

Amendment No. 697

Senate Amendment to Assembly Bill No. 267 First Reprint

(BDR 15-1244)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 4, by deleting lines 4 through 7.

Amend sec. 2, page 4, line 8, by deleting “(e)” and inserting “(d)”.

Amend sec. 2, page 4, by deleting lines 10 through 13.

Amend sec. 2, page 4, line 14, by deleting “(g)” and inserting “(e)”.

Amend sec. 2, page 4, line 15, by deleting “(h)” and inserting “(f)”.

Amend sec. 2, page 4, line 17, by deleting “(i)” and inserting “(g)”.

Amend sec. 2, page 4, line 19, by deleting “(j)” and inserting “(h)”.

Amend sec. 2, page 4, line 24, by deleting “(k)” and inserting “(i)”.

Amend sec. 2, page 4, line 25, by deleting “(l)” and inserting “(j)”.

Amend the bill as a whole by renumbering sections 5 through 18 as sections 6 through 19 and adding a new section designated sec. 5, following sec. 4, to read as follows:

KEL/BAW

Date: 5/6/2005

A.B. No. 267—Prohibits abuse, neglect, exploitation or isolation of vulnerable person.

“**Sec. 5.** NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

- (1) The local office of the Aging Services Division of the Department of Human Resources;
- (2) A police department or sheriff’s office;
- (3) The county’s office for protective services, if one exists in the county where the suspected action occurred; or
- (4) A toll-free telephone service designated by the Aging Services Division of the Department of Human Resources; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Human Resources or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Human Resources.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, 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)]~~ (e) Any employee of the Department of Human Resources.

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

~~{{i}}~~ (g) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

~~{{i}}~~ (h) 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}}~~ (i) Every social worker.

~~{{i}}~~ (j) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, 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.

7. 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.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the 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.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.”.

Amend the title of the bill, fourth line, by deleting “person;” and inserting:

“person by certain persons; revising the provisions pertaining to the persons who are required to report the abuse, neglect, exploitation or isolation of an older person;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes pertaining to abuse, neglect, exploitation or isolation of certain persons. (BDR 15-1244)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law prohibits the abuse, neglect, exploitation and isolation of persons who are 60 years of age or older and requires certain persons to report suspected instances of the abuse, neglect, exploitation or isolation of persons who are 60 years of age or older. (NRS 200.5091-200.50995)

This bill expands these provisions to include victims of abuse, neglect, exploitation or isolation who are vulnerable persons. This bill defines "vulnerable person" as a person 18 years of age or older who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. In addition, this bill revises the existing law to provide that clergymen, practitioners of Christian Science, religious healers and attorneys are not required to report the abuse, neglect, exploitation or isolation of persons who are 60 years of age or older.

Existing law provides that if certain crimes are committed against a person who is 60 years of age or older, the person who commits the crime must be punished by a term of imprisonment equal to and in addition to the term of imprisonment otherwise prescribed by statute for the crime. (NRS 193.167)

This bill expands this provision to also impose such an additional term of imprisonment if the victim of the crime is a vulnerable person.

Existing law provides for the designation of certain persons as habitually fraudulent felons if such persons have been convicted multiple times of certain felonies involving fraud or intent to defraud and if the victim of each offense was an older person or a mentally disabled person. (NRS 207.014)

This bill expands the scope of this provision to apply in those cases in which such offenses are committed against a vulnerable person.

Existing law establishes a privilege for certain communications made by a victim to a victim's advocate, and creates an exception to the privilege for that portion of such a communication which involves a report of abuse or neglect of a child or an older person. (NRS 49.2547, 49.2549)

This bill expands the exception to the privilege to include reports of abuse or neglect of a vulnerable person.

Existing law provides in relevant part that if a defendant is convicted of the abuse or neglect of an older person, the court at sentencing shall order that a biological specimen be obtained from the defendant to determine the genetic markers of the specimen. (NRS 176.0913)

This bill expands the scope of the provision to include defendants convicted of the abuse or neglect of a vulnerable person.