

ASSEMBLY BILL NO. 87—ASSEMBLYMEN LESLIE, PIERCE,
MCCLAIN, PARNELL, SMITH, BOBZIEN, OCEGUERA, PARKS,
SEGERBLOM AND WOMACK

FEBRUARY 9, 2007

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions governing persons who are required to report the abuse, neglect, exploitation or isolation of older persons and vulnerable persons. (BDR 15-157)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 crimes; requiring certain officers and employees of financial institutions to report the abuse, neglect, exploitation or isolation of an older person or vulnerable person; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill expands the provisions of existing law that require certain
2 persons to report the abuse, neglect, exploitation and isolation of “older persons”
3 who are defined in existing law as persons who are 60 years of age or older, to
4 require certain officers and employees of financial institutions to report such acts
5 against older persons. (NRS 200.5092, 200.5093) A knowing and willful violation
6 of these reporting requirements is a misdemeanor. (NRS 200.5093) **Section 2** of
7 this bill similarly amends the law with regard to such reporting for vulnerable
8 persons. “Vulnerable persons” are defined in existing law as persons who are 18
9 years of age or older who: (1) suffer from a condition of physical or mental
10 incapacitation because of a developmental disability, organic brain damage or
11 mental illness; or (2) have one or more physical or mental limitations that restrict
12 the ability of the person to perform the normal activities of daily living. (NRS
13 200.5092) A knowing and willful violation of these reporting requirements is a
14 misdemeanor. (NRS 200.5095)



Existing law also imposes a penalty of a misdemeanor, under certain circumstances, for the willful release of data or information concerning records and investigations relating to reports made pursuant to NRS 200.5093, 200.50935 and 200.5094. (NRS 200.5095) **Sections 1 and 2** of this bill expand this provision to impose such a penalty for the release of such information relating to reports of abuse, neglect, exploitation and isolation of older persons and vulnerable persons that are made by certain officers and employees of financial institutions.

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. 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 Health and Human Services;

(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 Health and Human Services; 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 Health and Human Services 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 Health and Human Services.

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,



1 professional or practical nurse, physician assistant, psychiatrist,
2 psychologist, marriage and family therapist, alcohol or drug abuse
3 counselor, athletic trainer, driver of an ambulance, advanced
4 emergency medical technician or other person providing medical
5 services licensed or certified to practice in this State, who examines,
6 attends or treats an older person who appears to have been abused,
7 neglected, exploited or isolated.

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

14 (c) A coroner.

15 (d) Every person who maintains or is employed by an agency to
16 provide personal care services in the home.

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

19 (f) Any employee of the Department of Health and Human
20 Services.

21 (g) Any employee of a law enforcement agency or a county's
22 office for protective services or an adult or juvenile probation
23 officer.

24 (h) Any person who maintains or is employed by a facility or
25 establishment that provides care for older persons.

26 (i) Any person who maintains, is employed by or serves as a
27 volunteer for an agency or service which advises persons regarding
28 the abuse, neglect, exploitation or isolation of an older person and
29 refers them to persons and agencies where their requests and needs
30 can be met.

31 (j) Every social worker.

32 (k) Any person who owns or is employed by a funeral home or
33 mortuary.

34 *(l) Except as otherwise provided in subsection 10, any officer*
35 *or employee of a financial institution, as defined in NRS 657.160,*
36 *who has direct contact with an older person or who reviews or*
37 *approves the financial documents, records or transactions of an*
38 *older person, in connection with providing financial services to the*
39 *older person.*

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

41 6. If a person who is required to make a report pursuant to
42 subsection 1 knows or has reasonable cause to believe that an older
43 person has died as a result of abuse, neglect or isolation, the person
44 shall, as soon as reasonably practicable, report this belief to the
45 appropriate medical examiner or coroner, who shall investigate the



1 cause of death of the older person and submit to the appropriate
2 local law enforcement agencies, the appropriate prosecuting
3 attorney and the Aging Services Division of the Department of
4 Health and Human Services his written findings. The written
5 findings must include the information required pursuant to the
6 provisions of NRS 200.5094, when possible.

7 7. A division, office or department which receives a report
8 pursuant to this section shall cause the investigation of the report to
9 commence within 3 working days. A copy of the final report of the
10 investigation conducted by a division, office or department, other
11 than the Aging Services Division of the Department of Health and
12 Human Services, must be forwarded to the Aging Services Division
13 within 90 days after the completion of the report.

14 8. If the investigation of a report results in the belief that an
15 older person is abused, neglected, exploited or isolated, the Aging
16 Services Division of the Department of Health and Human Services
17 or the county's office for protective services may provide protective
18 services to the older person if he is able and willing to accept them.

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

21 *10. The provisions of paragraph (l) of subsection 4 do not*
22 *apply to a teller in a financial institution, as defined in NRS*
23 *657.160, during the first 6 months of his employment if the teller*
24 *has not received training or instructional materials concerning the*
25 *duties imposed by this section, including, without limitation,*
26 *identification and reporting of abuse, neglect, exploitation and*
27 *isolation of older persons.*

28 **Sec. 2.** NRS 200.50935 is hereby amended to read as follows:

29 200.50935 1. Any person who is described in subsection 3
30 and who, in his professional or occupational capacity, knows or has
31 reasonable cause to believe that a vulnerable person has been
32 abused, neglected, exploited or isolated shall:

33 (a) Report the abuse, neglect, exploitation or isolation of the
34 vulnerable person to a law enforcement agency; and

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

39 2. If a person who is required to make a report pursuant to
40 subsection 1 knows or has reasonable cause to believe that the
41 abuse, neglect, exploitation or isolation of the vulnerable person
42 involves an act or omission of a law enforcement agency, the person
43 shall make the report to a law enforcement agency other than the
44 one alleged to have committed the act or omission.



3. 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 a vulnerable 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 a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

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

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(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 a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

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

(k) Except as otherwise provided in subsection 8, any officer or employee of a financial institution, as defined in NRS 657.160, who has direct contact with a vulnerable person or who reviews or approves the financial documents, records or transactions of a vulnerable person, in connection with providing financial services to the vulnerable person.

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

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



1 to the appropriate medical examiner or coroner, who shall
2 investigate the cause of death of the vulnerable person and submit to
3 the appropriate local law enforcement agencies and the appropriate
4 prosecuting attorney his written findings. The written findings must
5 include the information required pursuant to the provisions of NRS
6 200.5094, when possible.

7 6. A law enforcement agency which receives a report pursuant
8 to this section shall immediately initiate an investigation of the
9 report.

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

12 8. *The provisions of paragraph (k) of subsection 3 do not*
13 *apply to a teller in a financial institution, as defined in NRS*
14 *657.160, during the first 6 months of his employment if the teller*
15 *has not received training or instructional materials concerning the*
16 *duties imposed by this section, including, without limitation,*
17 *identification and reporting of abuse, neglect, exploitation and*
18 *isolation of vulnerable persons.*

