## Amendment No. 292

Senate A	mendment to S	enate Bill		(BDR 13-99)	
Proposed	d by: Senate Co	ommittee o			
Amends:	Summary: No	Title: No	Preamble: No	Joint Sponsorship: No	Digest: Yes

ASSEMBLY	ACT	TION	Initial and Date	SENATE ACTIO	ΟN	Initial and Date
Adopted		Lost		Adopted	Lost	
Concurred In		Not	1	Concurred In	Not	□
Receded		Not	1	Receded	Not	<u> </u>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of <u>green bold underlining</u> is language proposed to be added in this amendment; (3) <u>red strikethrough</u> is deleted language in the original bill; (4) <u>purple double strikethrough</u> is language proposed to be deleted in this amendment; (5) <u>orange double underlining</u> is deleted language in the original bill proposed to be retained in this amendment.

KMN/NCA Date: 4/20/2019

S.B. No. 121—Revises provisions relating to fiduciaries. (BDR 13-99)

#### SENATE BILL NO. 121-COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO STUDY THE NEEDS RELATED TO THE BEHAVIORAL AND COGNITIVE CARE OF OLDER PERSONS)

#### Prefiled January 29, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fiduciaries. (BDR 13-99)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

EXPLANATION - Matter in bolded italics is new; matter between brackets fomitted material] is material to be omitted.

AN ACT relating to fiduciaries; adopting a power of attorney for health care decisions for persons with any form of dementia; revising provisions relating to the authority of a principal under a power of attorney; revising provisions governing the authority of public guardians to conduct certain investigations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:** 

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.865) Existing law specifically provides a form for a power of attorney for health care decisions and a form for a power of attorney for health care decisions for adults with intellectual disabilities. (NRS 162A.860, 162A.865) Section 11.5 of this bill provides a form for a power of attorney for health care decisions for persons with any form of dementia that is based on the form for a power of attorney for health care decisions for adults with intellectual disabilities. Sections 4, 5 and 6 of this bill make conforming changes.

Sections 2 and 3 of this bill specify that a person who has executed a power of attorney for financial matters continues to have the authority to act on his or her own behalf and that any decision or instruction communicated by that person supersedes any decision or instruction communicated by an agent appointed under the power of attorney, unless the power of attorney removes this authority.

Existing law requires certain forms relating to the appointment of a guardian, a general power of attorney, a power of attorney for health care decisions and a power of attorney for health care decisions for an adult with an intellectual disability to be notarized with a declaration from the notary public declaring under penalty of perjury that the persons whose names are on the form appear to be of sound mind and under no duress, fraud or undue influence. (NRS 159.0753, 162A.620, 162A.860, 162A.865) Sections 1, 3, 6 and 6.5 of this bill remove the declaration required by a notary public. Section 1.5 removes the same declaration for the form for a power of attorney for health care decisions for persons with any form of dementia.

Existing law authorizes a public guardian to: (1) investigate the financial status, assets and personal and family history of any person for whom the public guardian has been appointed as guardian, without hiring or being licensed as a private investigator in accordance

with existing law; and (2) require any person for whom the public guardian has been appointed as guardian or any spouse, parent, child or other relative of that person to give any information or execute any written requests or authorizations necessary to provide the public guardian with access to records needed by the public guardian. (NRS 253.220) Section 7 of this bill authorizes the public guardian of any county to take such actions with respect to a protected person. Section 7 additionally authorizes a public guardian of a county with a population of less than 100,000 to petition a court to take these actions with respect to any potential protected person for whom the public guardian has received a referral from the Aging and Disability Services Division of the Department of Health and Human Services, a law enforcement agency or a court in connection with a civil or criminal matter relating to the potential protected person. Section 7 defines "potential protected person" and "protected person" for the purposes of this section.

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

## Section 1. NRS 159.0753 is hereby amended to read as follows:

159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so by completing a form requesting to nominate a guardian in accordance with this section.

- 2. A form requesting to nominate a guardian must be:
- (a) Signed by the person requesting to nominate a guardian;
- (b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form;
  - (c) Notarized.
- 3. A request to nominate a guardian may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

## REQUEST TO NOMINATE GUARDIAN

- 1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.
- 2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).
- 3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.
- 4. I request that my ...... (insert relation), ...... (insert name), serve as my appointed guardian.
- 5. If ...... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ...... (insert relation), ...... (insert name), serve as my appointed guardian.
- 6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

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I sign my name to this document on(date)
(Signature)
(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)
I declare under penalty of perjury that the principal is personally known one, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, and or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.
(Signature of first witness)
(Print name)
(Date)
(Signature of second witness)

(YOU MUST DATE AND SIGN THIS DOCUMENT)

(date)

## CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada	}	
	}	
County of	}	
On this day of	f, in the year	·, before me,
(insert name	of notary public), p	ersonally appeared
(insert name o	f principal),	(insert name of first
witness) and	(insert name of second	witness), personally
known to me (or proved to	ne on the basis of satisfac	tory evidence) to be
the persons whose name	s are subscribed to th	is instrument, and
acknowledged that they ha	ve signed this instrumer	it. <del>[I declare under</del>
penalty of perjury that the	persons whose names ar	subscribed to this
instrument appear to be of s	und mind and under no di	ross froud or undue
influence.	varia filma ana anaci no ac	iress, irada or anade

(Signature of notarial officer) (Seal, if any)

..... (Print name) ..... (Date)

- 4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.
- 5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

[Section 1.] Sec. 1.5. Chapter 162A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The form of a power of attorney for health care for an adult with any form of dementia may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

## DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and, if I have the capacity to understand, me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor, if I have the capacity to understand, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate ................................ (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

## (YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Du	rable Power of Atto	rney for Health C	Care on
(date) at	(city),	(state)	
		(Signature)	••••••

#### AGENT SIGNATURE

As agent for ......... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

- 1. I have a duty to act in a manner consistent with the desires of ....... (insert name of principal) as stated in this document or otherwise made known by ....... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.
- 2. If ......... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.
- 3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.
- 4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:
- (a) Commitment or placement of the principal in a facility for treatment of mental illness;
  - (b) Convulsive treatment;
  - (c) Psychosurgery;
  - (d) Sterilization;
  - (e) Abortion;
  - (f) Aversive intervention, as it is defined in NRS 449A.203:
- (g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or
- (h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.
- 5. End-of-life decisions must be made according to the wishes of ....... (insert name of principal), as designated in the attached

the person appointed as agent by this document and that I am not a

1 2 3	addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.
4	Signature: Residence Address:
5	Print Name:
6	Date:
7	Relationship to principal:
8	Length of relationship to principal:
9	201811 of 101110 10114 to printer in the control of
10	(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR
11	MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1)
12	SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU
13	KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR
14	ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED
15	BEFORE A NOTARY PUBLIC.)
16	
17	CERTIFICATE OF ACKNOWLEDGMENT
18	OF NOTARY PUBLIC
19	
20	(You may use acknowledgment before a notary public instead of the
21	statement of witnesses.)
22	state in our of in an easier,
23	State of Nevada }
24	State of 140, and
25	County of
26	State of Nevada
27	On this day of, in the year, before me, (here
28	insert name of notary public) personally appeared (here insert
29	name of principal) personally known to me (or proved to me on the basis
30	of satisfactory evidence) to be the person whose name is subscribed to this
31	instrument, and acknowledged that he or she executed it. [I declare under
32	penalty of perjury that the person whose name is ascribed to this
33	instrument appears to be of sound mind and under no duress, fraud or
34	undue influence.]
35	
36	NOTARY SEAL(Signature)
37	(Signature)
38	
39	STATEMENT OF WITNESSES
40	
41	(If you choose to use witnesses instead of having this document notarized,
42	you must use two qualified adult witnesses. The following people cannot
43	be used as a witness: (1) a person you designate as the agent; (2) a
44	provider of health care; (3) an employee of a provider of health care; (4)
45	the operator of a health care facility; or (5) an employee of an operator of
46	a health care facility. At least one of the witnesses must make the
47	additional declaration set out following the place where the witnesses
48	sign.)
49	I declare under penalty of perjury that the principal is personally
50	known to me, that the principal signed or acknowledged this durable
51	power of attorney in my presence, that the principal appears to be of
52	sound mind and under no duress, fraud or undue influence, that I am not

1	provider of health care, an employee of a provider of health care, the
2	operator of a health care facility or an employee of an operator of a
3	health care facility.
4	
5	Signature: Residence Address:
6	Print Name:
7	Date:
8	
9	Signature: Residence Address:
10	Print Name:
11	Date:
12	(AMELIE ACTE ONE OF THE ADOLE WITHINGTON AND ALCO
13	(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO
14	SIGN THE FOLLOWING DECLARATION.)
15	I design and a second of a second of I am and adjust the dis-
16	I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my
17 18	knowledge, I am not entitled to any part of the estate of the principal
19	upon the death of the principal under a will now existing or by operation
20	of law.
21	oj iaw.
22	Signature:
23	Signature.
24	Signature:
25	518 material
26	
27	Names: Address:
28	Print Name:
29	Date:
30	
31	COPIES: You should retain an executed copy of this document and give
32	one to your agent. The power of attorney should be available so a copy
33	may be given to your providers of health care.
34	
35	2. The form for end-of-life decisions of a power of attorney for health care
36	for an adult with any form of dementia may be substantially in the following
37	form, and must be witnessed or executed in the same manner as the following
38	form:
39	
40	END-OF-LIFE DECISIONS ADDENDUM
41	STATEMENT OF DESIRES
42	
43	(You can, but are not required to, state what you want to happen if you
44	get very sick and are not likely to get well. You do not have to complete
45	this form, but if you do, your agent must do as you ask if you cannot
46	speak for yourself.)
47 48	(Insert name of agent) might have to decide, if you get very
48 49	sick, whether to continue with your medicine or to stop your medicine,
50	even if it means you might not live, (Insert name of agent)
51	will talk to you to find out what you want to do, and will follow your
52	with tak to you to find out what you want to do, and will follow your wishes.
34	maites.

If you are not able to talk to	(insert name of agent), you can
help him or her make these decisions j	for you by letting your agent know
what you want.	

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel.

2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me.

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.

I want to get food and water even if I do not want to take medicine or receive treatment.

YES **NO** 

YES

YES NO.

NO

YES NO

## (YOU MUST DATE AND SIGN THIS END-OF-LIFE **DECISIONS ADDENDUM**)

I sign my n	name to this	End-of-Life	<b>Decisions</b>	Addendum	on
(date) at		(city),		(state)	
				(Signatur	e)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE; OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

## CERTIFICATE OF ACKNOWLEDGMENT **OF NOTARY PUBLIC**

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada	ļ
	ss
County of	ļ

On this ...... day of ....., in the year ..., before me, ..... (here insert name of notary public) personally appeared ....... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. [I declare under penalty of perjury that the person whose name is ascribed to this

1 2	instrument appears to be of sound mind and under no duress, fraud e undue influence.]
3	<del>unane injinence.j</del>
4	NOTARY SEAL
5	(Signature)
6	
7	STATEMENT OF WITNESSES
8	
9	(If you choose to use witnesses instead of having this document notarized
.0	you must use two qualified adult witnesses. The following people cannot
1	be used as a witness: (1) a person you designate as the agent; (2)
2	provider of health care; (3) an employee of a provider of health care; (4)
3	the operator of a health care facility; or (5) an employee of an operator of
5	a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses
6	sign.)
7	I declare under penalty of perjury that the principal is personal
8	known to me, that the principal signed or acknowledged this End-of-Li
9	Decisions Addendum in my presence, that the principal appears to be of
20	sound mind and under no duress, fraud or undue influence, that I am no
21	the person appointed as agent by the power of attorney for health can
22	and that I am not a provider of health care, an employee of a provider of
23	health care, the operator of a health care facility or an employee of a
24	operator of a health care facility.
25	operator of a neattle care facility.
26	Signature: Residence Address:
27	Signature: Residence Address: Print Name:
28	Date:
29	
80	Signature: Residence Address:
31	Print Name:
32	Date:
33	
34	(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALS
35	SIGN THE FOLLOWING DECLARATION.)
36	
37	I declare under penalty of perjury that I am not related to the
38	principal by blood, marriage or adoption and that to the best of m
39	knowledge, I am not entitled to any part of the estate of the principal
10	upon the death of the principal under a will now existing or by operation
11	of law.
12	g:
13	Signature:
14	Signature:
15 16	Signature:
l6 l7	
18	Names: Address:
19	Print Name:
50	Date:
,,,	DWC

 COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

**Sec. 2.** NRS 162A.460 is hereby amended to read as follows:

- 162A.460 1. Except as otherwise provided in NRS 162A.450, if a power of attorney grants to an agent authority to do all acts that a principal could do or refers to general authority or cites a section of NRS 162A.200 to 162A.660, inclusive, in which the authority is described, the agent has the general authority described in NRS 162A.200 to 162A.660, inclusive.
- 2. A reference in a power of attorney to any part of a section in NRS 162A.200 to 162A.660, inclusive, incorporates the entire section as if it were set out in full in the power of attorney.
  - 3. A principal may modify authority incorporated by reference.
- 4. Except as otherwise provided in NRS 162A.450, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.
- 5. Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this State and whether or not the authority is exercised or the power of attorney is executed in this State.
- 6. An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.
- 7. Except as otherwise expressly provided in a power of attorney, the authority of a principal to act on his or her own behalf continues after executing a power of attorney and any decision or instruction communicated by the principal supersedes any inconsistent decision or instruction communicated by an agent pursuant to a power of attorney.
  - Sec. 3. NRS 162A.620 is hereby amended to read as follows:
- 162A.620 A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by NRS 162A.200 to 162A.660, inclusive:

#### STATUTORY FORM POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

- 1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.
- 2. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.
- 3. THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.
- 4. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF

HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NA SECOND SUCCESSOR AGENT.  9. YOU HAVE THE RIGHT TO REVOKE THE AUTH GRANTED TO THE PERSON DESIGNATED IN THIS DOCUME 10. THIS DOCUMENT REVOKES ANY PRIOR DUIL 10. THIS DOCUMENT REVOKES ANY PRIOR DUIL 11. IF THERE IS ANYTHING IN THIS DOCUMENT THA DO NOT UNDERSTAND, YOU SHOULD ASK A LAWY EXPLAIN IT TO YOU.  1. DESIGNATION OF AGENT. 1	SERVE ERWISE E UNTIL
5. YOU SHOULD SELECT SOMEONE YOU TRUST TO. AS YOUR AGENT. UNLESS YOU SPECIFY OTHEI GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE YOU DIE OR REVOKE THE POWER OF ATTORNEY OF AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU. 6. YOUR AGENT IS ENTITLED TO REASON COMPENSATION UNLESS YOU STATE OTHERWISE IN SPECIAL INSTRUCTIONS. 7. THIS FORM PROVIDES FOR DESIGNATION OF AGENT. IF YOU WISH TO NAME MORE THAN ONE AGEN MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTION AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLES INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCT 8. IF YOUR AGENT IS UNABLE OR UNWILLING TO A CYOU, YOUR POWER OF ATTORNEY WILL END UNLESS HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO N. SECOND SUCCESSOR AGENT. 9. YOU HAVE THE RIGHT TO REVOKE THE AUTH GRANTED TO THE PERSON DESIGNATED IN THIS DOCUME 10. THIS DOCUMENT REVOKES ANY PRIOR DU POWER OF ATTORNEY. 11. IF THERE IS ANYTHING IN THIS DOCUMENT THA DO NOT UNDERSTAND, YOU SHOULD ASK A LAWY EXPLAIN IT TO YOU.  1. DESIGNATION OF AGENT. 1. (insert your name) do hereby designate and appoint:  Name: Address: Telephone Number:  1. 2. DESIGNATION OF ALTERNATE AGENT. (You are not required to designate any alternative agent but you so. Any alternative agent you designate will be able to make th decisions as the agent designate any alternative agent but you so. Any alternative agent you designate will be able to make th decisions as the agent designate any alternative agent but you so. Any alternative agent you designate will be able to make th decisions as the agent designated above in the event that he or she is or unwilling to act as your agent. Also, if the agent designated in pa 1 is your spouse, his or her designation as your agent is autom revoked by law if your marriage is dissolved.)  If my agent is unable or unwilling to act for me, then I design following person(s) to serve as my agent as authorized in this dos such person(s) to serve in the order listed below:  A. First Alternative Agent	ERWISE E UNTIL
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19 A. First Alternative Agent 11 Name:	JUNEAU PROPERTY
A. First Alternative Agent Name:	
Name:	
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72 Address:	

1	B. Second Alternative Agent
2	Name:
3	Address:
4	Telephone Number:
5	1
6	3. OTHER POWERS OF ATTORNEY.
7	This Power of Attorney is intended to, and does, revoke any prior
8	Power of Attorney for financial matters I have previously executed.
9	4. NOMINATION OF GUARDIAN.
10	If, after execution of this Power of Attorney, proceedings seeking an
1	adjudication of incapacity are initiated either for my estate or my person, I
12	hereby nominate as my guardian or conservator for consideration by the
13	court my agent herein named, in the order named.
14	5. GRANT OF GENERAL AUTHORITY.
15	I grant my agent and any successor agent(s) general authority to act for
16	me with respect to the following subjects:
17	
18	(INITIAL each subject you want to include in the agent's general authority.
19	If you wish to grant general authority over all of the subjects you may
20	initial "All Preceding Subjects" instead of initialing each subject.)
21	
22	[] Real Property
23	[] Tangible Personal Property
24	[] Stocks and Bonds
25	[] Commodities and Options
26	[] Banks and Other Financial Institutions
27	[] Safe Deposit Boxes
28	[] Operation of Entity or Business
29	[] Insurance and Annuities
30	[] Estates, Trusts and Other Beneficial Interests
31	[] Legal Affairs, Claims and Litigation
32	[] Personal Maintenance
33	[] Benefits from Governmental Programs or Civil or Military Service
34	[] Retirement Plans
35	[] Taxes
36	[] All Preceding Subjects
37	CDANT OF OPCOPIC ALTRIODITY
38	6. GRANT OF SPECIFIC AUTHORITY.
39	My agent MAY NOT do any of the following specific acts for me
10	UNLESS I have INITIALED the specific authority listed below:
11	(CALITION, Creating any of the following will give your egent the
12 13	(CAUTION: Granting any of the following will give your agent the
	authority to take actions that could significantly reduce your property or
14 15	change how your property is distributed at your death. INITIAL ONLY the
15 16	specific authority you WANT to give your agent.)
	[ ] Create amond revolve or terminate an inter-vives family living
17 18	[] Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
19	
50	[] Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
50	[] Create or change rights of survivorship
52	[] Create of change rights of survivorship [] Create or change a beneficiary designation
, _	[] Create of change a beneficiary designation

52.

- [....] Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- [....] Exercise fiduciary powers that the principal has authority to delegate [....] Disclaim or refuse an interest in property, including a power of appointment

## 7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8.	SPECIAL	INSTRUC	CTIONS	OR O	THER	OR AL	DITION.	ΑL
<b>AUTH</b>	ORITY GR	ANTED TO	) AGENT	<b>`</b> :				

## 9. AUTHORITY OF PRINCIPAL.

Except as otherwise expressly provided in this Power of Attorney, the authority of a principal to act on his or her own behalf continues after executing this Power of Attorney and any decision or instruction communicated by the principal supersedes any inconsistent decision or instruction communicated by an agent appointed pursuant to this Power of Attorney.

[9.] 10. DURABILITY AND EFFECTIVE DATE. (INITIAL the clause(s) that applies.)

- [.....] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.
- [.....] SPRINGING POWER. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs, and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.
- [.....] I wish to have this Power of Attorney become effective on the following date: .....
- [.....] I wish to have this Power of Attorney end on the following date: .....

#### [10.] 11. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

## [11.] 12. RÉLEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

principal's best interest;

(c) Act with care, competence, and diligence;

[12.]	13. SIGNATURE AND ACKNOWLEDGMENT. YO
MUST DA POWER O	THE AND SIGN THIS POWER OF ATTORNEY. THE ATTORNEY WILL NOT BE VALID UNLESS IT I LEDGED BEFORE A NOTARY PUBLIC.
I sign	my name to this Power of Attorney on (date) : (city), (state)
	(Signature)
CERTIF	ICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC
	use acknowledgment before a notary public instead of the fwitnesses.)
State of Nev	vada }
County of .	}ss. }
On thi	s day of, in the year, before me (here insert name of notary public) personally appeare
(or proved	(here insert name of principal) personally known to me on the basis of satisfactory evidence) to be the person is subscribed to this instrument, and acknowledged that he
she execute	d it. [I declare under penalty of perjury that the person who
nomo is oso	ribad to this instrument appears to be of sound mind and und
<del>name is asc</del>	ribed to this instrument appears to be of sound mind and under raud or undue influence.]
name is asc no duress, f	ribed to this instrument appears to be of sound mind and under raud or undue influence.]
name is asc no duress, f	ribed to this instrument appears to be of sound mind and undersud or undue influence.]  SEAL
name is ase no duress, f NOTARY S 1. Age Power of A the principa	ribed to this instrument appears to be of sound mind and under and or undue influence.] SEAL
name is ase no duress, f NOTARY S 1. Age Power of A the principa until you re must:	ribed to this instrument appears to be of sound mind and underaud or undue influence.]  SEAL  (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under th ttorney, a special legal relationship is created between you and. This relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You
name is ase no duress, f NOTARY S  1. Age Power of A the principa until you re must:  (a) Do the principa act in the pr	ribed to this instrument appears to be of sound mind and underland or undue influence.]  SEAL (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under the ttorney, a special legal relationship is created between you and. This relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You what you know the principal reasonably expects you to do with a property or, if you do not know the principal's expectation incipal's best interest;
1. Age Power of A the principa until you re must: (a) Do the principa act in the pr (b) Act (c) Do	ribed to this instrument appears to be of sound mind and underland or undue influence.]  SEAL (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under th ttorney, a special legal relationship is created between you and. This relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You what you know the principal reasonably expects you to do with's property or, if you do not know the principal's expectation
1. Age Power of A the principa until you re must:  (a) Do the principa act in the pri (b) Act (c) Do and (d) Dis	in good faith; nothing beyond the authority granted in this Power of Attorney close your identity as an agent whenever you act for the close your identity as a page your identity as a page your identity as a page your identity as an agent whenever you act for the close your identity as a page your identity as an agent whenever you act for the close your identity as a page your identity and you are identity as a page your identity as a
1. Age Power of A the principa act in the principal by own name a	important influence.]  SEAL (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under the ttorney, a special legal relationship is created between you and the relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You what you know the principal reasonably expects you to do with's property or, if you do not know the principal's expectation incipal's best interest; in good faith; nothing beyond the authority granted in this Power of Attorney close your identity as an agent whenever you act for the writing or printing the name of the principal and signing yours "agent" in the following manner:
1. Age Power of A the principa until you re must:  (a) Do the principa act in the pr (b) Act (c) Do and (d) Dis principal by own name a (Principal's 2. Unl	important influence.]  SEAL  (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under the ttorney, a special legal relationship is created between you and this relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You what you know the principal reasonably expects you to do with you know the principal reasonably expects you to do with you know the principal reasonably expects you to do with you know the principal reasonably expects you to do with you will sproperty or, if you do not know the principal's expectation incipal's best interest; in good faith; nothing beyond the authority granted in this Power of Attorney of writing or printing the name of the principal and signing you see "agent" in the following manner:  Name) by (Your Signature) as Agent less the Special Instructions in this Power of Attorney star
1. Age Power of A the principal act in the principal act in the principal down name a (Principal's 2. Unlotherwise, y (a) Act	ribed to this instrument appears to be of sound mind and underland or undue influence.]  SEAL (Signature of Notary Public)  IMPORTANT INFORMATION FOR AGENT ent's Duties. When you accept the authority granted under the ttorney, a special legal relationship is created between you and. This relationship imposes upon you legal duties that continuesign or the Power of Attorney is terminated or revoked. You what you know the principal reasonably expects you to do with's property or, if you do not know the principal's expectation incipal's best interest; in good faith; nothing beyond the authority granted in this Power of Attorney close your identity as an agent whenever you act for the writing or printing the name of the principal and signing you is "agent" in the following manner:  Name) by (Your Signature) as Agent

- (d) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;
- (e) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (f) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.
- 3. Termination of Agent's Authority. You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:
  - (a) Death of the principal;
- (b) The principal's revocation of the Power of Attorney or your authority;
- (c) The occurrence of a termination event stated in the Power of Attorney;
  - (d) The purpose of the Power of Attorney is fully accomplished; or
  - (e) If you are married to the principal, your marriage is dissolved.
- 4. Liability of Agent. The meaning of the authority granted to you is defined in NRS 162A.200 to 162A.660, inclusive. If you violate NRS 162A.200 to 162A.660, inclusive, or act outside the authority granted in this Power of Attorney, you may be liable for any damages caused by your violation.
- 5. If there is anything about this document or your duties that you do not understand, you should seek legal advice.
- **Sec. 4.** NRS 162A.700 is hereby amended to read as follows:
- 162A.700 NRS 162A.700 to 162A.865, inclusive, *and section* [4] 1.5 of this act apply to any power of attorney containing the authority to make health care decisions.
  - **Sec. 5.** NRS 162A.710 is hereby amended to read as follows:
- 162A.710 As used in NRS 162A.700 to 162A.865, inclusive, *and section* [4] 1.5 of this act, unless the context otherwise requires, the words and terms defined in NRS 162A.720 to 162A.780, inclusive, have the meanings ascribed to them in those sections.
  - **Sec. 6.** NRS 162A.860 is hereby amended to read as follows:
- 162A.860 Except as otherwise provided in NRS 162A.865, *and section* [4] 1.5 of this act, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

## DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS

#### WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE

- DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.
- 2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
- 3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.
- 4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.
- 5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.
- 6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.
- 7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.
- 8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.
- 9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.
- 10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

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1	DEGLOSIATION	OPTICALTH	CADE ACENT
Ι.	DESIGNATION	OF HEALTH	CARE AGENT.

I,							
(insert your name) do hereby designate and appoint:							
Name:							
Address:							
Telephone Number:							

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

## 2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

## 3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

#### 4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

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health	care,	the a	uthority	of m	y agen	t is	subject	to th	ne foll	lowing	speci	ia
provis	ions a	nd lin	nitations	:								

#### 5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

## (IF APPLICABLE)

I wish to have this power of attorney end on the following date: .....

## 6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

- 1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.
- 2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)
- 3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)
- 4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or

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dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld.  5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of
my life.
(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)  Other or Additional Statements of Desires:
7. DESIGNATION OF ALTERNATE AGENT.  (You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)  If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:
A. First Alternative Agent Name: Address: Telephone Number:
B Second Alternative Agent

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

## 10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

## 11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

## 12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

## (YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this	Durable Power of Attorney for	Health Care on
(date) at	(city),	(state)
	(Signa	ature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

## CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada	}
County of	}ss }
· · · <b>y</b> · · · · · · · · · · · · · · · · · · ·	,

On this day of, in the year, before	re
me, (here insert name of notary public) personally	ly
appeared (here insert name of principal) personall	ly
known to me (or proved to me on the basis of satisfactory evidence) to be	be
the person whose name is subscribed to this instrument, and acknowledge	
that he or she executed it. [I declare under penalty of perjury that the person	H
whose name is ascribed to this instrument appears to be of sound mind ar	10
under no duress, fraud or undue influence.]	

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NOTARY SEAL (Signature of Notary Public)

## STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Print Name: Date:	
Signature: Print Name: Date:	
(AT LEAST ONE OF THE AB SIGN THE FOLLOWING DECLARA	OVE WITNESSES MUST ALSO TION.)
I declare under penalty of perjury t by blood, marriage or adoption and tha not entitled to any part of the estate of principal under a will now existing or b	the principal upon the death of the
Signature:	
Signature:	
Names: Print Name: Date:	Address:
COPIES: You should retain an execu	ited copy of this document and give

one to your agent. The power of attorney should be available so a copy may

Sec. 6.5. NRS 162A.865 is hereby amended to read as follows:

be given to your providers of health care.

162A.865 1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

## DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS

My name is...... (insert your name) and my address is..... (insert your address). I would like to designate..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate...... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

## (YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Po	ower of Attorney for He	ealth Care on
(date) at		

(Signature)

#### AGENT SIGNATURE

As agent for....... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

- 1. I have a duty to act in a manner consistent with the desires of......... (insert name of principal) as stated in this document or otherwise made known by....... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.
- 2. If....... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.
- 3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.
- 4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:
- (a) Commitment or placement of the principal in a facility for treatment of mental illness;
  - (b) Convulsive treatment;
  - (c) Psychosurgery;
  - (d) Sterilization:
  - (e) Abortion:
  - (f) Aversive intervention, as it is defined in NRS 449A.203;
- (g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or
- (h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.
- 5. End-of-life decisions must be made according to the wishes of....... (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature:	Residence Address:	
Print Name:		
Date:		
Relationship to principal:		

1	Length of relationship to principal:	
2	Zengui et remuenamp te principui	
3 4		NEY WILL NOT BE VALID FOR ISIONS UNLESS IT IS EITHER (1)
5		UALIFIED WITNESSES WHO YOU
6	KNOW AND WHO ARE PR	
7		ATURE OR (2) ACKNOWLEDGED
8	BEFORE A NOTARY PUBLIC.)	
9	annere a . en . an	
10		ACKNOWLEDGMENT
11 12	OF NOTA	ARY PUBLIC
13	(Vou may use acknowledgment h	pefore a notary public instead of the
14	statement of witnesses.)	before a notary public instead of the
15	statement of withesses.)	
16	State of Nevada	}
17	County of	ss.
18	County of	}
19		
20		ne year, before me, (here insert
21 22	name of notary public) personally	appeared (here insert name of the (or proved to me on the basis of
23	satisfactory evidence) to be the per	rson whose name is subscribed to this
24	instrument and acknowledged that	he or she executed it. <del>[I declare under</del>
25	penalty of periury that the person w	hose name is ascribed to this instrument
26	appears to be of sound mind ar	nd under no duress, fraud or undue
27	influence.]	
28		
29	NOTARY SEAL	
29 30	NOTARY SEAL	(Signature)
29 30 31		(Signature)
29 30 31 32		
29 30 31 32 33	STATEMENT	(Signature) OF WITNESSES
29 30 31 32 33 34	STATEMENT (If you choose to use witnesses inst	(Signature) OF WITNESSES tead of having this document notarized,
29 30 31 32 33	STATEMENT (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you	(Signature)  OF WITNESSES  tead of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of
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29 30 31 32 33 34 35 36 37 38	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you whealth care; (3) an employee of a proa health care facility; or (5) an em	(Signature)  OF WITNESSES  tead of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of bovider of health care; (4) the operator of ployee of an operator of a health care
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29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you health care; (3) an employee of a proa health care facility; or (5) an emfacility. At least one of the witnesses to ut following the place where the I declare under penalty of perjurt to me, that the principal signed or attorney in my presence, that the pri under no duress, fraud or undue	(Signature)  TOF WITNESSES  tead of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of ovider of health care; (4) the operator of ployee of an operator of a health care as must make the additional declaration witnesses sign.)  The witnesses sign.)
29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you health care; (3) an employee of a program a health care facility; or (5) an emfacility. At least one of the witnesses tout following the place where the I declare under penalty of perjur to me, that the principal signed or attorney in my presence, that the principal or undue appointed as agent by this documen	(Signature)  OF WITNESSES  tead of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of ovider of health care; (4) the operator of ployee of an operator of a health care as must make the additional declaration witnesses sign.)  Ty that the principal is personally known acknowledged this durable power of incipal appears to be of sound mind and influence, that I am not the person at and that I am not a provider of health
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29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you health care; (3) an employee of a proa health care facility; or (5) an emfacility. At least one of the witnesses tout following the place where the I declare under penalty of perjur to me, that the principal signed or attorney in my presence, that the pri under no duress, fraud or undue appointed as agent by this documen care, an employee of a provider of heacility or an employee of an operator.	(Signature)  OF WITNESSES  read of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of povider of health care; (4) the operator of ployee of an operator of a health care as must make the additional declaration witnesses sign.)  The the principal is personally known a cknowledged this durable power of incipal appears to be of sound mind and influence, that I am not the person at and that I am not a provider of health care, the operator of a health care or of a health care facility.
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29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you whealth care; (3) an employee of a proa health care facility; or (5) an emfacility. At least one of the witnesses et out following the place where the I declare under penalty of perjurt to me, that the principal signed of attorney in my presence, that the pri under no duress, fraud or undue appointed as agent by this documen care, an employee of a provider of be facility or an employee of an operator of the signature:  Signature:  Print Name:	(Signature)  OF WITNESSES  read of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of povider of health care; (4) the operator of a ployee of an operator of a health care es must make the additional declaration e witnesses sign.)  Ty that the principal is personally known acknowledged this durable power of incipal appears to be of sound mind and influence, that I am not the person at and that I am not a provider of health care, the operator of a health care
29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50	STATEMENT  (If you choose to use witnesses inst you must use two qualified adult wit used as a witness: (1) a person you health care; (3) an employee of a program a health care facility; or (5) an emfacility. At least one of the witnesses tout following the place where the I declare under penalty of perjur to me, that the principal signed or attorney in my presence, that the principal rounder no duress, fraud or undue appointed as agent by this documen care, an employee of a provider of a facility or an employee of an operator of the signature:  Signature:  Print Name:  Date:	(Signature)  OF WITNESSES  Read of having this document notarized, thesses. The following people cannot be designate as the agent; (2) a provider of povider of health care; (4) the operator of ployee of an operator of a health care as must make the additional declaration witnesses sign.)  The symptotic provides of the sympton of the principal is personally known a cknowledged this durable power of incipal appears to be of sound mind and influence, that I am not the person that I am not a provider of health care, the operator of a health care or of a health care facility.  Residence Address:

<u>)</u>	Print Name:
) 	(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)
) 	I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.
2	Signature:
5  -  5	Signature:
5 7 3	Names: Address: Print Name: Date:
)   	COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.
an adu	The form for end-of-life decisions of a power of attorney for health care for it with an intellectual disability may be substantially in the following form, ast be witnessed or executed in the same manner as the following form:
) )	END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES
3	(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)
3 3 9	(Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.
<u>2</u> 3	If you are not able to talk to (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.
) ()	Here are your choices. Please circle yes or no to each of the following statements and sign your name below:
s ) )	1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO

1	2. I do not want to take medicine or receive		
2	treatment if my doctors think that the medicine or		
3	treatment will not help me.	YES	NO
4	3. I do not want to take medicine or receive		
5	treatment if I am very sick and suffering and the	******	
6	medicine or treatment will not help me get better.	YES	NO
7	4. I want to get food and water even if I do	MEG	NO
8 9	not want to take medicine or receive treatment.	YES	NO
9 10	(YOU MUST DATE AND SIGN THIS EN	D OE I IEE	
11	DECISIONS ADDENDUM)	D-OF-LIFE	
12	DECISIONS ADDENDOM)		
13	I sign my name to this End-of-Life Decisions A	ddendum on	
14	(date) at (city), (sta	ate)	
15			
16		(Signature)	
17		,	
18	(THIS END-OF-LIFE DECISIONS ADDENDUM W	ILL NOT BE	VALID
19	UNLESS IT IS EITHER (1) SIGNED BY AT LEAS	T TWO QUAI	LIFIED
20	WITNESSES WHO YOU KNOW AND WHO AR		
21	YOU SIGN OR ACKNOWLEDGE YOUR SI		)R (2)
22	ACKNOWLEDGED BEFORE A NOTARY PUBLIC	2.)	
23	CEDITICIO A TIE OE A CIVA ONA ED CI	AFNE	
24 25	CERTIFICATE OF ACKNOWLEDGE	MENT	
25 26	OF NOTARY PUBLIC		
20 27	(You may use acknowledgment before a notary p	aublic instead	of the
28	statement of witnesses.)	Judic instead	or the
29	statement of withesses.)		
30	State of Nevada }		
31	}ss.		
32	}ss. County of}		
33	•		
34	On this day of, in the year, before		
35	name of notary public) personally appeared	(here insert na	ame of
36	principal) personally known to me (or proved to	me on the b	asis of
37	satisfactory evidence) to be the person whose name		
38	instrument, and acknowledged that he or she execute		
39 10	penalty of perjury that the person whose name is ascri appears to be of sound mind and under no dur	ress froud or	rument
40 41	influence.	ess, fraud or	<del>-unaue</del>
+1 42	<del>minuelice.j</del>		
<del>1</del> 3	NOTARY SEAL		
14		Signature)	•••••
45		orginature)	
46	STATEMENT OF WITNESSES	S	
47			
48	(If you choose to use witnesses instead of having this		
49	you must use two qualified adult witnesses. The follow	wing people ca	nnot be
50	used as a witness: (1) a person you designate as the ag	gent; (2) a prov	vider of
51	health care; (3) an employee of a provider of health ca		
52	a health care facility; or (5) an employee of an ope	rator of a heal	th care

facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

care facility.	
Signature:	Residence Address:
	Residence Address:
(AT LEAST ONE OF THE SIGN THE FOLLOWING DECLA	ABOVE WITNESSES MUST ALSO RATION.)
by blood, marriage or adoption and	ury that I am not related to the principal I that to the best of my knowledge, I am the of the principal upon the death of the or by operation of law.
Signature:	
Signature:	
Names:	Address:

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

**Sec. 7.** NRS 253.220 is hereby amended to read as follows:

253.220 1. A public guardian may investigate the financial status, assets and personal and family history of any protected person, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS. In connection with the investigation, the public guardian may require any protected person or any spouse, parent, child or other kindred of the protected person, to give any information and to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, which are needed by the public guardian. The public guardian may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.

2. In a county whose population is less than 100,000, a public guardian may petition a court to investigate the financial status, assets and personal and family history of any [person for whom the public guardian has been appointed as

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15 16

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Department of Health and Human Services, a law enforcement agency or a court in connection with a criminal or civil matter relating to the potential protected person, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS. In connection with the investigation, the public guardian may require any <del>[protected person or]</del> potential protected person or any spouse, parent, child or other kindred of the [protected person or] potential protected person, to give any information and to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, which are needed by the public guardian. The public guardian may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.

[2.] 3. As used in this section [, "protected]:
(a) "Potential protected person" means any person, other than a minor, for whom a referral for investigation has been sent to the public guardian.

guardian, or al potential protected person for whom the public guardian has

received a referral from the Aging and Disability Services Division of the

(b) "Protected person" has the meaning ascribed to it in NRS 159.0253.