
ASSEMBLY BILL NO. 229—COMMITTEE ON JUDICIARY

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

MARCH 11, 2013

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to the mandatory reporting of elder abuse. (BDR 15-123)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: 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 crimes; expanding the list of persons who are required to report the abuse, neglect, exploitation or isolation of an older person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the abuse, neglect, exploitation and isolation of persons
2 who are 60 years of age or older and requires certain persons to report suspected
3 instances of the abuse, neglect, exploitation or isolation of persons who are 60 years
4 of age or older. (NRS 200.5091-200.50995) Existing law further makes it a
5 misdemeanor if such a person fails to make a report. (NRS 200.5093) In 2005,
6 members of the clergy, practitioners of Christian Science, religious leaders and
7 attorneys were removed as persons required to make such reports. (Ch. 324, Stats.
8 2005, at p. 1110) This bill adds those persons back as required reporters of
9 suspected instances of the abuse, neglect, exploitation or isolation of a person who
10 is 60 years of age or older.



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

1 **Section 1.** NRS 200.5093 is hereby amended to read as
2 follows:

3 200.5093 1. Any person who is described in subsection 4 and
4 who, in a professional or occupational capacity, knows or has
5 reasonable cause to believe that an older person has been abused,
6 neglected, exploited or isolated shall:

7 (a) Except as otherwise provided in subsection 2, report the
8 abuse, neglect, exploitation or isolation of the older person to:

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

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

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

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

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

21 2. If a person who is required to make a report pursuant to
22 subsection 1 knows or has reasonable cause to believe that the
23 abuse, neglect, exploitation or isolation of the older person involves
24 an act or omission of the Aging and Disability Services Division,
25 another division of the Department of Health and Human Services
26 or a law enforcement agency, the person shall make the report to an
27 agency other than the one alleged to have committed the act or
28 omission.

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

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

35 (a) Every physician, dentist, dental hygienist, chiropractor,
36 optometrist, podiatric physician, medical examiner, resident, intern,
37 professional or practical nurse, physician assistant licensed pursuant
38 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
39 psychologist, marriage and family therapist, clinical professional
40 counselor, clinical alcohol and drug abuse counselor, alcohol and
41 drug abuse counselor, music therapist, athletic trainer, driver of an
42 ambulance, advanced emergency medical technician, licensed



1 dietitian or other person providing medical services licensed or
2 certified to practice in this State, who examines, attends or treats an
3 older person who appears to have been abused, neglected, exploited or
4 isolated.

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

11 (c) A coroner.

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

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

16 (f) Every person who operates, who is employed by or who
17 contracts to provide services for an intermediary service
18 organization as defined in NRS 427A.0291.

19 (g) Any employee of the Department of Health and Human
20 Services.

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

24 (i) Any person who maintains or is employed by a facility or
25 establishment that provides care for older persons.

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

31 (k) Every social worker.

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

34 *(m) Every member of the clergy, practitioner of Christian*
35 *Science or religious healer, unless he or she acquired the*
36 *knowledge of abuse, neglect, exploitation or isolation of the older*
37 *person from the offender during a confession.*

38 *(n) Every attorney, unless he or she acquired the knowledge of*
39 *abuse, neglect, exploitation or isolation of the older person from a*
40 *client who has been or may be accused of such abuse, neglect,*
41 *exploitation or isolation.*

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

43 6. If a person who is required to make a report pursuant to
44 subsection 1 knows or has reasonable cause to believe that an older
45 person has died as a result of abuse, neglect or isolation, the person



1 shall, as soon as reasonably practicable, report this belief to the
2 appropriate medical examiner or coroner, who shall investigate the
3 cause of death of the older person and submit to the appropriate
4 local law enforcement agencies, the appropriate prosecuting
5 attorney, the Aging and Disability Services Division of the
6 Department of Health and Human Services and the Unit for the
7 Investigation and Prosecution of Crimes his or her written findings.
8 The written findings must include the information required pursuant
9 to the provisions of NRS 200.5094, when possible.

10 7. A division, office or department which receives a report
11 pursuant to this section shall cause the investigation of the report to
12 commence within 3 working days. A copy of the final report of the
13 investigation conducted by a division, office or department, other
14 than the Aging and Disability Services Division of the Department
15 of Health and Human Services, must be forwarded within 30 days
16 after the completion of the report to the:

- 17 (a) Aging and Disability Services Division;
- 18 (b) Repository for Information Concerning Crimes Against
19 Older Persons created by NRS 179A.450; and
- 20 (c) Unit for the Investigation and Prosecution of Crimes.

21 8. If the investigation of a report results in the belief that an
22 older person is abused, neglected, exploited or isolated, the Aging
23 and Disability Services Division of the Department of Health and
24 Human Services or the county's office for protective services may
25 provide protective services to the older person if the older person is
26 able and willing to accept them.

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

29 10. As used in this section, "Unit for the Investigation and
30 Prosecution of Crimes" means the Unit for the Investigation and
31 Prosecution of Crimes Against Older Persons in the Office of the
32 Attorney General created pursuant to NRS 228.265.

