

ASSEMBLY BILL NO. 111—COMMITTEE ON JUDICIARY

(ON BEHALF OF NEVADA SHERIFFS AND CHIEFS ASSOCIATION)

FEBRUARY 12, 2001

Referred to Committee on Judiciary

SUMMARY—Authorizes law enforcement agency to inspect certain records during investigation of senior abuse. (BDR 15-421)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to older persons; authorizing a law enforcement agency to inspect certain records while investigating allegations of senior abuse under certain circumstances; 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 200.50984 is hereby amended to read as follows:
2 200.50984 1. Notwithstanding any other statute to the contrary, the
3 local office of the aging services division of the department of human
4 resources, ***, a law enforcement agency*** and a county's office for protective
5 services, if one exists in the county where a violation is alleged to have
6 occurred, may for the purpose of investigating an alleged violation of NRS
7 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older
8 person on whose behalf the investigation is being conducted, including, but
9 not limited to, that person's medical and financial records.
10 2. Except as otherwise provided in this subsection, if a guardian has
11 not been appointed for the older person, the aging services division, ***, the***
12 ***law enforcement agency*** or the county's office for protective services shall
13 obtain the consent of the older person before inspecting those records. If
14 the aging services division, ***, the law enforcement agency*** or the county's
15 office for protective services determines that the older person is unable to
16 consent to the inspection, the inspection may be conducted without his
17 consent. Except as otherwise provided in this subsection, if a guardian has
18 been appointed for the older person, the aging services division, ***, the law***
19 ***enforcement agency*** or the county's office for protective services shall
20 obtain the consent of the guardian before inspecting those records. If the



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1 aging services division, *the law enforcement agency* or the county's office
2 for protective services has reasonable cause to believe that the guardian is
3 abusing, neglecting, exploiting or isolating the older person, the inspection
4 may be conducted without the consent of the guardian, except that if the
5 records to be inspected are in the personal possession of the guardian, the
6 inspection must be approved by a court of competent jurisdiction.

7 **Sec. 2.** NRS 629.061 is hereby amended to read as follows:

8 629.061 1. Each provider of health care shall make the health care
9 records of a patient available for physical inspection by:

10 (a) The patient or a representative with written authorization from the
11 patient;

12 (b) An investigator for the attorney general *or a law enforcement*
13 *officer* or a grand jury investigating an alleged violation of NRS 200.495,
14 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

15 (c) An investigator for the attorney general investigating an alleged
16 violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to
17 616D.440, inclusive, or any fraud in the administration of chapter 616A,
18 616B, 616C, 616D or 617 of NRS or in the provision of benefits for
19 industrial insurance; or

20 (d) Any authorized representative or investigator of a state licensing
21 board during the course of any investigation authorized by law.

22 The records must be made available at a place within the depository
23 convenient for physical inspection, and inspection must be permitted at all
24 reasonable office hours and for a reasonable length of time. If the records
25 are located outside this state, the provider shall make any records requested
26 pursuant to this section available in this state for inspection within 10
27 working days after the request.

28 2. The provider of health care shall also furnish a copy of the records
29 to each person described in subsection 1 who requests it and pays the
30 actual cost of postage, if any, the costs of making the copy, not to exceed
31 60 cents per page for photocopies and a reasonable cost for copies of X-ray
32 photographs and other health ~~and~~ care records produced by similar
33 processes. No administrative fee or additional service fee of any kind may
34 be charged for furnishing such a copy.

35 3. Each person who owns or operates an ambulance in this state shall
36 make his records regarding a sick or injured patient available for physical
37 inspection by:

38 (a) The patient or a representative with written authorization from the
39 patient; or

40 (b) Any authorized representative or investigator of a state licensing
41 board during the course of any investigation authorized by law.

42 The records must be made available at a place within the depository
43 convenient for physical inspection, and inspection must be permitted at all
44 reasonable office hours and for a reasonable length of time. The person
45 who owns or operates an ambulance shall also furnish a copy of the records
46 to each person described in this subsection who requests it and pays the
47 actual cost of postage, if any, and the costs of making the copy, not to
48 exceed 60 cents per page for photocopies. No administrative fee or



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1 additional service fee of any kind may be charged for furnishing a copy of
2 the records.

3 4. Records made available to a representative or investigator must not
4 be used at any public hearing unless:

5 (a) The patient named in the records has consented in writing to their
6 use; or

7 (b) Appropriate procedures are utilized to protect the identity of the
8 patient from public disclosure.

9 5. Subsection 4 does not prohibit:

10 (a) A state licensing board from providing to a provider of health care
11 or owner or operator of an ambulance against whom a complaint or written
12 allegation has been filed, or to his attorney, information on the identity of a
13 patient whose records may be used in a public hearing relating to the
14 complaint or allegation, but the provider of health care or owner or
15 operator of an ambulance and his attorney shall keep the information
16 confidential.

17 (b) The attorney general *or a law enforcement officer* from using health
18 care records in the course of a civil or criminal action against the patient or
19 provider of health care.

20 6. A provider of health care or owner or operator of an ambulance, his
21 agents and employees are immune from any civil action for any disclosures
22 made in accordance with the provisions of this section or any consequential
23 damages.

24 **Sec. 3.** This act becomes effective upon passage and approval.

