
ASSEMBLY BILL NO. 163—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

FEBRUARY 16, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public guardians.
(BDR 20-157)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public guardians; authorizing public guardians
to have access to, inspect and copy certain information
relating to a proposed ward under certain circumstances;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a public guardian to require a ward or the spouse,
parent, child or other kindred of a ward to provide certain information to the public
guardian. (NRS 253.220) This bill authorizes a public guardian to obtain certain
information concerning a proposed ward, under certain circumstances, if there is
reason to believe that the proposed ward is or has been subjected to abuse, neglect
or exploitation.

Under existing law, a guardian of the person has authority to obtain information
from any government agency, medical provider, business, creditor or third party
who may have information pertaining to the ward's health care or health insurance.
(NRS 159.079) This bill provides the same authority to a public guardian with
respect to a proposed ward, under certain circumstances, if there is reason to
believe that the proposed ward is or has been subjected to abuse, neglect or
exploitation.



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

Section 1. Chapter 253 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a public guardian may have access to, inspect and copy all records that relate to a proposed ward for whom the appointment of the public guardian as his or her temporary individual guardian as described in subsection 1 of NRS 253.200 may be necessary because there is reasonable cause to believe that the proposed ward is or has been subjected to abuse, neglect or exploitation, including, without limitation:

(a) All such records in the possession of any governmental agency, medical provider, business, creditor or third party who may have information pertaining to such a proposed ward's health care or health insurance; and

(b) Any other such records in the possession of any person, government, governmental agency or political subdivision of a government, or a public or private institution, including, without limitation, a financial institution.

2. A public guardian may not have access to, inspect or copy the records described in subsection 1 if such access, inspection or copying is specifically prohibited by the proposed ward who has capacity to consent.

3. If any person or entity refuses to allow a public guardian to have access to, inspect or copy the records described in subsection 1, the public guardian may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of the records.

