

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

S.B. 121

SENATE BILL NO. 121—COMMITTEE ON JUDICIARY

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

PREFILED JANUARY 29, 2019

Referred to Committee on Judiciary

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

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.865) Existing law specifically provides a form for a power of attorney for health care decisions and a form for a power of attorney for health care decisions for adults with intellectual disabilities. (NRS 162A.860, 162A.865) **Section 1.5** of this bill provides a form for a power of attorney for health care decisions for persons with any form of dementia that is based on the form for a power of attorney for health care decisions for adults with intellectual disabilities. **Sections 4, 5 and 6** of this bill make conforming changes.

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

Existing law requires certain forms relating to the appointment of a guardian, a general power of attorney, a power of attorney for health care decisions and a power of attorney for health care decisions for an adult with an intellectual disability to be notarized with a declaration from the notary public declaring under penalty of perjury that the persons whose names are on the form appear to be of



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sound mind and under no duress, fraud or undue influence. (NRS 159.0753, 162A.620, 162A.860, 162A.865) **Sections 1, 3, 6 and 6.5** of this bill remove the declaration required by a notary public. **Section 1.5** removes the same declaration for the form for a power of attorney for health care decisions for persons with any form of dementia.

Existing law authorizes a public guardian to: (1) investigate the financial status, assets and personal and family history of any person for whom the public guardian has been appointed as guardian, without hiring or being licensed as a private investigator in accordance with existing law; and (2) require any person for whom the public guardian has been appointed as guardian or any spouse, parent, child or other relative of that person to give any information or execute any written requests or authorizations necessary to provide the public guardian with access to records needed by the public guardian. (NRS 253.220) **Section 7** of this bill authorizes the public guardian of any county to take such actions with respect to a protected person. **Section 7** additionally authorizes a public guardian of a county with a population of less than 100,000 to petition a court to take these actions with respect to any potential protected person for whom the public guardian has received a referral from the Aging and Disability Services Division of the Department of Health and Human Services, a law enforcement agency or a court in connection with a civil or criminal matter relating to the potential protected person. **Section 7** defines "potential protected person" and "protected person" for the purposes of this section.

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

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

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

2. A form requesting to nominate a guardian must be:

(a) Signed by the person requesting to nominate a guardian;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A request to nominate a guardian may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, (insert your name), residing at
(insert your address), am executing this notarized document
as my written declaration and request for the person(s)



designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my (insert relation), (insert name), serve as my appointed guardian.

5. If (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my (insert relation), (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....

(Signature of first witness)

.....

(Print name)

.....

(Date)



**DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS**

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

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

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

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

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

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that



I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

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

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

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

.....
(Signature)

AGENT SIGNATURE

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

I also agree that:

1. I have a duty to act in a manner consistent with the desires of (insert name of principal) as stated in this document or otherwise made known by (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care,



that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449A.203;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: Residence Address:

Print Name:

Date:

Relationship to principal:

Length of relationship to principal:

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



**CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC**

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

State of Nevada }
}ss.
County of}

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

NOTARY SEAL
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

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

Signature: 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.*

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

**END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES**

*(You can, but are not required to, state what you want to
happen if you get very sick and are not likely to get well.
You do not have to complete this form, but if you do, your
agent must do as you ask if you cannot speak for yourself.)*

*..... (Insert name of agent) might have to decide, if
you get very sick, whether to continue with your medicine or
to stop your medicine, even if it means you might not live,
..... (Insert name of agent) will talk to you to find
out what you want to do, and will follow your wishes.*



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

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

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO

2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me. YES NO

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better. YES NO

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO

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

I sign my name to this End-of-Life Decisions Addendum on (date) at (city), (state)

.....
(Signature)

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

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

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



1 *State of Nevada* }
2 }*ss.*
3 *County of* }

4
5 *On this day of, in the year, before me,*
6 *..... (here insert name of notary public) personally*
7 *appeared (here insert name of principal) personally*
8 *known to me (or proved to me on the basis of satisfactory*
9 *evidence) to be the person whose name is subscribed to this*
10 *instrument, and acknowledged that he or she executed it.*

11
12 **NOTARY SEAL**
13 (*Signature*)

14
15 **STATEMENT OF WITNESSES**

16
17 *(If you choose to use witnesses instead of having this*
18 *document notarized, you must use two qualified adult*
19 *witnesses. The following people cannot be used as a witness:*
20 *(1) a person you designate as the agent; (2) a provider of*
21 *health care; (3) an employee of a provider of health care;*
22 *(4) the operator of a health care facility; or (5) an employee*
23 *of an operator of a health care facility. At least one of the*
24 *witnesses must make the additional declaration set out*
25 *following the place where the witnesses sign.)*

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

36
37 *Signature: Residence Address:*
38 *Print Name:*
39 *Date:*

40
41 *Signature: Residence Address:*
42 *Print Name:*
43 *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 End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

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

162A.460 1. Except as otherwise provided in NRS 162A.450, if a power of attorney grants to an agent authority to do all acts that a principal could do or refers to general authority or cites a section of NRS 162A.200 to 162A.660, inclusive, in which the authority is described, the agent has the general authority described in NRS 162A.200 to 162A.660, inclusive.

2. A reference in a power of attorney to any part of a section in NRS 162A.200 to 162A.660, inclusive, incorporates the entire section as if it were set out in full in the power of attorney.

3. A principal may modify authority incorporated by reference.

4. Except as otherwise provided in NRS 162A.450, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

5. Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this State and whether or not the authority is exercised or the power of attorney is executed in this State.

6. An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.



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

Sec. 3. NRS 162A.620 is hereby amended to read as follows:

162A.620 A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by NRS 162A.200 to 162A.660, inclusive:

STATUTORY FORM POWER OF ATTORNEY

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

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

2. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

3. THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.

4. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF 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 OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.



6. YOUR AGENT IS ENTITLED TO REASONABLE
COMPENSATION UNLESS YOU STATE OTHERWISE
IN THE SPECIAL INSTRUCTIONS.

7. THIS FORM PROVIDES FOR DESIGNATION OF
ONE AGENT. IF YOU WISH TO NAME MORE THAN
ONE AGENT YOU MAY NAME A CO-AGENT IN THE
SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT
REQUIRED TO ACT TOGETHER UNLESS YOU
INCLUDE THAT REQUIREMENT IN THE SPECIAL
INSTRUCTIONS.

8. IF YOUR AGENT IS UNABLE OR UNWILLING
TO ACT FOR YOU, YOUR POWER OF ATTORNEY
WILL END UNLESS YOU HAVE NAMED A
SUCCESSOR AGENT. YOU MAY ALSO NAME A
SECOND SUCCESSOR AGENT.

9. YOU HAVE THE RIGHT TO REVOKE THE
AUTHORITY GRANTED TO THE PERSON
DESIGNATED IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR
DURABLE POWER OF ATTORNEY.

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 AGENT.

I,
(insert your name) do hereby designate and appoint:

Name:

Address:

Telephone Number:

as my agent to make decisions for me and in my name, place
and stead and for my use and benefit and to exercise the
powers as authorized in this document.

2. 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 decisions as the agent designated
above 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 my agent is unable or unwilling to act for me, then I
designate the following person(s) to serve as my agent as



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authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent

Name:
Address:
Telephone Number:

B. Second Alternative Agent

Name:
Address:
Telephone Number:

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, 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.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- [.....] Real Property
- [.....] Tangible Personal Property
- [.....] Stocks and Bonds
- [.....] Commodities and Options
- [.....] Banks and Other Financial Institutions
- [.....] Safe Deposit Boxes
- [.....] Operation of Entity or Business
- [.....] Insurance and Annuities
- [.....] Estates, Trusts and Other Beneficial Interests
- [.....] Legal Affairs, Claims and Litigation
- [.....] Personal Maintenance
- [.....] Benefits from Governmental Programs or Civil or Military Service



- [.....] Retirement Plans
- [.....] Taxes
- [.....] All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property 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

7. LIMITATION ON AGENT'S AUTHORITY.

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

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

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

9. AUTHORITY OF PRINCIPAL.

Except as otherwise expressly provided in this Power of Attorney, the authority of a principal to act on his or her own behalf continues after executing this Power of Attorney



and any decision or instruction communicated by the principal supersedes any inconsistent decision or instruction communicated by an agent appointed pursuant to this Power of Attorney.

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

[.....] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

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

[.....] I wish to have this Power of Attorney become effective on the following date:

[.....] I wish to have this Power of Attorney end on the following date:

~~[10.]~~ **11. THIRD PARTY PROTECTION.**

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

~~[11.]~~ **12. 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.]~~ **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.



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

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

IMPORTANT INFORMATION FOR AGENT

1. **Agent's Duties.** When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the Power of Attorney is terminated or revoked. You must:

- (a) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (b) Act in good faith;
- (c) Do nothing beyond the authority granted in this Power of Attorney; and
- (d) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the



principal and signing your own name as “agent” in the following manner:

(Principal’s Name) by (Your Signature) as Agent

2. Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

(a) Act loyally for the principal’s benefit;

(b) Avoid conflicts that would impair your ability to act in the principal’s best interest;

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

(d) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(e) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal’s expectations, to act in the principal’s best interest; and

(f) Attempt to preserve the principal’s estate plan if you know the plan and preserving the plan is consistent with the principal’s best interest.

3. Termination of Agent’s Authority. You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:

(a) Death of the principal;

(b) The principal’s revocation of the Power of Attorney or your authority;

(c) The occurrence of a termination event stated in the Power of Attorney;

(d) The purpose of the Power of Attorney is fully accomplished; or

(e) If you are married to the principal, your marriage is dissolved.

4. Liability of Agent. The meaning of the authority granted to you is defined in NRS 162A.200 to 162A.660, inclusive. If you violate NRS 162A.200 to 162A.660, inclusive, or act outside the authority granted in this Power of Attorney, you may be liable for any damages caused by your violation.

5. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Sec. 4. NRS 162A.700 is hereby amended to read as follows:

162A.700 NRS 162A.700 to 162A.865, inclusive, *and section*

1.5 of this act apply to any power of attorney containing the authority to make health care decisions.



Sec. 5. NRS 162A.710 is hereby amended to read as follows:
162A.710 As used in NRS 162A.700 to 162A.865, inclusive,
and section 1.5 of this act, unless the context otherwise requires, the
words and terms defined in NRS 162A.720 to 162A.780, inclusive,
have the meanings ascribed to them in those sections.

Sec. 6. NRS 162A.860 is hereby amended to read as follows:
162A.860 Except as otherwise provided in NRS 162A.865,
and section 1.5 of this act, the form of a power of attorney for
health care may be substantially in the following form, and must be
witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

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

1. THIS DOCUMENT GIVES THE PERSON YOU
DESIGNATE AS YOUR AGENT THE POWER TO MAKE
HEALTH CARE DECISIONS FOR YOU. THIS POWER IS
SUBJECT TO ANY LIMITATIONS OR STATEMENT OF
YOUR DESIRES THAT YOU INCLUDE IN THIS
DOCUMENT. THE POWER TO MAKE HEALTH CARE
DECISIONS FOR YOU MAY INCLUDE CONSENT,
REFUSAL OF CONSENT OR WITHDRAWAL OF
CONSENT TO ANY CARE, TREATMENT, SERVICE OR
PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A
PHYSICAL OR MENTAL CONDITION. YOU MAY
STATE IN THIS DOCUMENT ANY TYPES OF
TREATMENT OR PLACEMENTS THAT YOU DO NOT
DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS
DOCUMENT HAS A DUTY TO ACT CONSISTENT
WITH YOUR DESIRES AS STATED IN THIS
DOCUMENT OR OTHERWISE MADE KNOWN OR, IF
YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR
BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS
DOCUMENT, THE POWER OF THE PERSON YOU
DESIGNATE TO MAKE HEALTH CARE DECISIONS
FOR YOU MAY INCLUDE THE POWER TO CONSENT



1 TO YOUR DOCTOR NOT GIVING TREATMENT OR
2 STOPPING TREATMENT WHICH WOULD KEEP YOU
3 ALIVE.

4 4. UNLESS YOU SPECIFY A SHORTER PERIOD IN
5 THIS DOCUMENT, THIS POWER WILL EXIST
6 INDEFINITELY FROM THE DATE YOU EXECUTE THIS
7 DOCUMENT AND, IF YOU ARE UNABLE TO MAKE
8 HEALTH CARE DECISIONS FOR YOURSELF, THIS
9 POWER WILL CONTINUE TO EXIST UNTIL THE TIME
10 WHEN YOU BECOME ABLE TO MAKE HEALTH CARE
11 DECISIONS FOR YOURSELF.

12 5. NOTWITHSTANDING THIS DOCUMENT, YOU
13 HAVE THE RIGHT TO MAKE MEDICAL AND OTHER
14 HEALTH CARE DECISIONS FOR YOURSELF SO LONG
15 AS YOU CAN GIVE INFORMED CONSENT WITH
16 RESPECT TO THE PARTICULAR DECISION. IN
17 ADDITION, NO TREATMENT MAY BE GIVEN TO YOU
18 OVER YOUR OBJECTION, AND HEALTH CARE
19 NECESSARY TO KEEP YOU ALIVE MAY NOT BE
20 STOPPED IF YOU OBJECT.

21 6. YOU HAVE THE RIGHT TO REVOKE THE
22 APPOINTMENT OF THE PERSON DESIGNATED IN
23 THIS DOCUMENT TO MAKE HEALTH CARE
24 DECISIONS FOR YOU BY NOTIFYING THAT PERSON
25 OF THE REVOCATION ORALLY OR IN WRITING.

26 7. YOU HAVE THE RIGHT TO REVOKE THE
27 AUTHORITY GRANTED TO THE PERSON
28 DESIGNATED IN THIS DOCUMENT TO MAKE
29 HEALTH CARE DECISIONS FOR YOU BY NOTIFYING
30 THE TREATING PHYSICIAN, HOSPITAL OR OTHER
31 PROVIDER OF HEALTH CARE ORALLY OR IN
32 WRITING.

33 8. THE PERSON DESIGNATED IN THIS
34 DOCUMENT TO MAKE HEALTH CARE DECISIONS
35 FOR YOU HAS THE RIGHT TO EXAMINE YOUR
36 MEDICAL RECORDS AND TO CONSENT TO THEIR
37 DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN
38 THIS DOCUMENT.

39 9. THIS DOCUMENT REVOKES ANY PRIOR
40 DURABLE POWER OF ATTORNEY FOR HEALTH
41 CARE.

42 10. IF THERE IS ANYTHING IN THIS DOCUMENT
43 THAT YOU DO NOT UNDERSTAND, YOU SHOULD
44 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 expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

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

6. STATEMENT OF DESIRES.

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



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

1
2
3
4
5
6 1. I desire that my life be
7 prolonged to the greatest extent
8 possible, without regard to my
9 condition, the chances I have for
10 recovery or long-term survival,
11 or the cost of the procedures.

[.....]

12 2. If I am in a coma which
13 my doctors have reasonably
14 concluded is irreversible, I
15 desire that life-sustaining or
16 prolonging treatments not be
17 used. (Also should utilize
18 provisions of NRS 449A.400 to
19 449A.481, inclusive, if this
20 subparagraph is initialed.)

[.....]

21 3. If I have an incurable or
22 terminal condition or illness and
23 no reasonable hope of long-term
24 recovery or survival, I desire
25 that life-sustaining or
26 prolonging treatments not be
27 used. (Also should utilize
28 provisions of NRS 449A.400 to
29 449A.481, inclusive, if this
30 subparagraph is initialed.)

[.....]

31 4. Withholding or
32 withdrawal of artificial nutrition
33 and hydration may result in
34 death by starvation or
35 dehydration. I want to receive or
36 continue receiving artificial
37 nutrition and hydration by way
38 of the gastrointestinal tract after
39 all other treatment is withheld.

[.....]

40 5. I do not desire treatment
41 to be provided and/or continued
42 if the burdens of the treatment
43 outweigh the expected benefits.
44 My agent is to consider the
45 relief of suffering, the



1 preservation or restoration of
2 functioning, and the quality as
3 well as the extent of the possible
4 extension of my life. [.....]

5
6 (If you wish to change your answer, you may do so by
7 drawing an "X" through the answer you do not want, and
8 circling the answer you prefer.)

9 Other or Additional Statements of Desires:
10
11
12
13
14

15
16 7. DESIGNATION OF ALTERNATE AGENT.

17 (You are not required to designate any alternative agent
18 but you may do so. Any alternative agent you designate will
19 be able to make the same health care decisions as the agent
20 designated in paragraph 1, page 2, in the event that he or she
21 is unable or unwilling to act as your agent. Also, if the agent
22 designated in paragraph 1 is your spouse, his or her
23 designation as your agent is automatically revoked by law if
24 your marriage is dissolved.)

25 If the person designated in paragraph 1 as my agent is
26 unable to make health care decisions for me, then I designate
27 the following persons to serve as my agent to make health
28 care decisions for me as authorized in this document, such
29 persons to serve in the order listed below:
30

31 A. First Alternative Agent

32 Name:
33 Address:
34 Telephone Number:

35
36 B. Second Alternative Agent

37 Name:
38 Address:
39 Telephone Number:
40

41 8. PRIOR DESIGNATIONS REVOKED.

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



9. WAIVER OF CONFLICT OF INTEREST.

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

10. CHALLENGES.

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

11. NOMINATION OF GUARDIAN.

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

12. RELEASE OF INFORMATION.

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

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

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

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR



ACKNOWLEDGE YOUR SIGNATURE OR (2)
ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

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

State of Nevada }
County of } ss.
County of }

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

NOTARY SEAL

.....
(Signature of Notary Public)

STATEMENT OF WITNESSES

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

I declare under penalty of perjury that the principal is
personally known to me, that the principal signed or
acknowledged this durable power of attorney in my presence,
that the principal appears to be of sound mind and under no



* S B 1 2 1 R 1 *

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

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



DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

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

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

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

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

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

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either



by telling my agent that he or she is no longer my agent or by putting it in writing.

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

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

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

.....
(Signature)

AGENT SIGNATURE

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

I also agree that:

1. I have a duty to act in a manner consistent with the desires of..... (insert name of principal) as stated in this document or otherwise made known by..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this



document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449A.203;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of..... (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: Residence Address:

Print Name:

Date:

Relationship to principal:

Length of relationship to principal:

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

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC



* S B 1 2 1 R 1 *

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

State of Nevada }
County of..... } ss.

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

NOTARY SEAL
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

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

Signature: 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.

2. The form for end-of-life decisions of a power of attorney for
health care for an adult with an intellectual disability may be
substantially in the following form, and must be witnessed or
executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM STATEMENT OF DESIRES

(You can, but are not required to, state what you want to
happen if you get very sick and are not likely to get well. You
do not have to complete this form, but if you do, your agent
must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if
you get very sick, whether to continue with your medicine or
to stop your medicine, even if it means you might not
live..... (Insert name of agent) will talk to you to
find out what you want to do, and will follow your wishes.



* S B 1 2 1 R 1 *

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

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

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO

2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me. YES NO

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better. YES NO

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO

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

I sign my name to this End-of-Life Decisions Addendum on (date) at (city), (state)

.....
(Signature)

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

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

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



1 State of Nevada }
2 } ss.
3 County of }
4

5 On this..... day of....., in the year...., before
6 me,..... (here insert name of notary public) personally
7 appeared..... (here insert name of principal) personally
8 known to me (or proved to me on the basis of satisfactory
9 evidence) to be the person whose name is subscribed to this
10 instrument, and acknowledged that he or she executed it. ~~I~~
11 ~~declare under penalty of perjury that the person whose name~~
12 ~~is ascribed to this instrument appears to be of sound mind and~~
13 ~~under no duress, fraud or undue influence.]~~
14

15 NOTARY SEAL
16 (Signature)
17

18 STATEMENT OF WITNESSES

19
20 (If you choose to use witnesses instead of having this
21 document notarized, you must use two qualified adult
22 witnesses. The following people cannot be used as a witness:
23 (1) a person you designate as the agent; (2) a provider of
24 health care; (3) an employee of a provider of health care; (4)
25 the operator of a health care facility; or (5) an employee of an
26 operator of a health care facility. At least one of the witnesses
27 must make the additional declaration set out following the
28 place where the witnesses sign.)

29 I declare under penalty of perjury that the principal is
30 personally known to me, that the principal signed or
31 acknowledged this End-of-Life Decisions Addendum in my
32 presence, that the principal appears to be of sound mind and
33 under no duress, fraud or undue influence, that I am not the
34 person appointed as agent by the power of attorney for health
35 care and that I am not a provider of health care, an employee
36 of a provider of health care, the operator of a health care
37 facility or an employee of an operator of a health care facility.
38

39 Signature: Residence Address:
40 Print Name:
41 Date:
42

43 Signature: Residence Address:
44 Print Name:
45 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 End-of-Life Decisions Addendum
should be available so a copy may be given to your providers of
health care.

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

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

*2. In a county whose population is less than 100,000, a public
guardian may petition a court to investigate the financial status,
assets and personal and family history of any ~~[person for whom the
public guardian has been appointed as guardian,]~~ potential protected
person for whom the public guardian has received a referral from
the Aging and Disability Services Division of the Department of
Health and Human Services, a law enforcement agency or a court
in connection with a criminal or civil matter relating to the
potential protected person, without hiring or being licensed as a*



1 private investigator pursuant to chapter 648 of NRS. In connection
2 with the investigation, the public guardian may require any
3 ~~{protected person}~~ *potential protected person* or any spouse, parent,
4 child or other kindred of the ~~{protected person}~~ *potential protected*
5 *person*, to give any information and to execute and deliver any
6 written requests or authorizations necessary to provide the public
7 guardian with access to records, otherwise confidential, which are
8 needed by the public guardian. The public guardian may obtain
9 information from any public record office of the State or any of its
10 agencies or subdivisions upon request and without payment of any
11 fees.

12 **3. As used in this section:**

13 (a) *“Potential protected person” means any person, other than*
14 *a minor, for whom a referral for investigation has been sent to the*
15 *public guardian.*

16 (b) *“Protected person” has the meaning ascribed to it in*
17 *NRS 159.0253.*

