the provisions of NRS
7 200.5094, when possible.

8 5. A division, office or department which receives a report pursuant to
9 this section shall cause the investigation of the report to commence within
10 3 working days. A copy of the final report of the investigation conducted
11 by a division, office or department, other than the aging services division
12 of the department of human resources, must be forwarded to the aging
13 services division within 90 days after the completion of the report.

14 6. If the investigation of the report results in the belief that the older
15 person is abused, neglected, exploited or isolated, the ~~{welfare}~~ **aging services**
16 **services** division of the department of human resources or the county's
17 office for protective services may provide protective services to the older
18 person if he is able and willing to accept them.

19 7. A person who knowingly and willfully violates any of the
20 provisions of this section is guilty of a misdemeanor.

21 **Sec. 2.** NRS 200.50984 is hereby amended to read as follows:

22 200.50984 1. Notwithstanding any other statute to the contrary, the
23 local office of the ~~{welfare}~~ **aging services** division of the department of
24 human resources and a county's office for protective services, if one exists
25 in the county where a violation is alleged to have occurred, may for the
26 purpose of investigating an alleged violation of NRS 200.5091 to
27 200.50995, inclusive, inspect all records pertaining to the older person on
28 whose behalf the investigation is being conducted, including, but not
29 limited to, that person's medical and financial records.

30 2. Except as otherwise provided in this subsection, if a guardian has
31 not been appointed for the older person, the ~~{welfare}~~ **aging services**
32 division or the county's office for protective services shall obtain the
33 consent of the older person before inspecting those records. If the ~~{welfare}~~
34 **aging services** division or the county's office for protective services
35 determines that the older person is unable to consent to the inspection, the
36 inspection may be conducted without his consent. Except as otherwise
37 provided in this subsection, if a guardian has been appointed for the older
38 person, the ~~{welfare}~~ **aging services** division or the county's office for
39 protective services shall obtain the consent of the guardian before
40 inspecting those records. If the ~~{welfare}~~ **aging services** division or the
41 county's office for protective services has reason to believe that the
42 guardian is abusing, neglecting, exploiting or isolating the older person,
43 the inspection may be conducted without the consent of the guardian,

1 except that if the records to be inspected are in the personal possession of
2 the guardian, the inspection must be approved by a court of competent
3 jurisdiction.

4 **Sec. 3.** NRS 200.50986 is hereby amended to read as follows:

5 200.50986 The local office of the ~~welfare~~ *aging services* division or
6 the county's office for protective services may petition a court in
7 accordance with NRS 159.185 or 159.1905 for the removal of the guardian
8 of an older person, or the termination or modification of that guardianship,
9 if, based on its investigation, the ~~welfare~~ *aging services* division or the
10 county's office of protective services has reason to believe that the
11 guardian is abusing, neglecting, exploiting or isolating the older person in
12 violation of NRS 200.5095 to 200.50995, inclusive.

13 **Sec. 4.** This act becomes effective at 12:01 a.m. on July 1, 1999.

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