

Amendment No. 761

Senate Amendment to Assembly Bill No. 87 First Reprint	(BDR 55-157)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No 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.

BAW



Date: 5/18/2007

A.B. No. 87—Requires certain officers and employees of financial institutions to receive training concerning the exploitation of older persons and vulnerable persons and to report the suspected or known exploitation of older persons or vulnerable persons. (BDR 55-157)



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—Requires certain officers and employees of financial institutions to receive training concerning the exploitation of older persons and vulnerable persons and to report the suspected or known exploitation of older persons or vulnerable persons. (BDR 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 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 who receive such training to report the suspected or known exploitation of an older or vulnerable person; providing for civil penalties for failure to report; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 4-13** of this bill require certain financial institutions to provide training to certain officers and employees 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) **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 ~~the law enforcement~~ **the appropriate** 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

19 the chapter governing thrift companies. (Chapter 677 of NRS) **Sections 35-43** of this bill add  
20 similar provisions to the chapter governing credit unions. (Chapter 678 of NRS)

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** (Deleted by amendment.)

**Sec. 2.** (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:*

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

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

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

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

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

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

4        **2. If an officer or employee reports known or suspected exploitation of an**  
5 **older person ~~for vulnerable person~~ to a designated reporter and, based on such a**  
6 **report or based on his own observations or knowledge, the designated reporter**  
7 **knows or has reasonable cause to believe that an older person ~~for vulnerable~~**  
8 **~~person~~ has been exploited, the designated reporter shall :**

9        **(a) Except as otherwise provided in subsection 3, report the known or**  
10 **suspected exploitation ~~in the same manner as a person required to make a report~~**  
11 **pursuant to ~~NRS 200.5093 or 200.50935, as applicable,~~ of the older person to:**

12        **(1) The local office of the Aging Services Division of the Department of**  
13 **Health and Human Services;**

14        **(2) A police department or sheriff's office;**

15        **(3) The county's office for protective services, if one exists in the county**  
16 **where the suspected action occurred; or**

17        **(4) A toll-free telephone service designated by the Aging Services**  
18 **Division of the Department of Health and Human Services; and**

19        **(b) Make such a report as soon as reasonably practicable.**

20        **3. If the designated reporter knows or has reasonable cause to believe that**  
21 **the exploitation of the older person involves an act or omission of the Aging**  
22 **Services Division, another division of the Department of Health and Human**  
23 **Services or a law enforcement agency, the designated reporter shall make the**  
24 **report to an agency other than the one alleged to have committed the act or**  
25 **omission.**

26        **4. If an officer or employee reports known or suspected exploitation of a**  
27 **vulnerable person to a designated reporter and, based on such a report or based**  
28 **on his own observations or knowledge, the designated reporter knows or has**  
29 **reasonable cause to believe that a vulnerable person has been exploited, the**  
30 **designated reporter shall:**

31        **(a) Except as otherwise provided in subsection 5, report the known or**  
32 **suspected exploitation of the vulnerable person to a law enforcement agency; and**

33        **(b) Make such a report as soon as reasonably practicable.**

34        **5. If the designated reporter knows or has reasonable cause to believe that**  
35 **the exploitation of the vulnerable person involves an act or omission of a law**  
36 **enforcement agency, the designated reporter shall make the report to a law**  
37 **enforcement agency other than the one alleged to have committed the act or**  
38 **omission.**

39        **6. In accordance with the provisions of subsection 3 of NRS 239A.070, in**  
40 **making a report pursuant to this section, a designated reporter may:**

41        **(a) Disclose any facts or information that form the basis of the determination**  
42 **that the designated reporter knows or has reasonable cause to believe that an**  
43 **older person or vulnerable person has been exploited, including, without**  
44 **limitation, the identity of any person believed to be involved in the exploitation of**  
45 **the older person or vulnerable person; and**

46        **(b) Provide any financial records or other documentation relating to the**  
47 **exploitation of the older person or vulnerable person.**

48        **7. An officer, employee and the designated reporter are entitled to the**  
49 **immunity from liability set forth in NRS 200.5096 for making a report in good**  
50 **faith.**

51        **Sec. 12. 1. If an employee or officer who has received the training**  
52 **required pursuant to section 10 of this act fails to report the suspected or known**  
53 **exploitation of an older person or vulnerable person to a designated reporter or if**

1 *a designated reporter fails to make a report pursuant to section 11 of this act, the*  
2 *financial institution that employs the employee, officer or designated reporter is*  
3 *subject to a civil penalty in an amount:*

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

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

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

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

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

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

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

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

21 Sec. 16. *“Designated reporter” means a person designated by an*  
22 *association to receive reports of known or suspected exploitation of an older*  
23 *person or vulnerable person pursuant to section 22 of this act.*

24 Sec. 17. *“Exploitation” has the meaning ascribed to it in subsection 2 of*  
25 *NRS 200.5092.*

26 Sec. 18. *“Older person” has the meaning ascribed to it in subsection 5 of*  
27 *NRS 200.5092.*

28 Sec. 19. *“Reasonable cause to believe” has the meaning ascribed to it in*  
29 *NRS 200.50925.*

30 Sec. 20. *“Vulnerable person” has the meaning ascribed to it in subsection*  
31 *7 of NRS 200.5092.*

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

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

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

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

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

45 (a) *An explanation of the conduct which constitutes exploitation of an older*  
46 *person or vulnerable person;*

47 (b) *The manner in which exploitation of an older person or vulnerable*  
48 *person may be recognized;*

49 (c) *Information concerning the manner in which reports of exploitation are*  
50 *investigated; and*

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

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

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

9       2. If a director, officer or employee reports known or suspected exploitation  
10 of an older person ~~for vulnerable person~~ to a designated reporter and, based on  
11 such a report or based on his own observations or knowledge, the designated  
12 reporter knows or has reasonable cause to believe that an older person ~~for~~  
13 ~~vulnerable person~~ has been exploited, the designated reporter shall:

14       (a) Except as otherwise provided in subsection 3, report the known or  
15 suspected exploitation ~~(in the same manner as a person required to make a report~~  
16 ~~pursuant to NRS 200.5093 or 200.50935, as applicable.~~ of the older person to:

17       (1) The local office of the Aging Services Division of the Department of  
18 Health and Human Services;

19       (2) A police department or sheriff's office;

20       (3) The county's office for protective services, if one exists in the county  
21 where the suspected action occurred; or

22       (4) A toll-free telephone service designated by the Aging Services  
23 Division of the Department of Health and Human Services; and

24       (b) Make such a report as soon as reasonably practicable.

25       3. If the designated reporter knows or has reasonable cause to believe that  
26 the exploitation of the older person involves an act or omission of the Aging  
27 Services Division, another division of the Department of Health and Human  
28 Services or a law enforcement agency, the designated reporter shall make the  
29 report to an agency other than the one alleged to have committed the act or  
30 omission.

31       4. If a director, officer or employee reports known or suspected exploitation  
32 of a vulnerable person to a designated reporter and, based on such a report or  
33 based on his own observations or knowledge, the designated reporter knows or  
34 has reasonable cause to believe that a vulnerable person has been exploited, the  
35 designated reporter shall:

36       (a) Except as otherwise provided in subsection 5, report the known or  
37 suspected exploitation of the vulnerable person to a law enforcement agency; and

38       (b) Make such a report as soon as reasonably practicable.

39       5. If the designated reporter knows or has reasonable cause to believe that  
40 the exploitation of the vulnerable person involves an act or omission of a law  
41 enforcement agency, the designated reporter shall make the report to a law  
42 enforcement agency other than the one alleged to have committed the act or  
43 omission.

44       6. In accordance with the provisions of subsection 3 of NRS 239A.070, in  
45 making a report pursuant to this section, a designated reporter may:

46       (a) Disclose any facts or information that form the basis of the determination  
47 that the designated reporter knows or has reasonable cause to believe that an  
48 older person or vulnerable person has been exploited, including, without  
49 limitation, the identity of any person believed to be involved in the exploitation of  
50 the older person or vulnerable person; and

51       (b) Provide any financial records or other documentation relating to the  
52 exploitation of the older person or vulnerable person.

7. *A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.*

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

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

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

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

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

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

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

**Sec. 26.** *“Designated reporter” means a person designated by a licensee to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 32 of this act.*

**Sec. 27.** *“Exploitation” has the meaning ascribed to it in subsection 2 of NRS 200.5092.*

**Sec. 28.** *“Older person” has the meaning ascribed to it in subsection 5 of NRS 200.5092.*

**Sec. 29.** *“Reasonable cause to believe” has the meaning ascribed to it in NRS 200.50925.*

**Sec. 30.** *“Vulnerable person” has the meaning ascribed to it in subsection 7 of NRS 200.5092.*

**Sec. 31. 1.** *Each licensee 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 licensee who:*

*(a) May, as part of his regular duties for the licensee, 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 licensee.*

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

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

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

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

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



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

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

9       2. If an officer or employee reports known or suspected exploitation of an  
10 older person ~~for vulnerable person~~ to a designated reporter and, based on such a  
11 report or based on his own observations or knowledge, the designated reporter  
12 knows or has reasonable cause to believe that an older person ~~for vulnerable~~  
13 ~~person~~ has been exploited, the designated reporter shall :

14       (a) Except as otherwise provided in subsection 3, report the known or  
15 suspected exploitation ~~(in the same manner as a person required to make a report~~  
16 ~~pursuant to NRS 200.5093 or 200.50935, as applicable, of the older person to:~~

17       (1) The local office of the Aging Services Division of the Department of  
18 Health and Human Services;

19       (2) A police department or sheriff's office;

20       (3) The county's office for protective services, if one exists in the county  
21 where the suspected action occurred; or

22       (4) A toll-free telephone service designated by the Aging Services  
23 Division of the Department of Health and Human Services; and

24       (b) Make such a report as soon as reasonably practicable.

25       3. If the designated reporter knows or has reasonable cause to believe that  
26 the exploitation of the older person involves an act or omission of the Aging  
27 Services Division, another division of the Department of Health and Human  
28 Services or a law enforcement agency, the designated reporter shall make the  
29 report to an agency other than the one alleged to have committed the act or  
30 omission.

31       4. If an officer or employee reports known or suspected exploitation of a  
32 vulnerable person to a designated reporter and, based on such a report or based  
33 on his own observations or knowledge, the designated reporter knows or has  
34 reasonable cause to believe that a vulnerable person has been exploited, the  
35 designated reporter shall:

36       (a) Except as otherwise provided in subsection 5, report the known or  
37 suspected exploitation of the vulnerable person to a law enforcement agency; and

38       (b) Make such a report as soon as reasonably practicable.

39       5. If the designated reporter knows or has reasonable cause to believe that  
40 the exploitation of the vulnerable person involves an act or omission of a law  
41 enforcement agency, the designated reporter shall make the report to a law  
42 enforcement agency other than the one alleged to have committed the act or  
43 omission.

44       6. In accordance with the provisions of subsection 3 of NRS 239A.070, in  
45 making a report pursuant to this section, a designated reporter may:

46       (a) Disclose any facts or information that form the basis of the determination  
47 that the designated reporter knows or has reasonable cause to believe that an  
48 older person or vulnerable person has been exploited, including, without  
49 limitation, the identity of any person believed to be involved in the exploitation of  
50 the older person or vulnerable person; and

51       (b) Provide any financial records or other documentation relating to the  
52 exploitation of the older person or vulnerable person.



1 7. *An officer, employee and the designated reporter are entitled to the*  
2 *immunity from liability set forth in NRS 200.5096 for making a report in good*  
3 *faith.*

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

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

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

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

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

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

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

22 **Sec. 36.** *“Designated reporter” means a person designated by a credit*  
23 *union to receive reports of known or suspected exploitation of an older person or*  
24 *vulnerable person pursuant to section 42 of this act.*

25 **Sec. 37.** *“Exploitation” has the meaning ascribed to it in subsection 2 of*  
26 *NRS 200.5092.*

27 **Sec. 38.** *“Older person” has the meaning ascribed to it in subsection 5 of*  
28 *NRS 200.5092.*

29 **Sec. 39.** *“Reasonable cause to believe” has the meaning ascribed to it in*  
30 *NRS 200.50925.*

31 **Sec. 40.** *“Vulnerable person” has the meaning ascribed to it in subsection*  
32 *7 of NRS 200.5092.*

33 **Sec. 41. 1.** *Each credit union shall provide training concerning the*  
34 *identification and reporting of the suspected exploitation of an older person or*  
35 *vulnerable person to each ~~(loan officer and)~~ employee of the credit union who:*

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

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

41 2. *The training required pursuant to subsection 1 must be provided as soon*  
42 *as reasonably practicable, but not later than 6 months after the ~~(loan officer or)~~*  
43 *employee is employed by the credit union.*

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

46 (a) *An explanation of the conduct which constitutes exploitation of an older*  
47 *person or vulnerable person;*

48 (b) *The manner in which exploitation of an older person or vulnerable*  
49 *person may be recognized;*

50 (c) *Information concerning the manner in which reports of exploitation are*  
51 *investigated; and*

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

1       4. ~~[A loan officer or]~~ An employee who has observed or has knowledge of  
2 an incident that is directly related to a transaction or matter which is within his  
3 scope of practice and which reasonably appears to be exploitation of an older  
4 person or vulnerable person shall report the known or suspected exploitation to  
5 the designated reporter.

6       Sec. 42. 1. Each credit union shall designate a person or persons to  
7 whom ~~[a loan officer or]~~ an employee of the credit union must report known or  
8 suspected exploitation of an older person or vulnerable person.

9       2. If ~~[a loan officer or]~~ an employee reports known or suspected  
10 exploitation of an older person ~~[or vulnerable person]~~ to a designated reporter  
11 and, based on such a report or based on his own observations or knowledge, the  
12 designated reporter knows or has reasonable cause to believe that an older person  
13 ~~[or vulnerable person]~~ has been exploited, the designated reporter shall :

14       (a) Except as otherwise provided in subsection 3, report the known or  
15 suspected exploitation ~~[in the same manner as a person required to make a report~~  
16 ~~pursuant to NRS 200.5093 or 200.5095, as applicable. A loan officer,~~ of the  
17 older person to:

18       (1) The local office of the Aging Services Division of the Department of  
19 Health and Human Services;

20       (2) A police department or sheriff's office;

21       (3) The county's office for protective services, if one exists in the county  
22 where the suspected action occurred; or

23       (4) A toll-free telephone service designated by the Aging Services  
24 Division of the Department of Health and Human Services; and

25       (b) Make such a report as soon as reasonably practicable.

26       3. If the designated reporter knows or has reasonable cause to believe that  
27 the exploitation of the older person involves an act or omission of the Aging  
28 Services Division, another division of the Department of Health and Human  
29 Services or a law enforcement agency, the designated reporter shall make the  
30 report to an agency other than the one alleged to have committed the act or  
31 omission.

32       4. If an employee reports known or suspected exploitation of a vulnerable  
33 person to a designated reporter and, based on such a report or based on his own  
34 observations or knowledge, the designated reporter knows or has reasonable  
35 cause to believe that a vulnerable person has been exploited, the designated  
36 reporter shall:

37       (a) Except as otherwise provided in subsection 5, report the known or  
38 suspected exploitation of the vulnerable person to a law enforcement agency; and

39       (b) Make such a report as soon as reasonably practicable.

40       5. If the designated reporter knows or has reasonable cause to believe that  
41 the exploitation of the vulnerable person involves an act or omission of a law  
42 enforcement agency, the designated reporter shall make the report to a law  
43 enforcement agency other than the one alleged to have committed the act or  
44 omission.

45       6. In accordance with the provisions of subsection 3 of NRS 239A.070, in  
46 making a report pursuant to this section, a designated reporter may:

47       (a) Disclose any facts or information that form the basis of the determination  
48 that the designated reporter knows or has reasonable cause to believe that an  
49 older person or vulnerable person has been exploited, including, without  
50 limitation, the identity of any person believed to be involved in the exploitation of  
51 the older person or vulnerable person; and

52       (b) Provide any financial records or other documentation relating to the  
53 exploitation of the older person or vulnerable person.

1 7. An employee and the designated reporter are entitled to the immunity  
2 from liability set forth in NRS 200.5096 for making a report in good faith.

3 **Sec. 43. 1. If ~~the loan officer or~~ an employee who has received the**  
4 **training required pursuant to section 41 of this act fails to report the suspected or**  
5 **known exploitation of an older person or vulnerable person to a designated**  
6 **reporter or if a designated reporter fails to make a report pursuant to section 42**  
7 **of this act, the credit union that employs the ~~loan officer,~~ employee or**  
8 **designated reporter shall be subject to a civil penalty in an amount:**

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

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

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

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