

Assembly Bill No. 649—Committee on Judiciary

CHAPTER.....

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:

Section 1. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. A person required to make a report pursuant to this section shall make the report immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected, exploited or isolated. The report must be made to:

- (a) The local office of the ~~{welfare or}~~ aging services division of the department of human resources;
- (b) A police department or sheriff's office;
- (c) The county's office for protective services, if one exists in the county where the suspected action occurred; or
- (d) A toll-free telephone service designated by the aging services division of the department of human resources.

If the report of abuse, neglect, exploitation or isolation of an older person involves an act or omission of the ~~{welfare division,}~~ aging services division or a law enforcement agency, the report must be made to an agency other than the one alleged to have committed the act or omission. Each agency, after reducing the report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

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

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

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

- (c) A coroner.
 - (d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.
 - (e) Every person who maintains or is employed by an agency to provide nursing in the home.
 - (f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.
 - (g) Any employee of the department of human resources.
 - (h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.
 - (i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.
 - (j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.
 - (k) Every social worker.
 - (l) Any person who owns or is employed by a funeral home or mortuary.
3. A report may be filed by any other person.
4. A person required to make a report pursuant to this section who has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation shall report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the aging services division of the department of human resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.
5. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the aging services division of the department of human resources, must be forwarded to the aging services division within 90 days after the completion of the report.
6. If the investigation of the report results in the belief that the older person is abused, neglected, exploited or isolated, the ~~{welfare}~~ **aging services** division of the department of human resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.
7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.
- Sec. 2.** NRS 200.50984 is hereby amended to read as follows:
200.50984 1. Notwithstanding any other statute to the contrary, the local office of the ~~{welfare}~~ **aging services** division of the department of

human resources and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the ~~{welfare}~~ *aging services* division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the ~~{welfare}~~ *aging services* division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the ~~{welfare}~~ *aging services* division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the ~~{welfare}~~ *aging services* division or the county's office for protective services has reason to believe that the guardian is abusing, neglecting, exploiting or isolating the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

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

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

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

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