

Amendment No. 1114

Assembly Amendment to Senate Bill No. 540 First Reprint Proposed by: Assembly Committee on Ways and Means Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	(BDR 14-1201)
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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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 540—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MAY 8, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions relating to ~~vulnerable~~ persons ~~in~~ in need of protection. (BDR 14-1201)

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

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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 ~~vulnerable~~ persons ~~in~~ in need of protection; revising provisions governing the Repository for Information Concerning Crimes Against Older Persons; revising and repealing provisions relating to the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person; revising provisions relating to the Unit for Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General; revising provisions relating to powers of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a “vulnerable person” as a person who is 18 years of age or older and who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict his or her ability to perform daily activities. (NRS 200.5092)

Existing law also defines “protective services” as services that prevent or remedy abuse, neglect, exploitation, isolation and abandonment of older persons. Existing law defines an “older person” as a person who is 60 years of age or older. (NRS 200.5092) **Section 5** expands the definition of “protective services” to include services that prevent and remedy abuse, neglect, exploitation, isolation and abandonment of vulnerable persons.

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to: (1) identify and record demographic information concerning older persons who have allegedly been abused, neglected, exploited, isolated or abandoned and those persons who are allegedly responsible for such abuse, neglect, exploitation, isolation or abandonment; (2) obtain information from programs for preventing abuse of older persons and analyze and compare such programs; and (3) publicize provisions of law concerning abuse, neglect, exploitation, isolation or abandonment of older persons. (NRS 200.5098) **Section 9** of this bill expands the duties of the Division to include vulnerable persons in such duties. **Sections 10-12** of this bill make conforming changes.

Existing law requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to: (1) a local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff's office; or (3) a toll-free telephone service designated by the Division. (NRS 200.5093) Existing law also requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to a law enforcement agency. (NRS 200.50935) **Section 6** of this bill expands those agencies to which a person in his or her professional or occupational capacity can make a report concerning abuse, neglect, exploitation, isolation or abandonment of a vulnerable person to include the local office of the Aging and Disability Services Division or the toll-free telephone service of the Division, meaning that the same process is used for reporting instances of abuse, neglect, exploitation, isolation or abandonment of both older persons and vulnerable persons. **Section 33** repeals the existing process for making such a report concerning a vulnerable person. **Sections 2, 3, 7, 8 and 25-31** of this bill make conforming changes.

Existing law provides that reports concerning abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person are confidential. Existing law authorizes certain persons to have access to certain information and data contained in such a report. (NRS 200.5095) **Section 8** of this bill also authorizes such a report to be made available to the State Guardianship Compliance Office or an attorney who represents an older person or vulnerable person in a guardianship proceeding. If such an attorney receives information from such a report, **section 10** of this bill requires the attorney to disclose the information concerning abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the court in a guardianship proceeding within 20 days after the attorney's receipt of such information.

Existing law authorizes the Unit for the Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General to investigate and prosecute alleged abuse, neglect, exploitation, isolation or abandonment of an older person under certain circumstances. (NRS 228.270) **Section 17** of this bill changes the name of the Unit to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. **Section 18** of this bill authorizes the Unit to investigate and prosecute the alleged abuse, neglect, exploitation, isolation or abandonment of a vulnerable person under certain circumstances.

Existing law provides that the Unit for the Investigation and Prosecution of Crimes Against Older Persons may also bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person. Existing law also authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the older person. (NRS 228.275, 228.280) **Section 19** of this bill authorizes the Unit to bring such an action to enjoin or obtain equitable relief to prevent such abuse, neglect, exploitation, isolation or abandonment of a vulnerable person. **Section 20** of this bill authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person. **Sections 16 and 21-23** of this bill make conforming changes.

Existing law requires the Repository for Information Concerning Crimes Against Older Persons to contain records of all reports of abuse, neglect, exploitation, isolation or abandonment of older persons in this State. (NRS 179A.450) **Section 1** of this bill changes the name of the Repository to the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons and additionally requires the Repository to contain records concerning abuse, neglect, exploitation, isolation or abandonment of vulnerable persons in this State.

Section 4 of this bill requires the sheriff of each county to designate an employee of the sheriff's department as a point of contact to the Aging and Disability Services Division of the Department of Health and Human Services.

Sections 13 and 24 of this bill make conforming changes to add vulnerable persons.

Senate Bill No. 223 of the 2019 Legislative Session provides that an agent under a power of attorney may consent to the placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority. (Section 2 of Senate Bill No. 223 of this session) Senate Bill No. 223 also revises the form for a general power of attorney to allow a principal to indicate whether the principal authorizes the agent to consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility. (Section 3 of Senate Bill No. 223 of this session) Sections 32 and 34 of this bill remove those provisions added by Senate Bill No. 223 without revising existing law concerning general powers of attorney. Instead, sections 3.5 and 32 of this bill revise the forms for a general power of attorney and a durable power of attorney for health care to allow a principal to communicate his or her wishes concerning living arrangements.

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

Section 1. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons *or vulnerable persons* in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.

(b) All cases that were investigated and the type of such cases.

3. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons *or vulnerable persons*.

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons *or vulnerable persons*.

5. As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

(g) *"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 2. NRS 49.2549 is hereby amended to read as follows:

49.2549 There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508 ~~or~~ **or** 200.5093, ~~for~~ **200.50935;** but only as to that portion of the communication;

3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

Sec. 3. NRS 90.6145 is hereby amended to read as follows:

90.6145 1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser must report known or suspected exploitation of an older person or vulnerable person.

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person **or vulnerable person** to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person **or vulnerable person** has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person **or vulnerable person** to:

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

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

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

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

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

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

~~4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

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

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

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

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

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the

identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

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

~~7-1~~ 5. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and a designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report pursuant to this section in good faith.

Sec. 3.5. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, 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 DECIDE WHERE YOU LIVE, EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT, WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE ARE MOVED TO FACILITIES WITH LOCKED DOORS TO PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH DECLINES. YOU HAVE THE RIGHT TO DETERMINE WHETHER TO AUTHORIZE THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT PROVIDE SUCH AUTHORIZATION TO THE PERSON DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.

7. 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.~~ 8. 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.~~ 9. 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.~~ 10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

~~10.~~ 11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. 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.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

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

1 expires, the authority I have granted my agent will continue to exist until
2 the time when I become able to make health care decisions for myself.

3
4 (IF APPLICABLE)
5 I wish to have this power of attorney end on the following date:
6

7 6. STATEMENT OF DESIRES ~~14~~ CONCERNING TREATMENT.
8 (With respect to decisions to withhold or withdraw life-sustaining
9 treatment, your agent must make health care decisions that are consistent
10 with your known desires. You can, but are not required to, indicate your
11 desires below. If your desires are unknown, your agent has the duty to act
12 in your best interests; and, under some circumstances, a judicial proceeding
13 may be necessary so that a court can determine the health care decision that
14 is in your best interests. If you wish to indicate your desires, you may
15 INITIAL the statement or statements that reflect your desires and/or write
16 your own statements in the space below.)
17

18 (If the statement
19 reflects your desires,
20 initial the box next to
21 the statement.)
22

23 ~~14~~ A. I desire that my life be
24 prolonged to the greatest extent
25 possible, without regard to my
26 condition, the chances I have for
27 recovery or long-term survival, or the
28 cost of the procedures. [.....]

29 ~~14~~ B. If I am in a coma which my
30 doctors have reasonably concluded is
31 irreversible, I desire that life-sustaining
32 or prolonging treatments not be used.
33 (Also should utilize provisions of NRS
34 449A.400 to 449A.481, inclusive, if this
35 subparagraph is initialed.) [.....]

36 ~~14~~ C. If I have an incurable or
37 terminal condition or illness and no
38 reasonable hope of long-term recovery
39 or survival, I desire that life-sustaining
40 or prolonging treatments not be used.
41 (Also should utilize provisions of NRS
42 449A.400 to 449A.481, inclusive, if this
43 subparagraph is initialed.) [.....]

44 ~~14~~ D. Withholding or withdrawal of
45 artificial nutrition and hydration may
46 result in death by starvation or
47 dehydration. I want to receive or
48 continue receiving artificial nutrition
49 and hydration by way of the
50 gastrointestinal tract after all other
51 treatment is withheld. [.....]

52 ~~14~~ E. I do not desire treatment to be
53 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. STATEMENT OF DESIRES CONCERNING LIVING
ARRANGEMENTS

A. I desire to live in my home as long
as it is safe and my medical needs can
be met. My agent may arrange for a
natural person, employee of an agency
or provider of community-based
services to come into my home to
provide care for me. When it is no
longer safe for me to live in my home, I
authorize my agent to place me in a
facility or home that can provide any
medical assistance and support in my
activities of daily living that I require.
Before being placed in such a facility
or home, I wish for my agent to discuss
and share information concerning the
placement with me. [.....]

B. I desire to live in my home for as
long as possible without regard for my
medical needs, personal safety or
ability to engage in activities of daily
living. My agent may arrange for a
natural person, an employee of an
agency or a provider of community-
based services to come into my home
and provide care for me. I understand
that, before I may be placed in a
facility or home other than the home in
which I currently reside, a guardian
must be appointed for me. [.....]

(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:
.....
.....

8. 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

Name:

Address:

Telephone Number:

~~[8.]~~ 9. PRIOR DESIGNATIONS REVOKED.

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

~~[9.]~~ 10. 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.]~~ 11. 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.]~~ 12. 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.]~~ 13. 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)

(Signature)

**CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC**

(Signature of Notary Public)

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: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

(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.

Signature:

Signature:

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.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of each county shall designate one employee as a point of contact for the Aging and Disability Services Division of the Department of Health and Human Services.

2. Upon the request of the Aging and Disability Services Division, the employee designated pursuant to subsection 1 shall offer consultation and advice to the Division regarding a report submitted pursuant to NRS 200.5093 and 200.5094 or a request for assistance by the Division relating to abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person.

3. The employee designated pursuant to subsection 1 shall provide his or her contact information to the Administrator of the Aging and Disability Services Division within 20 days after his or her designation as the point of contact.

Sec. 5. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act*, unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➤ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

1 ✍ The term does not include an act intended to protect the property or physical or
2 mental welfare of the older person or vulnerable person or an act performed
3 pursuant to the instructions of a physician of the older person or vulnerable person.

4 5. "Neglect" means the failure of a person or a manager of a facility who has
5 assumed legal responsibility or a contractual obligation for caring for an older
6 person or a vulnerable person or who has voluntarily assumed responsibility for his
7 or her care to provide food, shelter, clothing or services which are necessary to
8 maintain the physical or mental health of the older person or vulnerable person.

9 6. "Older person" means a person who is 60 years of age or older.

10 7. "Protective services" means services the purpose of which is to prevent and
11 remedy the abuse, neglect, exploitation, isolation and abandonment of older persons
12 or vulnerable persons. The services may include:

13 (a) The investigation, evaluation, counseling, arrangement and referral for
14 other services and assistance; and

15 (b) Services provided to an older person or a vulnerable person who is unable
16 to provide for his or her own needs.

17 8. "Vulnerable person" means a person 18 years of age or older who:

18 (a) Suffers from a condition of physical or mental incapacitation because of a
19 developmental disability, organic brain damage or mental illness; or

20 (b) Has one or more physical or mental limitations that restrict the ability of the
21 person to perform the normal activities of daily living.

22 **Sec. 6.** NRS 200.5093 is hereby amended to read as follows:

23 200.5093 1. Any person who is described in subsection 4 and who, in a
24 professional or occupational capacity, knows or has reasonable cause to believe that
25 an older person or vulnerable person has been abused, neglected, exploited,
26 isolated or abandoned shall:

27 (a) Except as otherwise provided in subsection 2, report the abuse, neglect,
28 exploitation, isolation or abandonment of the older person or vulnerable person to:

29 (1) The local office of the Aging and Disability Services Division of the
30 Department of Health and Human Services;

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

32 (3) A toll-free telephone service designated by the Aging and Disability
33 Services Division of the Department of Health and Human Services; and

34 (b) Make such a report as soon as reasonably practicable but not later than 24
35 hours after the person knows or has reasonable cause to believe that the older
36 person or vulnerable person has been abused, neglected, exploited, isolated or
37 abandoned.

38 2. If a person who is required to make a report pursuant to subsection 1 knows
39 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or
40 abandonment of the older person or vulnerable person involves an act or omission
41 of the Aging and Disability Services Division, another division of the Department
42 of Health and Human Services or a law enforcement agency, the person shall make
43 the report to an agency other than the one alleged to have committed the act or
44 omission.

45 3. Each agency, after reducing a report to writing, shall forward a copy of the
46 report to the Aging and Disability Services Division of the Department of Health
47 and Human Services and the Unit for the Investigation and Prosecution of Crimes.

48 4. A report must be made pursuant to subsection 1 by the following persons:

49 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
50 podiatric physician, medical examiner, resident, intern, professional or practical
51 nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,
52 perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical
53 professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug

1 abuse counselor, music therapist, athletic trainer, driver of an ambulance,
2 paramedic, licensed dietitian or other person providing medical services licensed or
3 certified to practice in this State, who examines, attends or treats an older person *or*
4 *vulnerable person* who appears to have been abused, neglected, exploited, isolated
5 or abandoned.

6 (b) Any personnel of a hospital or similar institution engaged in the admission,
7 examination, care or treatment of persons or an administrator, manager or other
8 person in charge of a hospital or similar institution upon notification of the
9 suspected abuse, neglect, exploitation, isolation or abandonment of an older person
10 *or vulnerable person* by a member of the staff of the hospital.

11 (c) A coroner.

12 (d) Every person who maintains or is employed by an agency to provide
13 personal care services in the home.

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

16 (f) Every person who operates, who is employed by or who contracts to
17 provide services for an intermediary service organization as defined in NRS
18 449.4304.

19 (g) Any employee of the Department of Health and Human Services, except
20 the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and
21 any of his or her advocates or volunteers where prohibited from making such a
22 report pursuant to 45 C.F.R. § 1321.11.

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

25 (i) Any person who maintains or is employed by a facility or establishment that
26 provides care for older persons ~~H~~ *or vulnerable persons*.

27 (j) Any person who maintains, is employed by or serves as a volunteer for an
28 agency or service which advises persons regarding the abuse, neglect, exploitation,
29 isolation or abandonment of an older person *or vulnerable person* and refers them
30 to persons and agencies where their requests and needs can be met.

31 (k) Every social worker.

32 (l) Any person who owns or is employed by a funeral home or mortuary.

33 (m) Every person who operates or is employed by a peer support recovery
34 organization, as defined in NRS 449.01563.

35 (n) Every person who operates or is employed by a community health worker
36 pool, as defined in NRS 449.0028, or with whom a community health worker pool
37 contracts to provide the services of a community health worker, as defined in NRS
38 449.0027.

39 5. A report may be made by any other person.

40 6. If a person who is required to make a report pursuant to subsection 1 knows
41 or has reasonable cause to believe that an older person *or vulnerable person* has
42 died as a result of abuse, neglect, isolation or abandonment, the person shall, as
43 soon as reasonably practicable, report this belief to the appropriate medical
44 examiner or coroner, who shall investigate the cause of death of the older person *or*
45 *vulnerable person* and submit to the appropriate local law enforcement agencies,
46 the appropriate prosecuting attorney, the Aging and Disability Services Division of
47 the Department of Health and Human Services and the Unit for the Investigation
48 and Prosecution of Crimes his or her written findings. The written findings must
49 include the information required pursuant to the provisions of NRS 200.5094, when
50 possible.

51 7. A division, office or department which receives a report pursuant to this
52 section shall cause the investigation of the report to commence within 3 working
53 days. A copy of the final report of the investigation conducted by a division, office

1 or department, other than the Aging and Disability Services Division of the
2 Department of Health and Human Services, must be forwarded within 30 days after
3 the completion of the report to the:

4 (a) Aging and Disability Services Division;

5 (b) Repository for Information Concerning Crimes Against Older Persons *or*
6 *Vulnerable Persons* created by NRS 179A.450; and

7 (c) Unit for the Investigation and Prosecution of Crimes.

8 8. If the investigation of a report results in the belief that an older person *or*
9 *vulnerable person* is abused, neglected, exploited, isolated or abandoned, the Aging
10 and Disability Services Division of the Department of Health and Human Services
11 or the county's office for protective services may provide protective services to the
12 older person *or vulnerable person* if the older person *or vulnerable person* is able
13 and willing to accept them.

14 9. A person who knowingly and willfully violates any of the provisions of
15 this section is guilty of a misdemeanor.

16 10. As used in this section, "Unit for the Investigation and Prosecution of
17 Crimes" means the Unit for the Investigation and Prosecution of Crimes Against
18 Older Persons *or Vulnerable Persons* in the Office of the Attorney General created
19 pursuant to NRS 228.265.

20 **Sec. 7.** NRS 200.5094 is hereby amended to read as follows:

21 200.5094 1. A person may make a report pursuant to NRS 200.5093 ~~for~~
22 ~~200.509351~~ by telephone or, in light of all the surrounding facts and circumstances
23 which are known or which reasonably should be known to the person at the time,
24 by any other means of oral, written or electronic communication that a reasonable
25 person would believe, under those facts and circumstances, is a reliable and swift
26 means of communicating information to the person who receives the report. If the
27 report is made orally, the person who receives the report must reduce it to writing
28 as soon as reasonably practicable.

29 2. The report must contain the following information, when possible:

30 (a) The name and address of the older person or vulnerable person;

31 (b) The name and address of the person responsible for his or her care, if there
32 is one;

33 (c) The name and address, if available, of the person who is alleged to have
34 abused, neglected, exploited, isolated or abandoned the older person or vulnerable
35 person;

36 (d) The nature and extent of the abuse, neglect, exploitation, isolation or
37 abandonment of the older person or vulnerable person;

38 (e) Any evidence of previous injuries; and

39 (f) The basis of the reporter's belief that the older person or vulnerable person
40 has been abused, neglected, exploited, isolated or abandoned.


41 **Sec. 8.** NRS 200.5095 is hereby amended to read as follows:

42 200.5095 1. Reports made pursuant to NRS 200.5093 ~~1-200.509351~~ and
43 200.5094, and records and investigations relating to those reports, are confidential.

44 2. A person, law enforcement agency or public or private agency, institution
45 or facility who willfully releases data or information concerning the reports and
46 investigation of the abuse, neglect, exploitation, isolation or abandonment of older
47 persons or vulnerable persons, except:

48 (a) Pursuant to a criminal prosecution;

49 (b) Pursuant to NRS 200.50982; or

50 (c) To persons or agencies enumerated in subsection 3,
51  is guilty of a misdemeanor.

52 3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or
53 information concerning the reports and investigations of the abuse, neglect,

1 exploitation, isolation or abandonment of an older person or a vulnerable person is
2 available only to:

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

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

7 (c) A district attorney or other law enforcement official who requires the
8 information in connection with an investigation of the abuse, neglect, exploitation,
9 isolation or abandonment of the older person or vulnerable person;

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

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

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

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

17 (h) A legal guardian of the older person or vulnerable person, if the identity of
18 the person who was responsible for reporting the alleged abuse, neglect,
19 exploitation, isolation or abandonment of the older person or vulnerable person to
20 the public agency is protected, and the legal guardian of the older person or
21 vulnerable person is not the person suspected of such abuse, neglect, exploitation,
22 isolation or abandonment;

23 (i) If the older person or vulnerable person is deceased, the executor or
24 administrator of his or her estate, if the identity of the person who was responsible
25 for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of
26 the older person or vulnerable person to the public agency is protected, and the
27 executor or administrator is not the person suspected of such abuse, neglect,
28 exploitation, isolation or abandonment; ~~for~~

29 (j) The older person or vulnerable person named in the report as allegedly
30 being abused, neglected, exploited, isolated or abandoned, if that person is not
31 legally ~~incompetent~~ **incapacitated**;

32 **(k) An attorney appointed by a court to represent a protected person in a**
33 **guardianship proceeding pursuant to NRS 159.0485, if:**

34 **(1) The protected person is an older person or vulnerable person;**

35 **(2) The identity of the person who was responsible for reporting the**
36 **alleged abuse, neglect, exploitation, isolation or abandonment of the older person**
37 **or vulnerable person to the public agency is protected; and**

38 **(3) The attorney of the protected person is not the person suspected of**
39 **such abuse, neglect, exploitation, isolation or abandonment; or**

40 **(l) The State Guardianship Compliance Office created by NRS 159.341.**

41 4. If the person who is reported to have abused, neglected, exploited, isolated
42 or abandoned an older person or a vulnerable person is the holder of a license or
43 certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS,
44 the information contained in the report must be submitted to the board that issued
45 the license.

46 5. If data or information concerning the reports and investigations of the
47 abuse, neglect, exploitation, isolation or abandonment of an older person or a
48 vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3
49 or subsection 4, the name and any other identifying information of the person who
50 made the report must be redacted before the data or information is made available.

51 **Sec. 9.** NRS 200.5098 is hereby amended to read as follows:

52 200.5098 1. The Aging and Disability Services Division of the Department
53 of Health and Human Services shall:

(a) Identify and record demographic information on the older person *or vulnerable person* who is alleged to have been abused, neglected, exploited, isolated or abandoned and the person who is alleged to be responsible for such abuse, neglect, exploitation, isolation or abandonment.

(b) Obtain information from programs for preventing abuse of older persons ~~(a)~~ *or vulnerable persons*, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive ~~(a)~~, *and section 4 of this act*.

2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~(a)~~ *or vulnerable persons*. Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~(a)~~ *or vulnerable persons*. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons *or vulnerable persons* to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

Sec. 10. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act* do not prohibit ~~(a)~~:

(a) An agency which is investigating a report of abuse, neglect, exploitation, isolation or abandonment, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person to other federal, state or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

~~(a)~~ (1) The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

~~(b)~~ (2) Proper safeguards are taken to ensure the confidentiality of the information.

(b) *An attorney who receives data or information pursuant to paragraph (k) of subsection 3 of NRS 200.5095 from disclosing data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person to a court of competent jurisdiction in a guardianship proceeding concerning the older person or vulnerable person.*

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation, isolation or abandonment of an older person ~~(a)~~ *or vulnerable person*, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person ~~§~~ *or vulnerable person*; and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person *or vulnerable person* within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person ~~§~~ *or vulnerable person*.

3. An attorney shall make the disclosure pursuant to paragraph (b) of subsection 1 to the court within 20 days after his or her receipt of data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Sec. 11. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act*, inspect all records pertaining to the older person *or vulnerable person* on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person ~~§~~ *or vulnerable person*, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person *or vulnerable person* before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person *or vulnerable person* is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person ~~§~~ *or vulnerable person*, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person ~~§~~ *or vulnerable person*, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 12. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person ~~§~~ *or vulnerable person*, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person *or vulnerable person* in violation of NRS 200.5091 to 200.50995, inclusive ~~§~~, *and section 4 of this act*.

Sec. 13. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person *or vulnerable person* who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 14. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

“Vulnerable person” has the meaning ascribed to it in NRS 200.5092.

Sec. 15. NRS 228.250 is hereby amended to read as follows:

228.250 As used in NRS 228.250 to 228.290, inclusive, *and section 14 of this act*, unless the context otherwise requires, the words and terms defined in NRS 228.255 and 228.260 *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 16. NRS 228.260 is hereby amended to read as follows:

228.260 “Unit” means the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.265.

Sec. 17. NRS 228.265 is hereby amended to read as follows:

228.265 There is hereby created in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons ~~or~~ *or Vulnerable Persons*.

Sec. 18. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;
(c) The district attorney's office in the county where the case is under review;
(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;
(e) A representative of the coroner's office; and
(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person **or vulnerable person** who is the subject of the review or any person who was in contact with the older person **or vulnerable person** and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person **or vulnerable person** or the death of an older person **or vulnerable person** that is alleged to be the result of abuse, neglect, isolation or abandonment.

Sec. 19. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person **or vulnerable person**. The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.

Sec. 20. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person **or vulnerable person** for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation, isolation or abandonment of an older person **or vulnerable person** pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than \$5,000 and not more than \$20,000.

(b) For a second or subsequent offense, in an amount which is not less than \$10,000 and not more than \$30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons **or vulnerable persons** who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons **or Vulnerable Persons** created pursuant to NRS 228.285.

1 **Sec. 21.** NRS 228.285 is hereby amended to read as follows:

2 228.285 1. The Account for the Unit for the Investigation and Prosecution
3 of Crimes Against Older Persons *or Vulnerable Persons* is hereby created in the
4 State General Fund. The Attorney General shall administer the Account.

5 2. The money in the Account must only be used to carry out the provisions of
6 NRS 228.250 to 228.290, inclusive, *and section 14 of this act* and to pay the
7 expenses incurred by the Unit in the discharge of its duties, including, without
8 limitation, expenses relating to the provision of training and salaries and benefits
9 for employees of the Unit.

10 3. Money in the Account must remain in the Account and must not revert to
11 the State General Fund at the end of any fiscal year.

12 **Sec. 22.** NRS 228.290 is hereby amended to read as follows:

13 228.290 1. The Unit may apply for any available grants and accept gifts,
14 grants, appropriations or donations to assist the Unit in carrying out its duties
15 pursuant to the provisions of this chapter.

16 2. Any money received by the Unit must be deposited in the Account for the
17 Unit for the Investigation and Prosecution of Crimes Against Older Persons *or*
18 *Vulnerable Persons* created pursuant to NRS 228.285.

19 **Sec. 23.** NRS 228.495 is hereby amended to read as follows:

20 228.495 1. The Committee may review the death of the victim of a crime
21 that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency
22 of a local government does not organize or sponsor a multidisciplinary team
23 pursuant to NRS 217.475 or if the court or agency requests the assistance of the
24 Committee. In addition to the review of a particular case, the Committee shall:

25 (a) Examine the trends and patterns of deaths of victims of crimes that
26 constitute domestic violence in this State;

27 (b) Determine the number and type of incidents the Committee wishes to
28 review;

29 (c) Make policy and other recommendations for the prevention of deaths from
30 crimes that constitute domestic violence;

31 (d) Engage in activities to educate the public, providers of services to victims
32 of domestic violence and policymakers concerning deaths from crimes that
33 constitute domestic violence and strategies for intervention and prevention of such
34 crimes; and

35 (e) Recommend policies, practices and services to encourage collaboration and
36 reduce the number of deaths from crimes that constitute domestic violence.

37 2. The review of the death of a victim pursuant to this section does not grant
38 the Attorney General or the Committee supervisory authority over, or restrict or
39 impair the statutory authority of, any state or local governmental agency
40 responsible for the investigation or prosecution of the death of a victim of a crime
41 that constitutes domestic violence pursuant to NRS 33.018.

42 3. Before reviewing the death of a victim pursuant to this section, the
43 Committee shall adopt a written protocol describing the objectives and structure of
44 the review.

45 4. The Committee may request any person, agency or organization that is in
46 possession of information or records concerning a victim who is the subject of a
47 review or any person who was in contact with the victim to provide the Committee
48 with any information or records that are relevant to the review. Any information or
49 records provided to the Committee pursuant to this subsection are confidential.

50 5. The Committee may, if appropriate, meet with any person, agency or
51 organization that the Committee believes may have information relevant to a
52 review conducted by the Committee, including, without limitation, a
53 multidisciplinary team:

1 (a) To review the death of the victim of a crime that constitutes domestic
2 violence organized or sponsored pursuant to NRS 217.475;

3 (b) To review any allegations of abuse, neglect, exploitation, isolation or
4 abandonment of an older person *or vulnerable person* or the death of an older
5 person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or
6 abandonment organized pursuant to NRS 228.270;

7 (c) To review the death of a child organized pursuant to NRS 432B.405; or

8 (d) To oversee the review of the death of a child organized pursuant to NRS
9 432B.4075.

10 6. Except as otherwise provided in subsection 7, each member of the
11 Committee is immune from civil or criminal liability for an activity related to the
12 review of the death of a victim conducted pursuant to this section.

13 7. Each member of the Committee who discloses any confidential information
14 concerning the death of a child is personally liable for a civil penalty of not more
15 than \$500.

16 8. The Attorney General:

17 (a) May bring an action to recover a civil penalty imposed pursuant to
18 subsection 7 against a member of the Committee; and

19 (b) Shall deposit any money received from the civil penalty with the State
20 Treasurer for credit to the State General Fund.

21 9. The results of a review of the death of a victim conducted pursuant to this
22 section are not admissible in any civil action or proceeding.

23 10. The Committee shall submit a report of its activities pursuant to this
24 section to the Attorney General. The report must include, without limitation, the
25 findings and recommendations of the Committee. The report must not include
26 information that identifies any person involved in a particular case under review.
27 The Attorney General shall make the report available to the public.

28 11. Any meeting of the Committee held to review the death of a victim
29 pursuant to this section, or any portion of a meeting of the Committee during which
30 the Committee reviews such a death, is not subject to the provisions of chapter 241
31 of NRS.

32 **Sec. 24.** NRS 289.510 is hereby amended to read as follows:

33 289.510 1. The Commission:

34 (a) Shall meet at the call of the Chair, who must be elected by a majority vote
35 of the members of the Commission.

36 (b) Shall provide for and encourage the training and education of persons
37 whose primary duty is law enforcement to ensure the safety of the residents of and
38 visitors to this State.

39 (c) Shall adopt regulations establishing minimum standards for the certification
40 and decertification, recruitment, selection and training of peace officers. The
41 regulations must establish:

42 (1) Requirements for basic training for category I, category II and category
43 III peace officers and reserve peace officers;

44 (2) Standards for programs for the continuing education of peace officers,
45 including minimum courses of study and requirements concerning attendance;

46 (3) Qualifications for instructors of peace officers; and

47 (4) Requirements for the certification of a course of training.

48 (d) Shall, when necessary, present courses of training and continuing education
49 courses for category I, category II and category III peace officers and reserve peace
50 officers.

51 (e) May make necessary inquiries to determine whether the agencies of this
52 State and of the local governments are complying with standards set forth in its
53 regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons ~~or~~ **or vulnerable persons**; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 25. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~200.50935,~~ 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 26. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~200.50935~~, 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 27. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant or may take disciplinary action against a licensee if, after notice and a hearing as required by law, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 ~~200.50935~~ or 432B.220;

(f) Is guilty of gross negligence in his or her practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after receiving the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the

provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

(k) Has solicited or received compensation for services that he or she did not provide;

(l) If the licensee is on probation, has violated the terms of the probation;

(m) Has terminated professional services to a client in a manner that detrimentally affected that client; or

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing as required by law:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than \$5,000;

(f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

3. The Board shall not issue a private reprimand to a licensee.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 28. NRS 657.290 is hereby amended to read as follows:

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

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

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

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

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

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

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

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

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter

1 shall make the report to an agency other than the one alleged to have committed the
2 act or omission.

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

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

10 ~~— (b) Make such a report as soon as reasonably practicable.~~

11 ~~5. If the designated reporter knows or has reasonable cause to believe that the~~
12 ~~exploitation of the vulnerable person involves an act or omission of a law~~
13 ~~enforcement agency, the designated reporter shall make the report to a law~~
14 ~~enforcement agency other than the one alleged to have committed the act or~~
15 ~~omission.~~

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

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

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

25 ~~[7.]~~ 5. An officer, employee and the designated reporter are entitled to the
26 immunity from liability set forth in NRS 200.5096 for making a report in good
27 faith.

28 **Sec. 29.** NRS 673.807 is hereby amended to read as follows:

29 673.807 1. Each savings bank shall designate a person or persons to whom a
30 director, officer or employee of the savings bank must report known or suspected
31 exploitation of an older person or vulnerable person.

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

37 (a) Except as otherwise provided in subsection 3, report the known or
38 suspected exploitation of the older person *or vulnerable person* to:

39 (1) The local office of the Aging and Disability Services Division of the
40 Department of Health and Human Services;

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

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

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

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

47 3. If the designated reporter knows or has reasonable cause to believe that the
48 exploitation of the older person *or vulnerable person* involves an act or omission of
49 the Aging and Disability Services Division, another division of the Department of
50 Health and Human Services or a law enforcement agency, the designated reporter
51 shall make the report to an agency other than the one alleged to have committed the
52 act or omission.

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

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

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

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

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

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

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

~~7.~~ 5. 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. 30. NRS 677.707 is hereby amended to read as follows:

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

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

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

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

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

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

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

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

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

4. ~~If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has~~

1 ~~reasonable cause to believe that a vulnerable person has been exploited, the~~
2 ~~designated reporter shall:~~

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

5 ~~—(b) Make such a report as soon as reasonably practicable.~~

6 ~~—5. If the designated reporter knows or has reasonable cause to believe that the~~
7 ~~exploitation of the vulnerable person involves an act or omission of a law~~
8 ~~enforcement agency, the designated reporter shall make the report to a law~~
9 ~~enforcement agency other than the one alleged to have committed the act or~~
10 ~~omission.~~

11 ~~—6.} In accordance with the provisions of subsection 3 of NRS 239A.070, in~~
12 ~~making a report pursuant to this section, a designated reporter may:~~

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

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

20 ~~{7.} 5.~~ An officer, employee and the designated reporter are entitled to the
21 immunity from liability set forth in NRS 200.5096 for making a report in good
22 faith.

23 **Sec. 31.** NRS 678.779 is hereby amended to read as follows:

24 678.779 1. Each credit union shall designate a person or persons to whom
25 an employee of the credit union must report known or suspected exploitation of an
26 older person or vulnerable person.

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

32 (a) Except as otherwise provided in subsection 3, report the known or
33 suspected exploitation of the older person *or vulnerable person* to:

34 (1) The local office of the Aging and Disability Services Division of the
35 Department of Health and Human Services;

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

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

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

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

42 3. If the designated reporter knows or has reasonable cause to believe that the
43 exploitation of the older person *or vulnerable person* involves an act or omission of
44 the Aging and Disability Services Division, another division of the Department of
45 Health and Human Services or a law enforcement agency, the designated reporter
46 shall make the report to an agency other than the one alleged to have committed the
47 act or omission.

48 4. ~~If an employee reports known or suspected exploitation of a vulnerable~~
49 ~~person to a designated reporter and, based on such a report or based on his or her~~
50 ~~own observations or knowledge, the designated reporter knows or has reasonable~~
51 ~~cause to believe that a vulnerable person has been exploited, the designated reporter~~
52 ~~shall:~~

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

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

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

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

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

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

~~[7.]~~ 5. An 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. 32. Section 3 of Senate Bill 223 of this session is hereby amended to read as follows:

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 YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

5. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY

1 OTHERWISE, GENERALLY THE AGENT’S AUTHORITY
2 WILL CONTINUE UNTIL YOU DIE OR REVOKE THE
3 POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS
4 UNABLE TO ACT FOR YOU.
5 6. YOUR AGENT IS ENTITLED TO REASONABLE
6 COMPENSATION UNLESS YOU STATE OTHERWISE IN THE
7 SPECIAL INSTRUCTIONS.
8 7. THIS FORM PROVIDES FOR DESIGNATION OF ONE
9 AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT
10 YOU MAY NAME A CO-AGENT IN THE SPECIAL
11 INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT
12 TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT
13 IN THE SPECIAL INSTRUCTIONS.
14 8. IF YOUR AGENT IS UNABLE OR UNWILLING TO
15 ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END
16 UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU
17 MAY ALSO NAME A SECOND SUCCESSOR AGENT.
18 9. YOU HAVE THE RIGHT TO REVOKE THE
19 AUTHORITY GRANTED TO THE PERSON DESIGNATED IN
20 THIS DOCUMENT.
21 10. THIS DOCUMENT REVOKES ANY PRIOR
22 DURABLE POWER OF ATTORNEY.
23 11. IF THERE IS ANYTHING IN THIS DOCUMENT
24 THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A
25 LAWYER TO EXPLAIN IT TO YOU.
26
27

28 1. DESIGNATION OF AGENT.
29 I,
30 (insert your name) do hereby designate and appoint:
31
32 Name:
33 Address:
34 Telephone Number:
35

36 as my agent to make decisions for me and in my name, place and
37 stead and for my use and benefit and to exercise the powers as
38 authorized in this document.
39 2. DESIGNATION OF ALTERNATE AGENT.
40 (You are not required to designate any alternative agent but you
41 may do so. Any alternative agent you designate will be able to
42 make the same decisions as the agent designated above in the event
43 that he or she is unable or unwilling to act as your agent. Also, if
44 the agent designated in paragraph 1 is your spouse, his or her
45 designation as your agent is automatically revoked by law if your
46 marriage is dissolved.)
47 If my agent is unable or unwilling to act for me, then I
48 designate the following person(s) to serve as my agent as
49 authorized in this document, such person(s) to serve in the order
50 listed below:
51

52 A. First Alternative Agent
53 Name:.....

1Address:

2Telephone Number:

3

4B. Second Alternative Agent

5Name:.....

6Address:

7Telephone Number:

8

93. OTHER POWERS OF ATTORNEY.

10This Power of Attorney is intended to, and does, revoke any

11prior Power of Attorney for financial matters I have previously

12executed.

134. NOMINATION OF GUARDIAN.

14If, after execution of this Power of Attorney, proceedings

15seeking an adjudication of incapacity are initiated either for my

16estate or my person, I hereby nominate as my guardian or

17conservator for consideration by the court my agent herein named,

18in the order named.

195. GRANT OF GENERAL AUTHORITY.

20I grant my agent and any successor agent(s) general authority to

21act for me with respect to the following subjects:

22

23(INITIAL each subject you want to include in the agent’s general

24authority. If you wish to grant general authority over all of the

25subjects you may initial “All Preceding Subjects” instead of

26initialing each subject.)

27

- 28[.....] Real Property
- 29[.....] Tangible Personal Property
- 30[.....] Stocks and Bonds
- 31[.....] Commodities and Options
- 32[.....] Banks and Other Financial Institutions
- 33[.....] Safe Deposit Boxes
- 34[.....] Operation of Entity or Business
- 35[.....] Insurance and Annuities
- 36[.....] Estates, Trusts and Other Beneficial Interests
- 37[.....] Legal Affairs, Claims and Litigation
- 38[.....] Personal Maintenance
- 39[.....] Benefits from Governmental Programs or Civil or Military
- 40Service
- 41[.....] Retirement Plans
- 42[.....] Taxes
- 43[.....] All Preceding Subjects
- 44

456. GRANT OF SPECIFIC AUTHORITY.

46My agent MAY NOT do any of the following specific acts for

47me UNLESS I have INITIALED the specific authority listed

48below:

49

50(CAUTION: Granting any of the following will give your agent the

51authority to take actions that could significantly reduce your

52property or change how your property is distributed at your death.

INITIAL ONLY the specific authority you WANT to give your agent.)

[.....] Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust

[.....] Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney

[.....] Create or change rights of survivorship

[.....] Create or change a beneficiary designation

[.....] 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

~~[.....] Consent to placement in an assisted living facility as defined in NRS 422.3962~~

~~[.....] Consent to placement in a facility for skilled nursing as defined in NRS 449.0039~~

~~[.....] Consent to placement in a secured residential long-term care facility as defined in NRS 159.0255~~

7. EXPRESSION OF INTENT CONCERNING LIVING ARRANGEMENTS.

[.....] It is my intention to live in my home as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community-based services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me.

[.....] It is my intention to live in my home for as long as possible without regard for my medical needs, personal safety or ability to engage in activities of daily living. My agent may arrange for a natural person, an employee of an agency or a provider of community-based services to come into my home and provide care for me. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me.

[.....] I desire for my agent to take the following actions relating to my care:

.....
.....
.....

8. 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.

~~9.1~~ 9. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

.....
.....
.....

~~9.1~~ 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:

~~10.1~~ 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.

~~11.1~~ 12. RELEASE 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.

~~12.1~~ 13. SIGNATURE AND ACKNOWLEDGMENT.
YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY.
THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on (date) at (city), (state)

.....
(Signature)

(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. 32.]~~ **Sec. 33.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[Sec. 33.]~~ **Sec. 34.** NRS 200.50935 ~~[is]~~ **and section 2 of Senate Bill No. 223 of the current Legislative Session are** hereby repealed.

~~[Sec. 34.]~~ **Sec. 35.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED ~~[SECTION]~~ **SECTIONS**

200.50935 Report of abuse, neglect, exploitation, isolation or abandonment of vulnerable person; voluntary and mandatory reports; investigation; penalty.

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

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

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

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

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

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical

nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

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

(c) A coroner.

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

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

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

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

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

(i) Every social worker.

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

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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

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

Section 2 of Senate Bill No. 223 of this session:

Sec. 2. NRS 162A.450 is hereby amended to read as follows:

162A.450 1. An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(a) Create, amend, revoke or terminate an inter vivos trust;

(b) Make a gift;

(c) Create or change rights of survivorship;

(d) Create or change a beneficiary designation;

(e) Delegate authority granted under the power of attorney;

(f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(g) Exercise fiduciary powers that the principal has authority to delegate; or

(h) Disclaim property, including a power of appointment.

2. Notwithstanding a grant of authority to do an act described in subsection 1, unless the power of attorney otherwise provides, an agent that is not a spouse of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

3. An agent under a power of attorney may consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority.

4. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Secured residential long-term care facility" has the meaning ascribed to it in NRS 159.0255.