

Amendment No. 297

Assembly Amendment to Assembly Bill No. 87	(BDR 15-157)
Proposed by: Assembly Committee on Judiciary	
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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

AMI/RBL



Date: 4/16/2007

A.B. No. 87—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)



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 and isolation of “older persons” who are defined in existing law as persons who are 60 years of age or older, to]~~ **Requires certain officers and employees of financial institutions to receive training concerning the exploitation [for isolation] of older persons and vulnerable persons [] and to report the suspected or known exploitation of older persons or vulnerable persons.** (BDR ~~[H-S]~~ 55-157)

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;]~~ **financial institutions; requiring certain financial institutions to provide training to certain officers and employees concerning identifying the suspected exploitation of older persons and vulnerable persons; requiring certain officers and employees [of financial institutions] who receive such training to report [the abuse, neglect, exploitation and isolation of “older persons” who are defined in existing law as persons who are 60 years of age or older, to] the suspected or known exploitation [for isolation] of an older [person] or vulnerable person; providing for civil penalties [] for failure to report; and providing other matters properly relating thereto.**

Legislative Counsel’s Digest:

~~[Section 1] Sections 4-13 of this bill [expands the provisions of existing law that require certain persons to report the abuse, neglect, exploitation and isolation of “older persons” who are defined in existing law as persons who are 60 years of age or older, to] require certain financial institutions to provide training to certain officers and employees [of financial institutions] to report such acts against older persons. (NRS 200.5092, 200.5093) A knowing and willful violation of these reporting requirements is a misdemeanor. (NRS 200.5092) Section 2 of this bill similarly amends the law with regard to such reporting for and vulnerable persons.] concerning the identification and reporting of the exploitation of older persons and vulnerable persons. “Older persons” are defined in existing law as persons who are 60 years of age or older. (NRS 200.5092) “Vulnerable persons” are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the~~

person to perform the normal activities of daily living. (NRS 200.5092) ~~[A knowing and willful violation of these reporting requirements is a 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 200.5092, 200.50925 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.]~~ Section 10 of this bill specifies which officers and employees must receive the training, when the training must be provided and the content of the training. Section 10 further requires those officers and employees to report incidents that reasonably appear to be exploitation of an older or vulnerable person. Section 11 of this bill requires each financial institution to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to a law enforcement agency. Section 12 of this bill provides for a civil penalty when an employee, officer or designated reporter who has received training fails to report an incident.

Sections 15-23 of this bill add similar provisions to the chapter governing savings and loan associations. (Chapter 673 of NRS) Sections 25-33 of this bill add similar provisions to the chapter governing thrift companies. (Chapter 677 of NRS) Sections 35-43 of this bill add similar provisions to the chapter governing credit unions. (Chapter 678 of NRS)

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, 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 person who maintains or is employed by an agency to provide personal care services in the home.~~

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

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

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

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

~~(i) 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.~~

~~(j) Every social worker.~~

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

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

~~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 Health and Human Services 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 Health and Human Services, 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 Health and Human Services or the county's office for protective~~

1 services may provide protective services to the older person if he is able and willing
2 to accept them.

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

5 ~~10. The provisions of paragraph (1) of subsection 4 do not apply to a teller~~
6 ~~in a financial institution, as defined in NRS 657.160, during the first 6 months of~~
7 ~~his employment if the teller has not received training or instructional materials~~
8 ~~concerning the duties imposed by this section, including, without limitation,~~
9 ~~identification and reporting of abuse, neglect, exploitation and isolation of older~~
10 ~~persons.} (Deleted by amendment.)~~

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

12 ~~200.50935 1. Any person who is described in subsection 3 and who, in his~~
13 ~~professional or occupational capacity, knows or has reasonable cause to believe that~~
14 ~~a vulnerable person has been abused, neglected, exploited or isolated shall:~~

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

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

20 ~~2. If a person who is required to make a report pursuant to subsection 1 knows~~
21 ~~or has reasonable cause to believe that the abuse, neglect, exploitation or isolation~~
22 ~~of the vulnerable person involves an act or omission of a law enforcement agency,~~
23 ~~the person shall make the report to a law enforcement agency other than the one~~
24 ~~alleged to have committed the act or omission.~~

25 ~~3. A report must be made pursuant to subsection 1 by the following persons:~~

26 ~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist,~~
27 ~~podiatric physician, medical examiner, resident, intern, professional or practical~~
28 ~~nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist,~~
29 ~~alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced~~
30 ~~emergency medical technician or other person providing medical services licensed~~
31 ~~or certified to practice in this State, who examines, attends or treats a vulnerable~~
32 ~~person who appears to have been abused, neglected, exploited or isolated.~~

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

38 ~~(c) A coroner.~~

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

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

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

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

46 ~~(h) Any person who maintains, is employed by or serves as a volunteer for an~~
47 ~~agency or service which advises persons regarding the abuse, neglect, exploitation~~
48 ~~or isolation of a vulnerable person and refers them to persons and agencies where~~
49 ~~their requests and needs can be met.~~

50 ~~(i) Every social worker.~~

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

52 ~~(k) Except as otherwise provided in subsection 8, any officer or employee of~~
53 ~~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 to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

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

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

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

Sec. 3. Chapter 657 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. As used in sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. "Designated reporter" means a person designated by a financial institution to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 11 of this act.

Sec. 6. "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 7. "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 8. "Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.

Sec. 9. "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 10. 1. Each financial institution shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the financial institution who:

(a) May, as part of his regular duties for the financial institution, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the financial institution.

3. The training required pursuant to subsection 1 must include, without limitation:

1 (a) An explanation of the conduct which constitutes exploitation of an older
2 person or vulnerable person;

3 (b) The manner in which exploitation of an older person or vulnerable
4 person may be recognized;

5 (c) Information concerning the manner in which reports of exploitation are
6 investigated; and

7 (d) Instruction concerning when and how to report known or suspected
8 exploitation of an older person or vulnerable person.

9 4. An officer or employee who has observed or has knowledge of an
10 incident that is directly related to a transaction or matter which is within his
11 scope of practice and which reasonably appears to be exploitation of an older
12 person or vulnerable person shall report the known or suspected exploitation to
13 the designated reporter.

14 Sec. 11. 1. Each financial institution shall designate a person or persons
15 to whom an officer or employee of the financial institution must report known or
16 suspected exploitation of an older person or vulnerable person.

17 2. If an officer or employee reports known or suspected exploitation of an
18 older person or vulnerable person to a designated reporter and, based on such a
19 report or based on his own observations or knowledge, the designated reporter
20 knows or has reasonable cause to believe that an older person or vulnerable
21 person has been exploited, the designated reporter shall report the known or
22 suspected exploitation in the same manner as a person required to make a report
23 pursuant to NRS 200.5093 or 200.50935, as applicable. An officer, employee and
24 the designated reporter are entitled to the immunity from liability set forth in
25 NRS 200.5096 for making a report in good faith.

26 Sec. 12. 1. If an employee or officer who has received the training
27 required pursuant to section 10 of this act fails to report the suspected or known
28 exploitation of an older person or vulnerable person to a designated reporter or if
29 a designated reporter fails to make a report pursuant to section 11 of this act, the
30 financial institution that employs the employee, officer or designated reporter is
31 subject to a civil penalty in an amount:

32 (a) Not to exceed \$1,000, if the failure to report was not willful; or

33 (b) Not to exceed \$5,000, if the failure to report was willful.

34 2. A civil penalty pursuant to this section may be recovered only in a civil
35 action brought in the name of the State of Nevada by the Attorney General or by
36 a district attorney in a court of competent jurisdiction.

37 3. The provisions of this section do not limit or prohibit any other action
38 and are in addition to any other remedy that may be available by law.

39 Sec. 13. NRS 657.150 is hereby amended to read as follows:

40 657.150 As used in NRS 657.150 to 657.210, inclusive, and sections 4 to 12,
41 inclusive, of this act, unless the context otherwise requires, the words and terms
42 defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those
43 sections.

44 Sec. 14. Chapter 673 of NRS is hereby amended by adding thereto the
45 provisions set forth as sections 15 to 23, inclusive, of this act.

46 Sec. 15. As used in sections 15 to 23, inclusive, of this act, unless the
47 context otherwise requires, the words and terms defined in sections 16 to 20,
48 inclusive, of this act have the meanings ascribed to them in those sections.

49 Sec. 16. "Designated reporter" means a person designated by an
50 association to receive reports of known or suspected exploitation of an older
51 person or vulnerable person pursuant to section 22 of this act.

52 Sec. 17. "Exploitation" has the meaning ascribed to it in subsection 2 of
53 NRS 200.5092.

1 Sec. 18. "Older person" has the meaning ascribed to it in subsection 5 of
2 NRS 200.5092.

3 Sec. 19. "Reasonable cause to believe" has the meaning ascribed to it in
4 NRS 200.50925.

5 Sec. 20. "Vulnerable person" has the meaning ascribed to it in subsection
6 7 of NRS 200.5092.

7 Sec. 21. 1. Each association shall provide training concerning the
8 identification and reporting of the suspected exploitation of an older person or
9 vulnerable person to each director, officer and employee of the association who:

10 (a) May, as part of his regular duties for the association, come into direct
11 contact with an older person or vulnerable person; or

12 (b) May review or approve the financial documents, records or transactions
13 of an older person or vulnerable person in connection with providing financial
14 services to the older person or vulnerable person.

15 2. The training required pursuant to subsection 1 must be provided as soon
16 as reasonably practicable, but not later than 6 months after the director, officer
17 or employee is employed by the association or assumes the position.

18 3. The training required pursuant to subsection 1 must include, without
19 limitation:

20 (a) An explanation of the conduct which constitutes exploitation of an older
21 person or vulnerable person;

22 (b) The manner in which exploitation of an older person or vulnerable
23 person may be recognized;

24 (c) Information concerning the manner in which reports of exploitation are
25 investigated; and

26 (d) Instruction concerning when and how to report known or suspected
27 exploitation of an older person or vulnerable person.

28 4. A director, officer or employee who has observed or has knowledge of an
29 incident that is directly related to a transaction or matter which is within his
30 scope of practice and which reasonably appears to be exploitation of an older
31 person or vulnerable person shall report the known or suspected exploitation to
32 the designated reporter.

33 Sec. 22. 1. Each association shall designate a person or persons to whom
34 a director, officer or employee of the association must report known or suspected
35 exploitation of an older person or vulnerable person.

36 2. If a director, officer or employee reports known or suspected exploitation
37 of an older person or vulnerable person to a designated reporter and, based on
38 such a report or based on his own observations or knowledge, the designated
39 reporter knows or has reasonable cause to believe that an older person or
40 vulnerable person has been exploited, the designated reporter shall report the
41 known or suspected exploitation in the same manner as a person required to
42 make a report pursuant to NRS 200.5093 or 200.50935, as applicable. A director,
43 officer, employee and the designated reporter are entitled to the immunity from
44 liability set forth in NRS 200.5096 for making a report in good faith.

45 Sec. 23. 1. If a director, officer or employee who has received the training
46 required pursuant to section 21 of this act fails to report the suspected or known
47 exploitation of an older person or vulnerable person to a designated reporter or if
48 a designated reporter fails to make a report pursuant to section 22 of this act, the
49 association for which the director, officer or employee or designated reporter
50 works is subject to a civil penalty in an amount:

51 (a) Not to exceed \$1,000, if the failure to report was not willful; or

52 (b) Not to exceed \$5,000, if the failure to report was willful.

1 2. A civil penalty pursuant to this section may be recovered only in a civil
2 action brought in the name of the State of Nevada by the Attorney General or by
3 a district attorney in a court of competent jurisdiction.

4 3. The provisions of this section do not limit or prohibit any other action
5 and are in addition to any other remedy that may be available by law.

6 Sec. 24. Chapter 677 of NRS is hereby amended by adding thereto the
7 provisions set forth as sections 25 to 33, inclusive, of this act.

8 Sec. 25. As used in sections 25 to 33, inclusive, of this act, unless the
9 context otherwise requires, the words and terms defined in sections 26 to 30,
10 inclusive, of this act have the meanings ascribed to them in those sections.

11 Sec. 26. "Designated reporter" means a person designated by a licensee to
12 receive reports of known or suspected exploitation of an older person or
13 vulnerable person pursuant to section 32 of this act.

14 Sec. 27. "Exploitation" has the meaning ascribed to it in subsection 2 of
15 NRS 200.5092.

16 Sec. 28. "Older person" has the meaning ascribed to it in subsection 5 of
17 NRS 200.5092.

18 Sec. 29. "Reasonable cause to believe" has the meaning ascribed to it in
19 NRS 200.50925.

20 Sec. 30. "Vulnerable person" has the meaning ascribed to it in subsection
21 7 of NRS 200.5092.

22 Sec. 31. 1. Each licensee shall provide training concerning the
23 identification and reporting of the suspected exploitation of an older person or
24 vulnerable person to each officer and employee of the licensee who:

25 (a) May, as part of his regular duties for the licensee, come into direct
26 contact with an older person or vulnerable person; or

27 (b) May review or approve the financial documents, records or transactions
28 of an older person or vulnerable person in connection with providing financial
29 services to the older person or vulnerable person.

30 2. The training required pursuant to subsection 1 must be provided as soon
31 as reasonably practicable, but not later than 6 months after the officer or
32 employee is employed by the licensee.

33 3. The training required pursuant to subsection 1 must include, without
34 limitation:

35 (a) An explanation of the conduct which constitutes exploitation of an older
36 person or vulnerable person;

37 (b) The manner in which exploitation of an older person or vulnerable
38 person may be recognized;

39 (c) Information concerning the manner in which reports of exploitation are
40 investigated; and

41 (d) Instruction concerning when and how to report known or suspected
42 exploitation of an older person or vulnerable person.

43 4. An officer or employee who has observed or has knowledge of an
44 incident that is directly related to a transaction or matter which is within his
45 scope of practice and which reasonably appears to be exploitation of an older
46 person or vulnerable person shall report the known or suspected exploitation to
47 the designated reporter.

48 Sec. 32. 1. Each licensee shall designate a person or persons to whom an
49 officer or employee of the licensee must report known or suspected exploitation of
50 an older person or vulnerable person.

51 2. If an officer or employee reports known or suspected exploitation of an
52 older person or vulnerable person to a designated reporter and, based on such a
53 report or based on his own observations or knowledge, the designated reporter

1 knows or has reasonable cause to believe that an older person or vulnerable
2 person has been exploited, the designated reporter shall report the known or
3 suspected exploitation in the same manner as a person required to make a report
4 pursuant to NRS 200.5093 or 200.50935, as applicable. An officer, employee and
5 the designated reporter are entitled to the immunity from liability set forth in
6 NRS 200.5096 for making a report in good faith.

7 Sec. 33. 1. If an employee or officer who has received the training
8 required pursuant to section 31 of this act fails to report the suspected or known
9 exploitation of an older person or vulnerable person to a designated reporter or if
10 a designated reporter fails to make a report pursuant to section 32 of this act, the
11 licensee that employs the employee, officer or designated reporter is subject to a
12 civil penalty in an amount:

13 (a) Not to exceed \$1,000, if the failure to report was not willful; or

14 (b) Not to exceed \$5,000, if the failure to report was willful.

15 2. A civil penalty pursuant to this section may be recovered only in a civil
16 action brought in the name of the State of Nevada by the Attorney General or by
17 a district attorney in a court of competent jurisdiction.

18 3. The provisions of this section do not limit or prohibit any other action
19 and are in addition to any other remedy that may be available by law.

20 Sec. 34. Chapter 678 of NRS is hereby amended by adding thereto the
21 provisions set forth as sections 35 to 43, inclusive, of this act.

22 Sec. 35. As used in sections 35 to 43, inclusive, of this act, unless the
23 context otherwise requires, the words and terms defined in sections 36 to 40,
24 inclusive, of this act have the meanings ascribed to them in those sections.

25 Sec. 36. "Designated reporter" means a person designated by a credit
26 union to receive reports of known or suspected exploitation of an older person or
27 vulnerable person pursuant to section 42 of this act.

28 Sec. 37. "Exploitation" has the meaning ascribed to it in subsection 2 of
29 NRS 200.5092.

30 Sec. 38. "Older person" has the meaning ascribed to it in subsection 5 of
31 NRS 200.5092.

32 Sec. 39. "Reasonable cause to believe" has the meaning ascribed to it in
33 NRS 200.50925.

34 Sec. 40. "Vulnerable person" has the meaning ascribed to it in subsection
35 7 of NRS 200.5092.

36 Sec. 41. 1. Each credit union shall provide training concerning the
37 identification and reporting of the suspected exploitation of an older person or
38 vulnerable person to each loan officer and employee of the credit union who:

39 (a) May, as part of his regular duties for the credit union, come into direct
40 contact with an older person or vulnerable person; or

41 (b) May review or approve the financial documents, records or transactions
42 of an older person or vulnerable person in connection with providing financial
43 services to the older person or vulnerable person.

44 2. The training required pursuant to subsection 1 must be provided as soon
45 as reasonably practicable, but not later than 6 months after the loan officer or
46 employee is employed by the credit union.

47 3. The training required pursuant to subsection 1 must include, without
48 limitation:

49 (a) An explanation of the conduct which constitutes exploitation of an older
50 person or vulnerable person;

51 (b) The manner in which exploitation of an older person or vulnerable
52 person may be recognized;

1 (c) Information concerning the manner in which reports of exploitation are
2 investigated; and

3 (d) Instruction concerning when and how to report known or suspected
4 exploitation of an older person or vulnerable person.

5 4. A loan officer or employee who has observed or has knowledge of an
6 incident that is directly related to a transaction or matter which is within his
7 scope of practice and which reasonably appears to be exploitation of an older
8 person or vulnerable person shall report the known or suspected exploitation to
9 the designated reporter.

10 Sec. 42. 1. Each credit union shall designate a person or persons to
11 whom a loan officer or employee of the credit union must report known or
12 suspected exploitation of an older person or vulnerable person.

13 2. If a loan officer or employee reports known or suspected exploitation of
14 an older person or vulnerable person to a designated reporter and, based on such
15 a report or based on his own observations or knowledge, the designated reporter
16 knows or has reasonable cause to believe that an older person or vulnerable
17 person has been exploited, the designated reporter shall report the known or
18 suspected exploitation in the same manner as a person required to make a report
19 pursuant to NRS 200.5093 or 200.50935, as applicable. A loan officer, employee
20 and the designated reporter are entitled to the immunity from liability set forth in
21 NRS 200.5096 for making a report in good faith.

22 Sec. 43. 1. If a loan officer or employee who has received the training
23 required pursuant to section 41 of this act fails to report the suspected or known
24 exploitation of an older person or vulnerable person to a designated reporter or if
25 a designated reporter fails to make a report pursuant to section 42 of this act, the
26 credit union that employs the loan officer, employee or designated reporter shall
27 be subject to a civil penalty in an amount:

28 (a) Not to exceed \$1,000, if the failure to report was not willful; or

29 (b) Not to exceed \$5,000, if the failure to report was willful.

30 2. A civil penalty pursuant to this section may be recovered only in a civil
31 action brought in the name of the State of Nevada by the Attorney General or by
32 a district attorney in a court of competent jurisdiction.

33 3. The provisions of this section do not limit or prohibit any other action
34 and are in addition to any other remedy that may be available by law.