

MOCK-UP

PROPOSED AMENDMENT 6107 TO
SENATE BILL NO. 540
FIRST REPRINT

PREPARED FOR ASSEMBLYWOMAN BENITEZ-THOMPSON
JUNE 2, 2019

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

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.

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.

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

11 Existing law requires certain persons in their professional or occupational capacity, who
12 know or have reasonable cause to believe that an older person has been abused, neglected,
13 exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or
14 abandonment within 24 hours to: (1) a local office of the Aging and Disability Services
15 Division of the Department of Health and Human Services; (2) a police department or

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Submitted by: Assemblywoman Teresa Benitez-Thompson

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

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

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

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

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

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

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

54 Senate Bill No. 223 of the 2019 Legislative Session provides that an agent
55 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 the 2019 Legislative 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 2 of Senate Bill No. 223 of the 2019 Legislative 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 placement in a facility or a home that provides residential care.

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

- 1 **Section 1.** NRS 179A.450 is hereby amended to read as follows:
2 179A.450 1. The Repository for Information Concerning Crimes
3 Against Older Persons *or Vulnerable Persons* is hereby created within the
4 Central Repository.
5 2. The Repository for Information Concerning Crimes Against Older
6 Persons *or Vulnerable Persons* must contain a complete and systematic
7 record of all reports of the abuse, neglect, exploitation, isolation or
8 abandonment of older persons *or vulnerable persons* in this State. The
9 record must be prepared in a manner approved by the Director of the
10 Department and must include, without limitation, the following
11 information:
12 (a) All incidents that are reported to state and local law enforcement
13 agencies and the Aging and Disability Services Division of the Department
14 of Health and Human Services.
15 (b) All cases that were investigated and the type of such cases.
16 3. On or before July 1 of each year, the Director of the Department
17 shall prepare and submit a report to the Director of the Legislative Counsel
18 Bureau for transmittal to the Legislature that sets forth statistical data on
19 the abuse, neglect, exploitation, isolation or abandonment of older persons
20 ~~+~~ *or vulnerable persons*.
21 4. The data and findings generated pursuant to this section must not
22 contain information that may reveal the identity of an individual victim or
23 a person accused of the abuse, neglect, exploitation, isolation or
24 abandonment of older persons ~~+~~ *or vulnerable persons*.
25 5. As used in this section:
26 (a) “Abandonment” has the meaning ascribed to it in
27 NRS 200.5092.
28 (b) “Abuse” has the meaning ascribed to it in NRS 200.5092.
29 (c) “Exploitation” has the meaning ascribed to it in
30 NRS 200.5092.

- 1 (d) "Isolation" has the meaning ascribed to it in NRS 200.5092.
- 2 (e) "Neglect" has the meaning ascribed to it in NRS 200.5092.
- 3 (f) "Older person" means a person who is 60 years of age or older.
- 4 (g) "*Vulnerable person*" has the meaning ascribed to it in
- 5 *NRS 200.5092.*

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

7 49.2549 There is no privilege pursuant to NRS 49.2547 if:

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

11 2. The communication concerns a report of abuse or neglect of a
12 child, older person or vulnerable person in violation of NRS 200.508 ~~or~~ *or*
13 200.5093 , ~~for 200.50935;~~ but only as to that portion of the
14 communication;

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

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

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

20 90.6145 1. Each broker-dealer and investment adviser shall
21 designate a person or persons to whom a sales representative,
22 representative of the investment adviser or officer or employee of the
23 broker-dealer or investment adviser must report known or suspected
24 exploitation of an older person or vulnerable person.

25 2. If a sales representative, representative of an investment adviser or
26 officer or employee of the broker-dealer or investment adviser reports
27 known or suspected exploitation of an older person *or vulnerable person*
28 to a designated reporter and, based on such a report or based on his or her
29 own observations or knowledge, the designated reporter knows or has
30 reasonable cause to believe that an older person *or vulnerable person* has
31 been 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
35 of the 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
38 county where the suspected exploitation occurred; or

39 (4) A toll-free telephone service designated by the Aging and
40 Disability Services Division; 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
43 that the exploitation of an older person *or vulnerable person* involves an
44 act or omission of the Aging and Disability Services Division, another
45 division of the Department of Health and Human Services or a law

1 enforcement agency, the designated reporter shall make the report to an
2 agency other than the agency alleged to have committed the act or
3 omission.

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

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

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

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

20 ~~—6.†~~ In accordance with the provisions of subsection 3 of NRS
21 239A.070, in making a report pursuant to this section, a designated
22 reporter may:

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

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

30 ~~†7.†~~ 5. A sales representative, representative of an investment adviser
31 or officer or employee of a broker-dealer or investment adviser and a
32 designated reporter are entitled to the immunity from liability set forth in
33 NRS 200.5096 for making a report pursuant to this section in good faith.

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

35 162A.860 Except as otherwise provided in NRS 162A.865, the form
36 of a power of attorney for health care may be substantially in the following
37 form, and must be witnessed or executed in the same manner as the
38 following form:

39
40 DURABLE POWER OF ATTORNEY
41 FOR HEALTH CARE DECISIONS
42
43 WARNING TO PERSON EXECUTING THIS DOCUMENT
44

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

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

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

21 3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS
22 DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO
23 MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE
24 POWER TO CONSENT TO YOUR DOCTOR NOT GIVING
25 TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP
26 YOU ALIVE.

27 4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS
28 DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM
29 THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE
30 UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF,
31 THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN
32 YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR
33 YOURSELF.

34 5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE
35 RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE
36 DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE
37 INFORMED CONSENT WITH RESPECT TO THE PARTICULAR
38 DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO
39 YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY
40 TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

41 6. YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE,
42 EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE
43 PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT,
44 WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR
45 FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE

1 ARE MOVED TO FACILITIES WITH LOCKED DOORS TO
 2 PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM
 3 LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO
 4 PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU
 5 SHOULD DISCUSS WITH YOUR AGENT YOUR DESIRES ABOUT
 6 WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH
 7 DECLINES. YOU HAVE THE RIGHT TO DETERMINE WHETHER
 8 TO AUTHORIZE YOUR AGENT TO MAKE DECISIONS FOR YOU
 9 ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER
 10 CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT
 11 PROVIDE SUCH AUTHORIZATION TO YOUR AGENT, YOUR
 12 AGENT MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A
 13 MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT
 14 OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.

15 7. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT
 16 OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE
 17 HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT
 18 PERSON OF THE REVOCATION ORALLY OR IN WRITING.

19 ~~7~~ 8. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY
 20 GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT
 21 TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING
 22 THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF
 23 HEALTH CARE ORALLY OR IN WRITING.

24 ~~8~~ 9. THE PERSON DESIGNATED IN THIS DOCUMENT TO
 25 MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO
 26 EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO
 27 THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS
 28 DOCUMENT.

29 ~~9~~ 10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE
 30 POWER OF ATTORNEY FOR HEALTH CARE.

31 ~~10~~ 11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT
 32 YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO
 33 EXPLAIN IT TO YOU.

34
 35 1. DESIGNATION OF HEALTH CARE AGENT.
 36 I,
 37 (insert your name) do hereby designate and appoint:

38
 39 Name:
 40 Address:
 41 Telephone Number:

42
 43 as my agent to make health care decisions for me as authorized in this
 44 document.

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

8 2. CREATION OF DURABLE POWER OF ATTORNEY FOR
9 HEALTH CARE.

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

14 3. GENERAL STATEMENT OF AUTHORITY GRANTED.

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

29 4. SPECIAL PROVISIONS AND LIMITATIONS.

30 (Your agent is not permitted to consent to any of the following:
31 commitment to or placement in a mental health treatment facility,
32 convulsive treatment, psychosurgery, sterilization or abortion. If there are
33 any other types of treatment or placement that you do not want your
34 agent's authority to give consent for or other restrictions you wish to place
35 on his or her agent's authority, you should list them in the space below. If
36 you do not write any limitations, your agent will have the broad powers to
37 make health care decisions on your behalf which are set forth in paragraph
38 3, except to the extent that there are limits provided by law.)

39 In exercising the authority under this durable power of attorney for
40 health care, the authority of my agent is subject to the following special
41 provisions and limitations:
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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 ~~11~~ 12 **CONCERNING TREATMENT.**

(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.)

~~11~~ 12 **A.** I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. []

~~12~~ 13 **B.** If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) []

~~13~~ 14 **C.** If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) []

~~14~~ 15 **D.** Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. []

1 ~~15.1~~ E. I do not desire treatment to be provided and/or continued if
2 the burdens of the treatment outweigh the expected benefits. My agent is to
3 consider the relief of suffering, the preservation or restoration of
4 functioning, and the quality as well as the extent of the possible extension
5 of my life. []

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

9 Other or Additional Statements of Desires:
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16 7. STATEMENT OF DESIRES CONCERNING LIVING
17 ARRANGEMENTS

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

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

34
35 (If you wish to change your answer, you may do so by drawing an
36 "X" through the answer you do not want, and circling the answer you
37 prefer.)

38 Other or Additional Statements of Desires:
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45 8. DESIGNATION OF ALTERNATE AGENT.

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

7 If the person designated in paragraph 1 as my agent is unable to make
8 health care decisions for me, then I designate the following persons to
9 serve as my agent to make health care decisions for me as authorized in
10 this document, such persons to serve in the order listed below:

11
12 A. First Alternative Agent

13 Name:
14 Address:
15 Telephone Number:

16
17 B. Second Alternative Agent

18 Name:
19 Address:
20 Telephone Number:

21
22 ~~18~~ 9. PRIOR DESIGNATIONS REVOKED.

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

24 ~~19~~ 10. WAIVER OF CONFLICT OF INTEREST.

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

29 ~~10~~ 11. CHALLENGES.

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

37 ~~11~~ 12. NOMINATION OF GUARDIAN.

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

42 ~~12~~ 13. RELEASE OF INFORMATION.

43 I agree to, authorize and allow full release of information by any
44 government agency, medical provider, business, creditor or third party who
45 may have information pertaining to my health care, to my agent named

1 herein, pursuant to the Health Insurance Portability and Accountability Act
2 of 1996, Public Law 104-191, as amended, and applicable regulations.

3
4 (YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

5
6 I sign my name to this Durable Power of Attorney for Health Care on
7 (date) at (city), (state)

8
9 (Signature)

10
11 (THIS POWER OF ATTORNEY WILL NOT BE VALID FOR
12 MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1)
13 SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE
14 PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN
15 YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2)
16 ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

17
18 CERTIFICATE OF ACKNOWLEDGMENT
19 OF NOTARY PUBLIC

20
21 (You may use acknowledgment before a notary public instead of the
22 statement of witnesses.)

23
24 State of Nevada }
25 } ss.
26 County of }

27
28 On this..... day of....., in the year..., before
29 me,..... (here insert name of notary public) personally
30 appeared..... (here insert name of principal) personally
31 known to me (or proved to me on the basis of satisfactory evidence) to be
32 the person whose name is subscribed to this instrument, and acknowledged
33 that he or she executed it. I declare under penalty of perjury that the person
34 whose name is ascribed to this instrument appears to be of sound mind and
35 under no duress, fraud or undue influence.

36
37 NOTARY SEAL
38 (Signature of Notary Public)

39
40 STATEMENT OF WITNESSES

41
42 (You should carefully read and follow this witnessing procedure. This
43 document will not be valid unless you comply with the witnessing
44 procedure. If you elect to use witnesses instead of having this document
45 notarized, you must use two qualified adult witnesses. None of the

1 following may be used as a witness: (1) a person you designate as the
2 agent; (2) a provider of health care; (3) an employee of a provider of health
3 care; (4) the operator of a health care facility; or (5) an employee of an
4 operator of a health care facility. At least one of the witnesses must make
5 the additional declaration set out following the place where the witnesses
6 sign.)

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

14
15 Signature: Residence Address:
16 Print Name:
17 Date:

18
19 Signature: Residence Address:
20 Print Name:
21 Date:

22
23 (AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO
24 SIGN THE FOLLOWING DECLARATION.)

25
26 I declare under penalty of perjury that I am not related to the principal
27 by blood, marriage or adoption and that to the best of my knowledge, I am
28 not entitled to any part of the estate of the principal upon the death of the
29 principal under a will now existing or by operation of law.

30
31 Signature:

32
33 Signature:

34
35
36 Names: Address:
37 Print Name:
38 Date:

39
40 COPIES: You should retain an executed copy of this document and give
41 one to your agent. The power of attorney should be available so a copy
42 may be given to your providers of health care.

43

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

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

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

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

16 **Sec. 5.** NRS 200.5092 is hereby amended to read as follows:
17 200.5092 As used in NRS 200.5091 to 200.50995, inclusive, **and**
18 **section 4 of this act**, unless the context otherwise requires:

19 1. "Abandonment" means:

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

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

25 2. "Abuse" means willful:

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

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

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

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

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

37 or

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ↪ The term does not include an act intended to protect the property or
40 physical or mental welfare of the older person or vulnerable person or an
41 act performed pursuant to the instructions of a physician of the older
42 person or vulnerable person.

43 5. "Neglect" means the failure of a person or a manager of a facility
44 who has assumed legal responsibility or a contractual obligation for caring
45 for an older person or a vulnerable person or who has voluntarily assumed

1 responsibility for his or her care to provide food, shelter, clothing or
2 services which are necessary to maintain the physical or mental health of
3 the older person or vulnerable person.

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

5 7. "Protective services" means services the purpose of which is to
6 prevent and remedy the abuse, neglect, exploitation, isolation and
7 abandonment of older persons ~~H~~ *or vulnerable persons*. The services may
8 include:

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

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

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

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

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

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

20 200.5093 1. Any person who is described in subsection 4 and who,
21 in a professional or occupational capacity, knows or has reasonable cause
22 to believe that an older person *or vulnerable person* has been abused,
23 neglected, exploited, isolated or abandoned shall:

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

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

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

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

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

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

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

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

7 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
8 podiatric physician, medical examiner, resident, intern, professional or
9 practical nurse, physician assistant licensed pursuant to chapter 630 or 633
10 of NRS, perfusionist, psychiatrist, psychologist, marriage and family
11 therapist, clinical professional counselor, clinical alcohol and drug abuse
12 counselor, alcohol and drug abuse counselor, music therapist, athletic
13 trainer, driver of an ambulance, paramedic, licensed dietitian or other
14 person providing medical services licensed or certified to practice in this
15 State, who examines, attends or treats an older person *or vulnerable*
16 *person* who appears to have been abused, neglected, exploited, isolated or
17 abandoned.

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

24 (c) A coroner.

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

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

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

32 (g) Any employee of the Department of Health and Human Services,
33 except the State Long-Term Care Ombudsman appointed pursuant to NRS
34 427A.125 and any of his or her advocates or volunteers where prohibited
35 from making such a report pursuant to 45 C.F.R. § 1321.11.

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

38 (i) Any person who maintains or is employed by a facility or
39 establishment that provides care for older persons ~~††~~ *or vulnerable*
40 *persons*.

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

- 1 (k) Every social worker.
2 (l) Any person who owns or is employed by a funeral home or
3 mortuary.
4 (m) Every person who operates or is employed by a peer support
5 recovery organization, as defined in NRS 449.01563.
6 (n) Every person who operates or is employed by a community health
7 worker pool, as defined in NRS 449.0028, or with whom a community
8 health worker pool contracts to provide the services of a community health
9 worker, as defined in NRS 449.0027.
10 5. A report may be made by any other person.
11 6. If a person who is required to make a report pursuant to subsection
12 1 knows or has reasonable cause to believe that an older person *or*
13 *vulnerable person* has died as a result of abuse, neglect, isolation or
14 abandonment, the person shall, as soon as reasonably practicable, report
15 this belief to the appropriate medical examiner or coroner, who shall
16 investigate the cause of death of the older person *or vulnerable person* and
17 submit to the appropriate local law enforcement agencies, the appropriate
18 prosecuting attorney, the Aging and Disability Services Division of the
19 Department of Health and Human Services and the Unit for the
20 Investigation and Prosecution of Crimes his or her written findings. The
21 written findings must include the information required pursuant to the
22 provisions of NRS 200.5094, when possible.
23 7. A division, office or department which receives a report pursuant
24 to this section shall cause the investigation of the report to commence
25 within 3 working days. A copy of the final report of the investigation
26 conducted by a division, office or department, other than the Aging and
27 Disability Services Division of the Department of Health and Human
28 Services, must be forwarded within 30 days after the completion of the
29 report to the:
30 (a) Aging and Disability Services Division;
31 (b) Repository for Information Concerning Crimes Against Older
32 Persons *or Vulnerable Persons* created by NRS 179A.450; and
33 (c) Unit for the Investigation and Prosecution of Crimes.
34 8. If the investigation of a report results in the belief that an older
35 person *or vulnerable person* is abused, neglected, exploited, isolated or
36 abandoned, the Aging and Disability Services Division of the Department
37 of Health and Human Services or the county's office for protective
38 services may provide protective services to the older person *or vulnerable*
39 *person* if the older person *or vulnerable person* is able and willing to
40 accept them.
41 9. A person who knowingly and willfully violates any of the
42 provisions of this section is guilty of a misdemeanor.
43 10. As used in this section, "Unit for the Investigation and
44 Prosecution of Crimes" means the Unit for the Investigation and

1 Prosecution of Crimes Against Older Persons *or Vulnerable Persons* in
2 the Office of the Attorney General created pursuant to NRS 228.265.

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

4 200.5094 1. A person may make a report pursuant to NRS 200.5093
5 ~~for 200.50935~~ by telephone or, in light of all the surrounding facts and
6 circumstances which are known or which reasonably should be known to
7 the person at the time, by any other means of oral, written or electronic
8 communication that a reasonable person would believe, under those facts
9 and circumstances, is a reliable and swift means of communicating
10 information to the person who receives the report. If the report is made
11 orally, the person who receives the report must reduce it to writing as soon
12 as reasonably practicable.

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

- 14 (a) The name and address of the older person or vulnerable person;
- 15 (b) The name and address of the person responsible for his or her care,
16 if there is one;
- 17 (c) The name and address, if available, of the person who is alleged to
18 have abused, neglected, exploited, isolated or abandoned the older person
19 or vulnerable person;
- 20 (d) The nature and extent of the abuse, neglect, exploitation, isolation
21 or abandonment of the older person or vulnerable person;
- 22 (e) Any evidence of previous injuries; and
- 23 (f) The basis of the reporter's belief that the older person or vulnerable
24 person has been abused, neglected, exploited, isolated or abandoned.

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

26 200.5095 1. Reports made pursuant to NRS 200.5093 ~~for 200.50935~~
27 and 200.5094, and records and investigations relating to those reports, are
28 confidential.

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

- 33 (a) Pursuant to a criminal prosecution;
- 34 (b) Pursuant to NRS 200.50982; or
- 35 (c) To persons or agencies enumerated in subsection 3,
36 ↪ is guilty of a misdemeanor.

37 3. Except as otherwise provided in subsection 2 and NRS 200.50982,
38 data or information concerning the reports and investigations of the abuse,
39 neglect, exploitation, isolation or abandonment of an older person or a
40 vulnerable person is available only to:

- 41 (a) A physician who is providing care to an older person or a
42 vulnerable person who may have been abused, neglected, exploited,
43 isolated or abandoned;
- 44 (b) An agency responsible for or authorized to undertake the care,
45 treatment and supervision of the older person or vulnerable person;

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

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

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

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

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

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

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

25 ~~for~~
26 (j) The older person or vulnerable person named in the report as
27 allegedly being abused, neglected, exploited, isolated or abandoned, if that
28 person is not legally ~~incompetent~~ **incapacitated**;

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

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

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

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

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

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

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

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

8 200.5098 1. The Aging and Disability Services Division of the
9 Department of Health and Human Services shall:

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

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

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

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

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

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

41 200.50982 1. The provisions of NRS 200.5091 to 200.50995,
42 inclusive, *and section 4 of this act* do not prohibit ~~†an†~~:

43 (a) *An* agency which is investigating a report of abuse, neglect,
44 exploitation, isolation or abandonment, or which provides protective
45 services, from disclosing data or information concerning the reports and

1 investigations of the abuse, neglect, exploitation, isolation or abandonment
2 of an older person or a vulnerable person to other federal, state or local
3 agencies or the legal representatives of the older person or vulnerable
4 person on whose behalf the investigation is being conducted if:

5 ~~1(a)~~ (1) The agency making the disclosure determines that the
6 disclosure is in the best interest of the older person or vulnerable person;
7 and

8 ~~1(b)~~ (2) Proper safeguards are taken to ensure the confidentiality of the
9 information.

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

16 2. If the Aging and Disability Services Division of the Department of
17 Health and Human Services is investigating a report of abuse, neglect,
18 exploitation, isolation or abandonment of an older person ~~1~~ *or vulnerable*
19 *person*, a law enforcement agency shall, upon request of the Aging and
20 Disability Services Division, provide information relating to any suspect in
21 the investigation as soon as possible. The information must include, when
22 possible:

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

24 (b) Whether or not the suspect resides with or near the older person ~~1~~
25 *or vulnerable person*; and

26 (c) A summary of any events, incidents or arrests which have occurred
27 at the residence of the suspect or the older person *or vulnerable person*
28 within the past 90 days and which involve physical violence or concerns
29 related to public safety or the health or safety of the older person ~~1~~
30 *vulnerable person*.

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

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

37 200.50984 1. Notwithstanding any other statute to the contrary, the
38 local office of the Aging and Disability Services Division of the
39 Department of Health and Human Services and a county's office for
40 protective services, if one exists in the county where a violation is alleged
41 to have occurred, may for the purpose of investigating an alleged violation
42 of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act*,
43 inspect all records pertaining to the older person *or vulnerable person* on
44 whose behalf the investigation is being conducted, including, but not
45 limited to, that person's medical and financial records.

1 2. Except as otherwise provided in this subsection, if a guardian has
2 not been appointed for the older person **H or vulnerable person**, the Aging
3 and Disability Services Division or the county's office for protective
4 services shall obtain the consent of the older person **or vulnerable person**
5 before inspecting those records. If the Aging and Disability Services
6 Division or the county's office for protective services determines that the
7 older person **or vulnerable person** is unable to consent to the inspection,
8 the inspection may be conducted without his or her consent. Except as
9 otherwise provided in this subsection, if a guardian has been appointed for
10 the older person **H or vulnerable person**, the Aging and Disability
11 Services Division or the county's office for protective services shall obtain
12 the consent of the guardian before inspecting those records. If the Aging
13 and Disability Services Division or the county's office for protective
14 services has reasonable cause to believe that the guardian is abusing,
15 neglecting, exploiting, isolating or abandoning the older person **H or**
16 **vulnerable person**, the inspection may be conducted without the consent
17 of the guardian, except that if the records to be inspected are in the
18 personal possession of the guardian, the inspection must be approved by a
19 court of competent jurisdiction.

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

21 200.50986 The local office of the Aging and Disability Services
22 Division of the Department of Health and Human Services or the county's
23 office for protective services may petition a court in accordance with NRS
24 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older
25 person **H or vulnerable person**, or the termination or modification of that
26 guardianship, if, based on its investigation, the Aging and Disability
27 Services Division or the county's office of protective services has
28 reasonable cause to believe that the guardian is abusing, neglecting,
29 exploiting, isolating or abandoning the older person **or vulnerable person**
30 in violation of NRS 200.5091 to 200.50995, inclusive **H**, **and section 4 of**
31 **this act.**

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

33 217.070 1. "Victim" means:

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

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

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

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

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

1 (f) An older person *or vulnerable person* who is abused, neglected,
2 exploited, isolated or abandoned in violation of NRS 200.5099 or
3 200.50995;

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

6 (h) A person who is trafficked in violation of subsection 2 of NRS
7 201.300.

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

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

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

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

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

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

18 228.250 As used in NRS 228.250 to 228.290, inclusive, *and section*
19 *14 of this act*, unless the context otherwise requires, the words and terms
20 defined in NRS 228.255 and 228.260 *and section 14 of this act* have the
21 meanings ascribed to them in those sections.

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

23 228.260 “Unit” means the Unit for the Investigation and Prosecution
24 of Crimes Against Older Persons *or Vulnerable Persons* created pursuant
25 to NRS 228.265.

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

27 228.265 There is hereby created in the Office of the Attorney General
28 the Unit for the Investigation and Prosecution of Crimes Against Older
29 Persons ~~or~~ *or Vulnerable Persons*.

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

31 228.270 1. The Unit may investigate and prosecute any alleged
32 abuse, neglect, exploitation, isolation or abandonment of an older person
33 *or vulnerable person* in violation of NRS 200.5099 or 200.50995 and any
34 failure to report such a violation pursuant to NRS 200.5093:

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

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

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

41 2. The Unit may organize or sponsor one or more multidisciplinary
42 teams to review any allegations of abuse, neglect, exploitation, isolation or
43 abandonment of an older person *or vulnerable person* or the death of an
44 older person *or vulnerable person* that is alleged to be from abuse, neglect,

1 isolation or abandonment. A multidisciplinary team may include, without
2 limitation, the following members:

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

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

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

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

29 228.275 The Unit may bring an action to enjoin or obtain any other
30 equitable relief to prevent the abuse, neglect, exploitation, isolation or
31 abandonment of an older person ~~H~~ *or vulnerable person*. The court may
32 award reasonable attorney's fees and costs if the Unit prevails in such an
33 action.

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

35 228.280 1. In addition to any criminal penalty, a person who is
36 convicted of a crime against an older person *or vulnerable person* for
37 which an additional term of imprisonment may be imposed pursuant to
38 paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse,
39 neglect, exploitation, isolation or abandonment of an older person *or*
40 *vulnerable person* pursuant to NRS 200.5099 or 200.50995 is liable for a
41 civil penalty to be recovered by the Attorney General in a civil action
42 brought in the name of the State of Nevada:

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

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

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

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

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

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

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

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

17 228.285 1. The Account for the Unit for the Investigation and
18 Prosecution of Crimes Against Older Persons *or Vulnerable Persons* is
19 hereby created in the State General Fund. The Attorney General shall
20 administer the Account.

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

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

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

29 228.290 1. The Unit may apply for any available grants and accept
30 gifts, grants, appropriations or donations to assist the Unit in carrying out
31 its duties pursuant to the provisions of this chapter.

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

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

36 228.495 1. The Committee may review the death of the victim of a
37 crime that constitutes domestic violence pursuant to NRS 33.018 if a court
38 or an agency of a local government does not organize or sponsor a
39 multidisciplinary team pursuant to NRS 217.475 or if the court or agency
40 requests the assistance of the Committee. In addition to the review of a
41 particular case, the Committee shall:

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

44 (b) Determine the number and type of incidents the Committee wishes
45 to review;

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

3 (d) Engage in activities to educate the public, providers of services to
4 victims of domestic violence and policymakers concerning deaths from
5 crimes that constitute domestic violence and strategies for intervention and
6 prevention of such crimes; and

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

10 2. The review of the death of a victim pursuant to this section does
11 not grant the Attorney General or the Committee supervisory authority
12 over, or restrict or impair the statutory authority of, any state or local
13 governmental agency responsible for the investigation or prosecution of
14 the death of a victim of a crime that constitutes domestic violence pursuant
15 to NRS 33.018.

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

19 4. The Committee may request any person, agency or organization
20 that is in possession of information or records concerning a victim who is
21 the subject of a review or any person who was in contact with the victim to
22 provide the Committee with any information or records that are relevant to
23 the review. Any information or records provided to the Committee
24 pursuant to this subsection are confidential.

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

29 (a) To review the death of the victim of a crime that
30 constitutes domestic violence organized or sponsored pursuant to NRS
31 217.475;

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

36 (c) To review the death of a child organized pursuant to NRS
37 432B.405; or

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

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

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

- 1 8. The Attorney General:
2 (a) May bring an action to recover a civil penalty imposed pursuant to
3 subsection 7 against a member of the Committee; and
4 (b) Shall deposit any money received from the civil penalty with the
5 State Treasurer for credit to the State General Fund.
6 9. The results of a review of the death of a victim conducted pursuant
7 to this section are not admissible in any civil action or proceeding.
8 10. The Committee shall submit a report of its activities pursuant to
9 this section to the Attorney General. The report must include, without
10 limitation, the findings and recommendations of the Committee. The report
11 must not include information that identifies any person involved in a
12 particular case under review. The Attorney General shall make the report
13 available to the public.
14 11. Any meeting of the Committee held to review the death of a
15 victim pursuant to this section, or any portion of a meeting of the
16 Committee during which the Committee reviews such a death, is not
17 subject to the provisions of chapter 241 of NRS.
18 **Sec. 24.** NRS 289.510 is hereby amended to read as follows:
19 289.510 1. The Commission:
20 (a) Shall meet at the call of the Chair, who must be elected by a
21 majority vote of the members of the Commission.
22 (b) Shall provide for and encourage the training and education of
23 persons whose primary duty is law enforcement to ensure the safety of the
24 residents of and visitors to this State.
25 (c) Shall adopt regulations establishing minimum standards for the
26 certification and decertification, recruitment, selection and training of
27 peace officers. The regulations must establish:
28 (1) Requirements for basic training for category I, category II and
29 category III peace officers and reserve peace officers;
30 (2) Standards for programs for the continuing education of peace
31 officers, including minimum courses of study and requirements concerning
32 attendance;
33 (3) Qualifications for instructors of peace officers; and
34 (4) Requirements for the certification of a course of training.
35 (d) Shall, when necessary, present courses of training and continuing
36 education courses for category I, category II and category III peace officers
37 and reserve peace officers.
38 (e) May make necessary inquiries to determine whether the agencies of
39 this State and of the local governments are complying with standards set
40 forth in its regulations.
41 (f) Shall carry out the duties required of the Commission pursuant to
42 NRS 432B.610 and 432B.620.
43 (g) May perform any other acts that may be necessary and appropriate
44 to the functions of the Commission as set forth in NRS 289.450 to
45 289.650, inclusive.

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

4 2. Regulations adopted by the Commission:

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

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

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

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

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

15 388.880 1. Except as otherwise provided in subsection 2, if any
16 person who knows or has reasonable cause to believe that another person
17 has made a threat of violence against a school official, school employee or
18 pupil reports in good faith that threat of violence to a school official,
19 teacher, school police officer, local law enforcement agency or potential
20 victim of the violence that is threatened, the person who makes the report
21 is immune from civil liability for any act or omission relating to that
22 report. Such a person is not immune from civil liability for any other act or
23 omission committed by the person as a part of, in connection with or as a
24 principal, accessory or conspirator to the violence, regardless of the nature
25 of the other act or omission.

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

27 (a) Is acting in his or her professional or occupational capacity and is
28 required to make a report pursuant to NRS 200.5093, ~~200.50935,~~
29 392.303 or 432B.220.

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

32 3. As used in this section:

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

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

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

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

42 (3) The Achievement School District.

43 (c) "School official" means:

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

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

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

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

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

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

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

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

11 394.177 1. Except as otherwise provided in subsection 2, if any
12 person who knows or has reasonable cause to believe that another person
13 has made a threat of violence against a school official, school employee or
14 pupil reports in good faith that threat of violence to a school official,
15 teacher, school police officer, local law enforcement agency or potential
16 victim of the violence that is threatened, the person who makes the report
17 is immune from civil liability for any act or omission relating to that
18 report. Such a person is not immune from civil liability for any other act or
19 omission committed by the person as a part of, in connection with or as a
20 principal, accessory or conspirator to the violence, regardless of the nature
21 of the other act or omission.

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

23 (a) Is acting in his or her professional or occupational capacity and is
24 required to make a report pursuant to NRS 200.5093, ~~200.50935,~~
25 392.303 or 432B.220.

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

28 3. As used in this section:

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

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

35 (c) "School official" means:

36 (1) An owner of a private school.

37 (2) A director of a private school.

38 (3) A supervisor at a private school.

39 (4) An administrator at a private school.

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

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

44 640B.700 1. The Board may refuse to issue a license to an applicant
45 or may take disciplinary action against a licensee if, after notice and a

1 hearing as required by law, the Board determines that the applicant or
2 licensee:

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

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

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

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

11 (e) Has violated the provisions of NRS 200.5093 ~~§ 200.50935~~ or
12 432B.220;

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

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

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

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

20 (j) Has been disciplined in another state, a territory or possession of the
21 United States, or the District of Columbia for conduct that would be a
22 violation of the provisions of this chapter or any regulations adopted
23 pursuant thereto if the conduct were committed in this State;

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

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

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

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

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

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

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

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

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

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

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

43 (d) Place the licensee on probation;

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

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

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

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

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

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

9 657.290 1. Each financial institution shall designate a person or
10 persons to whom an officer or employee of the financial institution must
11 report known or suspected exploitation of an older person or vulnerable
12 person.

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~—6.†~~ In accordance with the provisions of subsection 3 of NRS
7 239A.070, in making a report pursuant to this section, a designated
8 reporter may:

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

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

16 ~~†7.†~~ 5. An officer, employee and the designated reporter are entitled to
17 the immunity from liability set forth in NRS 200.5096 for making a report
18 in good faith.

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

20 673.807 1. Each savings bank shall designate a person or persons to
21 whom a director, officer or employee of the savings bank must report
22 known or suspected exploitation of an older person or vulnerable person.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (a) Disclose any facts or information that form the basis of the
19 determination that the designated reporter knows or has reasonable cause
20 to believe that an older person or vulnerable person has been exploited,
21 including, without limitation, the identity of any person believed to be
22 involved in the exploitation of the older person 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.~~ A director, officer, employee and the designated reporter are
26 entitled to the immunity from liability set forth in NRS 200.5096 for
27 making a report in good faith.

28 **Sec. 30.** NRS 677.707 is hereby amended to read as follows:

29 677.707 1. Each licensee shall designate a person or persons to
30 whom an officer or employee of the licensee must report known or
31 suspected exploitation of an older person or vulnerable person.

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~—6.†~~ In accordance with the provisions of subsection 3 of NRS
26 239A.070, in making a report pursuant to this section, a designated
27 reporter may:

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

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

35 ~~†7.†~~ 5. An officer, employee and the designated reporter are entitled to
36 the immunity from liability set forth in NRS 200.5096 for making a report
37 in good faith.

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

39 678.779 1. Each credit union shall designate a person or persons to
40 whom an employee of the credit union must report known or suspected
41 exploitation of an older person or vulnerable person.

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

1 person *or vulnerable person* has been exploited, the designated reporter shall:

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

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

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

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

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

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

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

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

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

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

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

33 ~~6.]~~ In accordance with the provisions of subsection 3 of NRS
34 239A.070, in making a report pursuant to this section, a designated
35 reporter may:

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

41 (b) Provide any financial records or other documentation relating to the
42 exploitation of the older person or vulnerable person.
43

1 ~~17.1~~ 5. An employee and the designated reporter are entitled to the
2 immunity from liability set forth in NRS 200.5096 for making a report in
3 good faith.

4 **Sec. 32. Section 3 of Senate Bill 223 of this session is hereby**
5 **amended to read as follows:**

6 Sec. 3. NRS 162A.620 is hereby amended to read as follows:
7 162A.620 A document substantially in the following form may
8 be used to create a statutory form power of attorney that has the
9 meaning and effect prescribed by NRS 162A.200 to 162A.660,
10 inclusive:

11
12 STATUTORY FORM POWER OF ATTORNEY

13
14 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT
15 CREATES A DURABLE POWER OF ATTORNEY FOR
16 FINANCIAL MATTERS. BEFORE EXECUTING THIS
17 DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT
18 FACTS:

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

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

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

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

37 5. YOU SHOULD SELECT SOMEONE YOU TRUST TO
38 SERVE AS YOUR AGENT. UNLESS YOU SPECIFY
39 OTHERWISE, GENERALLY THE AGENT'S AUTHORITY
40 WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER
41 OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO
42 ACT FOR YOU.

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

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

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

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

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

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

19
20

21 1. DESIGNATION OF AGENT.

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

24
25
26
27
28

Name:
Address:
Telephone Number:

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

32 2. DESIGNATION OF ALTERNATE AGENT.

33 (You are not required to designate any alternative agent but you
34 may do so. Any alternative agent you designate will be able to make
35 the same decisions as the agent designated above in the event that he
36 or she is unable or unwilling to act as your agent. Also, if the agent
37 designated in paragraph 1 is your spouse, his or her designation as
38 your agent is automatically revoked by law if your marriage is
39 dissolved.)

40 If my agent is unable or unwilling to act for me, then I designate
41 the following person(s) to serve as my agent as authorized in this
42 document, such person(s) to serve in the order listed below:

43
44
45

A. First Alternative Agent
Name:

1 Address:
2 Telephone Number:

3
4 B. Second Alternative Agent
5 Name:
6 Address:
7 Telephone Number:
8

9 3. OTHER POWERS OF ATTORNEY.
10 This Power of Attorney is intended to, and does, revoke any prior
11 Power of Attorney for financial matters I have previously executed.

12 4. NOMINATION OF GUARDIAN.
13 If, after execution of this Power of Attorney, proceedings seeking
14 an adjudication of incapacity are initiated either for my estate or my
15 person, I hereby nominate as my guardian or conservator for
16 consideration by the court my agent herein named, in the order
17 named.

18 5. GRANT OF GENERAL AUTHORITY.
19 I grant my agent and any successor agent(s) general authority to
20 act for me with respect to the following subjects:

21 (INITIAL each subject you want to include in the agent’s general
22 authority. If you wish to grant general authority over all of the
23 subjects you may initial “All Preceding Subjects” instead of
24 initialing each subject.)
25

- 26
- 27 [.....] Real Property
- 28 [.....] Tangible Personal Property
- 29 [.....] Stocks and Bonds
- 30 [.....] Commodities and Options
- 31 [.....] Banks and Other Financial Institutions
- 32 [.....] Safe Deposit Boxes
- 33 [.....] Operation of Entity or Business
- 34 [.....] Insurance and Annuities
- 35 [.....] Estates, Trusts and Other Beneficial Interests
- 36 [.....] Legal Affairs, Claims and Litigation
- 37 [.....] Personal Maintenance
- 38 [.....] Benefits from Governmental Programs or Civil or Military
39 Service
- 40 [.....] Retirement Plans
- 41 [.....] Taxes
- 42 [.....] All Preceding Subjects
- 43

44 6. GRANT OF SPECIFIC AUTHORITY.

1 My agent MAY NOT do any of the following specific acts for
2 me UNLESS I have INITIALED the specific authority listed below:
3

4 (CAUTION: Granting any of the following will give your agent the
5 authority to take actions that could significantly reduce your
6 property or change how your property is distributed at your death.
7 INITIAL ONLY the specific authority you WANT to give your
8 agent.)
9

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

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

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

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

16 [.....] Waive the principal's right to be a beneficiary of a joint and
17 survivor annuity, including a survivor benefit under a retirement
18 plan

19 [.....] Exercise fiduciary powers that the principal has authority to
20 delegate

21 [.....] Disclaim or refuse an interest in property, including a power
22 of appointment

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

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

27 ~~.....] Consent to placement in a secured residential long-term care
28 facility as defined in NRS 159.0255]~~
29

30 **7. EXPRESSION OF INTENT CONCERNING LIVING**
31 **ARRANGEMENTS.**

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

42 *[.....] It is my intention to live in my home for as long as possible*
43 *without regard for my medical needs, personal safety or ability to*
44 *engage in activities of daily living. My agent may arrange for a*
45 *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.

~~[8.]~~ 9. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

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

~~[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

1 matters relating to any power granted to my agent, and no person or
2 agency who relies upon the representation of my agent, or the
3 authority granted by my agent, shall incur any liability to me or my
4 estate as a result of permitting my agent to exercise any power
5 unless a third party knows or has reason to know this Power of
6 Attorney has terminated or is invalid.

7 ~~11~~ 12. RELEASE OF INFORMATION.

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

12 ~~12~~ 13. SIGNATURE AND ACKNOWLEDGMENT.
13 YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY.
14 THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS
15 IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

16
17 I sign my name to this Power of Attorney on (date) at
18 (city), (state)

19
20 (Signature)

21
22 CERTIFICATE OF ACKNOWLEDGMENT
23 OF NOTARY PUBLIC

24
25 (You may use acknowledgment before a notary public instead of the
26 statement of witnesses.)

27
28 State of Nevada }

29 }ss.

30 County of }

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

37 NOTARY SEAL

38 (Signature of Notary Public)

39
40 IMPORTANT INFORMATION FOR AGENT

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

- 1 (a) Do what you know the principal reasonably expects you to
- 2 do with the principal's property or, if you do not know the
- 3 principal's expectations, act in the principal's best interest;
- 4 (b) Act in good faith;
- 5 (c) Do nothing beyond the authority granted in this Power of
- 6 Attorney; and
- 7 (d) Disclose your identity as an agent whenever you act for the
- 8 principal by writing or printing the name of the principal and
- 9 signing your own name as "agent" in the following manner:
- 10 (Principal's Name) by (Your Signature) as Agent
- 11 2. Unless the Special Instructions in this Power of Attorney
- 12 state otherwise, you must also:
- 13 (a) Act loyally for the principal's benefit;
- 14 (b) Avoid conflicts that would impair your ability to act in the
- 15 principal's best interest;
- 16 (c) Act with care, competence, and diligence;
- 17 (d) Keep a record of all receipts, disbursements and transactions
- 18 made on behalf of the principal;
- 19 (e) Cooperate with any person that has authority to make health
- 20 care decisions for the principal to do what you know the principal
- 21 reasonably expects or, if you do not know the principal's
- 22 expectations, to act in the principal's best interest; and
- 23 (f) Attempt to preserve the principal's estate plan if you know
- 24 the plan and preserving the plan is consistent with the principal's
- 25 best interest.
- 26 3. Termination of Agent's Authority. You must stop acting
- 27 on behalf of the principal if you learn of any event that terminates
- 28 this Power of Attorney or your authority under this Power of
- 29 Attorney. Events that terminate a Power of Attorney or your
- 30 authority to act under a Power of Attorney include:
- 31 (a) Death of the principal;
- 32 (b) The principal's revocation of the Power of Attorney or your
- 33 authority;
- 34 (c) The occurrence of a termination event stated in the Power of
- 35 Attorney;
- 36 (d) The purpose of the Power of Attorney is fully accomplished;
- 37 or
- 38 (e) If you are married to the principal, your marriage is
- 39 dissolved.
- 40 4. Liability of Agent. The meaning of the authority granted to
- 41 you is defined in NRS 162A.200 to 162A.660, inclusive. If you
- 42 violate NRS 162A.200 to 162A.660, inclusive, or act outside the
- 43 authority granted in this Power of Attorney, you may be liable for
- 44 any damages caused by your violation.

1 5. If there is anything about this document or your duties that
2 you do not understand, you should seek legal advice.
3

4 ~~Sec. 32.~~ **Sec. 33.** The provisions of subsection 1 of NRS
5 218D.380 do not apply to any provision of this act which adds or revises a
6 requirement to submit a report to the Legislature.

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

9 ~~Sec. 34.~~ **Sec. 35.** This act becomes effective on July 1, 2019.
10

11 **TEXT OF REPEALED SECTION**

12 **200.50935 Report of abuse, neglect, exploitation, isolation or**
13 **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.

1 **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.

H