

ASSEMBLY BILL NO. 8—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S SUBCOMMITTEE
TO STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS)

PREFILED DECEMBER 2, 2008

Referred to Committee on Judiciary

SUMMARY—Establishes the Statewide Central Registry for the
Collection of Information Concerning the Abuse,
Neglect, Exploitation or Isolation of Older Persons.
(BDR 38-98)

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.

~

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

AN ACT relating to older persons; establishing the Statewide
Central Registry for the Collection of Information
Concerning the Abuse, Neglect, Exploitation or Isolation
of Older Persons; requiring the Aging Services Division
of the Department of Health and Human Services to
maintain the Central Registry; providing for the release of
certain information from the Central Registry to an
employer or prospective employer under certain
circumstances; providing immunity from civil and
criminal liability under certain circumstances for persons
who release information from the Central Registry;
providing a penalty; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

- 1 Certain persons are required to report cases of suspected abuse, neglect,
- 2 exploitation or isolation of older persons. (NRS 200.5093) **Sections 2-14** of this bill
- 3 establish the Statewide Central Registry for the Collection of Information
- 4 Concerning the Abuse, Neglect, Exploitation or Isolation of Older Persons and
- 5 require the Aging Services Division of the Department of Health and Human



* A B 8 *

6 Services to maintain the Central Registry. **Section 10** provides for the release of
7 certain information from the Central Registry to an employer or prospective
8 employer upon written authorization from the person who is the subject of the
9 background investigation by the employer or prospective employer. **Section 13**
10 provides immunity from civil and criminal liability for persons who lawfully
11 release information from the Central Registry. **Section 14** makes it a misdemeanor
12 to release information contained in the Central Registry to an unauthorized person.

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

1 **Section 1.** Chapter 427A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 14, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 14, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 9, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *"Abuse" has the meaning ascribed to it in*
9 *NRS 200.5092.*

10 **Sec. 4.** *"Central Registry" means the Statewide Central*
11 *Registry for the Collection of Information Concerning the Abuse,*
12 *Neglect, Exploitation or Isolation of Older Persons established by*
13 *section 10 of this act.*

14 **Sec. 5.** *"Exploitation" has the meaning ascribed to it in*
15 *NRS 200.5092.*

16 **Sec. 6.** *"Isolation" has the meaning ascribed to it in*
17 *NRS 200.5092.*

18 **Sec. 7.** *"Neglect" has the meaning ascribed to it in*
19 *NRS 200.5092.*

20 **Sec. 8.** *"Older person" has the meaning ascribed to it in*
21 *NRS 200.5092.*

22 **Sec. 9.** *"Protective Services" has the meaning ascribed to it*
23 *in NRS 200.5092.*

24 **Sec. 10.** 1. *There is hereby established a Statewide Central*
25 *Registry for the Collection of Information Concerning the Abuse,*
26 *Neglect, Exploitation or Isolation of Older Persons. The Division*
27 *shall maintain the Central Registry.*

28 2. *The Central Registry must contain:*

29 (a) *The information concerning each report submitted and*
30 *investigation conducted pursuant to NRS 200.5093 if the*
31 *investigation of the report results in the belief that an older person*
32 *is abused, neglected, exploited or isolated;*

33 (b) *Statistical information on the protective services provided*
34 *in this State; and*



(c) Any other information which the Administrator determines to be in furtherance of this chapter.

3. The Division may release information contained in the Central Registry to an employer or prospective employer:

(a) If the person who is the subject of a background investigation by the employer or prospective employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer or prospective employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with older persons or regular and substantial contact with children,

↳ but only to the extent necessary to inform the employer or prospective employer whether the person who is the subject of the background investigation is believed to have abused, neglected, exploited or isolated an older person.

4. Except as otherwise provided in this section or by other specific statute, the information contained in the Central Registry may be accessed only by an employee of the Division or an employee of an office for protective services established by a county of this State.

Sec. 11. 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The name and identifying data, dates and circumstances of each person requesting or receiving information from the Central Registry; and

(b) Any other information which the Administrator determines might be helpful in furthering the purposes of this chapter.

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of the Division or an office for protective services established by a county of this State.

Sec. 12. 1. Information contained in the Central Registry must not be released unless:

(a) The right of the applicant to the information is confirmed;

(b) The information concerns a report submitted pursuant to NRS 200.5093 which resulted in the belief that an older person had been abused, neglected, exploited or isolated;

(c) The released information discloses the disposition of the case; and

(d) If the information is being provided pursuant to subsection 3 of section 10 of this act, the person who is the subject of the



1 *background investigation provides written authorization for the*
2 *release of the information.*

3 2. *The information contained in the Central Registry*
4 *concerning cases in which a report results in the belief that an*
5 *older person has been abused, neglected, exploited or isolated*
6 *must be deleted from the Central Registry not later than 10 years*
7 *after the date on which the information is entered into the Central*
8 *Registry.*

9 **Sec. 13.** *If a person who is authorized to release data and*
10 *information pursuant to sections 2 to 14, inclusive, of this act*
11 *releases the data and information in good faith and in accordance*
12 *with sections 2 to 14, inclusive, of this act, the person is immune*
13 *from civil and criminal liability for any act or omission related to*
14 *such release.*

15 **Sec. 14.** *Any person who willfully releases data or*
16 *information contained in the Central Registry to an unauthorized*
17 *person in violation of sections 2 to 14, inclusive, of this act is*
18 *guilty of a misdemeanor.*

19 **Sec. 15.** NRS 200.5095 is hereby amended to read as follows:

20 200.5095 1. Reports made pursuant to NRS 200.5093,
21 200.50935 and 200.5094, and records and investigations relating to
22 those reports, are confidential.

23 2. A person, law enforcement agency or public or private
24 agency, institution or facility who willfully releases data or
25 information concerning the reports and investigation of the abuse,
26 neglect, exploitation or isolation of older persons or vulnerable
27 persons, except:

28 (a) Pursuant to a criminal prosecution;

29 (b) Pursuant to NRS 200.50982; ~~for~~

30 (c) *Pursuant to the provisions of sections 2 to 14, inclusive, of*
31 *this act; or*

32 (d) To persons or agencies enumerated in subsection 3,

33 *is guilty of a misdemeanor.*

34 3. Except as otherwise provided in subsection 2 and NRS
35 200.50982, data or information concerning the reports and
36 investigations of the abuse, neglect, exploitation or isolation of an
37 older person or a vulnerable person is available only to:

38 (a) A physician who is providing care to an older person or a
39 vulnerable person who may have been abused, neglected, exploited or
40 isolated;

41 (b) An agency responsible for or authorized to undertake the
42 care, treatment and supervision of the older person or vulnerable
43 person;

44 (c) A district attorney or other law enforcement official who
45 requires the information in connection with an investigation of the



1 abuse, neglect, exploitation or isolation of the older person or
2 vulnerable person;

3 (d) A court which has determined, in camera, that public
4 disclosure of such information is necessary for the determination of
5 an issue before it;

6 (e) A person engaged in bona fide research, but the identity of
7 the subjects of the report must remain confidential;

8 (f) A grand jury upon its determination that access to such
9 records is necessary in the conduct of its official business;

10 (g) Any comparable authorized person or agency in another
11 jurisdiction;

12 (h) A legal guardian of the older person or vulnerable person, if
13 the identity of the person who was responsible for reporting the
14 alleged abuse, neglect, exploitation or isolation of the older person
15 or vulnerable person to the public agency is protected, and the legal
16 guardian of the older person or vulnerable person is not the person
17 suspected of such abuse, neglect, exploitation or isolation;

18 (i) If the older person or vulnerable person is deceased, the
19 executor or administrator of his estate, if the identity of the person
20 who was responsible for reporting the alleged abuse, neglect,
21 exploitation or isolation of the older person or vulnerable person to
22 the public agency is protected, and the executor or administrator is
23 not the person suspected of such abuse, neglect, exploitation or
24 isolation; or

25 (j) The older person or vulnerable person named in the report as
26 allegedly being abused, neglected, exploited or isolated, if that
27 person is not legally incompetent.

28 4. If the person who is reported to have abused, neglected,
29 exploited or isolated an older person or a vulnerable person is the
30 holder of a license or certificate issued pursuant to chapters 449, 630
31 to 641B, inclusive, or 654 of NRS, information contained in the
32 report must be submitted to the board that issued the license.

