

Amendment No. 941

Senate Amendment to Senate Bill No. 540	(BDR 14-1201)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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



SENATE BILL NO. 540—COMMITTEE ON FINANCE

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

MAY 8, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions relating to vulnerable persons. (BDR 14-1201)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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

Legislative Counsel’s Digest:

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

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

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

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

25 sheriff's office; or (3) a toll-free telephone service designated by the Division. (NRS
26 200.5093) Existing law also requires certain persons in their professional or occupational
27 capacity, who know or have reasonable cause to believe that a vulnerable person has been
28 abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation,
29 isolation or abandonment within 24 hours to a law enforcement agency. (NRS 200.50935)

30 **Section 6** of this bill expands those agencies to which a person in his or her professional or
31 occupational capacity can make a report concerning abuse, neglect, exploitation, isolation or
32 abandonment of a vulnerable person to include the local office of the Aging and Disability
33 Services Division or the toll-free telephone service of the Division, meaning that the same
34 process is used for reporting instances of abuse, neglect, exploitation, isolation or
35 abandonment of both older persons and vulnerable persons. **Section 33** repeals the existing
36 process for making such a report concerning a vulnerable person. **Sections 2, 3, 7, 8 and 25-**
37 **31** of this bill make conforming changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. As used in this section:

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

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

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

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

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

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

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

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

49.2549 There is no privilege pursuant to NRS 49.2547 if:

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

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

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

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

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

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

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and,

1 based on such a report or based on his or her own observations or knowledge, the
2 designated reporter knows or has reasonable cause to believe that an older person
3 *or vulnerable person* has been exploited, the designated reporter shall:

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Disclose any fact or information that forms the basis of the determination
37 that the designated reporter knows or has reasonable cause to believe that an older
38 person or vulnerable person has been exploited, including, without limitation, the
39 identity of any person believed to be involved in the exploitation of the older person
40 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 ~~[7.]~~ 5. A sales representative, representative of an investment adviser or
44 officer or employee of a broker-dealer or investment adviser and a designated
45 reporter are entitled to the immunity from liability set forth in NRS 200.5096 for
46 making a report pursuant to this section in good faith.

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

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

52 *2. Upon the request of the Aging and Disability Services Division, the
53 employee designated pursuant to subsection 1 shall offer consultation and advice*

1 *to the Division regarding a report submitted pursuant to NRS 200.5093 and*
2 *200.5094 or a request for assistance by the Division relating to abuse, neglect,*
3 *exploitation, isolation or abandonment of an older person or vulnerable person.*

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

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

8 200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 4 of*
9 *this act*, unless the context otherwise requires:

10 1. "Abandonment" means:

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

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

16 2. "Abuse" means willful:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ➤ The term does not include an act intended to protect the property or physical or
15 mental welfare of the older person or vulnerable person or an act performed
16 pursuant to the instructions of a physician of the older person or vulnerable person.

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

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

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

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

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

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

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

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

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

36 200.5093 1. Any person who is described in subsection 4 and who, in a
37 professional or occupational capacity, knows or has reasonable cause to believe that
38 an older person **or vulnerable person** has been abused, neglected, exploited,
39 isolated or abandoned shall:

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

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

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

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

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

51 2. If a person who is required to make a report pursuant to subsection 1 knows
52 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or
53 abandonment of the older person **or vulnerable person** involves an act or omission

1 of the Aging and Disability Services Division, another division of the Department
2 of Health and Human Services or a law enforcement agency, the person shall make
3 the report to an agency other than the one alleged to have committed the act or
4 omission.

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

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

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

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

24 (c) A coroner.

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

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

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

32 (g) Any employee of the Department of Health and Human Services, except
33 the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and
34 any of his or her advocates or volunteers where prohibited from making such a
35 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 establishment that
39 provides care for older persons **or vulnerable persons**.

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

44 (k) Every social worker.

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

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

48 (n) Every person who operates or is employed by a community health worker
49 pool, as defined in NRS 449.0028, or with whom a community health worker pool
50 contracts to provide the services of a community health worker, as defined in NRS
51 449.0027.

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

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

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

18 (a) Aging and Disability Services Division;

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

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

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

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

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

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

35 200.5094 1. A person may make a report pursuant to NRS 200.5093 ~~for~~
36 ~~200.509351~~ by telephone or, in light of all the surrounding facts and circumstances
37 which are known or which reasonably should be known to the person at the time,
38 by any other means of oral, written or electronic communication that a reasonable
39 person would believe, under those facts and circumstances, is a reliable and swift
40 means of communicating information to the person who receives the report. If the
41 report is made orally, the person who receives the report must reduce it to writing
42 as soon as reasonably practicable.

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

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

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

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

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

52 (e) Any evidence of previous injuries; and

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

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

4 200.5095 1. Reports made pursuant to NRS 200.5093 ~~[, 200.50935]~~ and
5 200.5094, and records and investigations relating to those reports, are confidential.

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

- 10 (a) Pursuant to a criminal prosecution;
11 (b) Pursuant to NRS 200.50982; or
12 (c) To persons or agencies enumerated in subsection 3,

13 ~~is~~ is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

32 (h) A legal guardian of the older person or vulnerable person, if the identity of
33 the person who was responsible for reporting the alleged abuse, neglect, neglect,
34 exploitation, isolation or abandonment of the older person or vulnerable person to
35 the public agency is protected, and the legal guardian of the older person or
36 vulnerable person is not the person suspected of such abuse, neglect, exploitation,
37 isolation or abandonment;

38 (i) If the older person or vulnerable person is deceased, the executor or
39 administrator of his or her estate, if the identity of the person who was responsible
40 for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of
41 the older person or vulnerable person to the public agency is protected, and the
42 executor or administrator is not the person suspected of such abuse, neglect,
43 exploitation, isolation or abandonment; ~~[or]~~

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

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

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

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

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

3 ***(l) The State Guardianship Compliance Office created by NRS 159.341 . ~~for~~***
4 ***~~a local office of public guardian established pursuant to NRS 253.150.~~***

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

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

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

16 200.5098 1. The Aging and Disability Services Division of the Department
17 of Health and Human Services shall:

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

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

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

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

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

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

47 200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, ***and***
48 ***section 4 of this act*** do not prohibit ***the***:

49 ***(a) An*** agency which is investigating a report of abuse, neglect, exploitation,
50 isolation or abandonment, or which provides protective services, from disclosing
51 data or information concerning the reports and investigations of the abuse, neglect,
52 exploitation, isolation or abandonment of an older person or a vulnerable person to

1 other federal, state or local agencies or the legal representatives of the older person
2 or vulnerable person on whose behalf the investigation is being conducted if:

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

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

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

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

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

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

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

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

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

31 200.50984 1. Notwithstanding any other statute to the contrary, the local
32 office of the Aging and Disability Services Division of the Department of Health
33 and Human Services and a county's office for protective services, if one exists in
34 the county where a violation is alleged to have occurred, may for the purpose of
35 investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, *and*
36 *section 4 of this act*, inspect all records pertaining to the older person *or vulnerable*
37 *person* on whose behalf the investigation is being conducted, including, but not
38 limited to, that person's medical and financial records.

39 2. Except as otherwise provided in this subsection, if a guardian has not been
40 appointed for the older person ~~or~~ *or vulnerable person*, the Aging and Disability
41 Services Division or the county's office for protective services shall obtain the
42 consent of the older person *or vulnerable person* before inspecting those records. If
43 the Aging and Disability Services Division or the county's office for protective
44 services determines that the older person *or vulnerable person* is unable to consent
45 to the inspection, the inspection may be conducted without his or her consent.
46 Except as otherwise provided in this subsection, if a guardian has been appointed
47 for the older person ~~or~~ *or vulnerable person*, the Aging and Disability Services
48 Division or the county's office for protective services shall obtain the consent of the
49 guardian before inspecting those records. If the Aging and Disability Services
50 Division or the county's office for protective services has reasonable cause to
51 believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning
52 the older person ~~or~~ *or vulnerable person*, the inspection may be conducted without
53 the consent of the guardian, except that if the records to be inspected are in the

1 personal possession of the guardian, the inspection must be approved by a court of
2 competent jurisdiction.

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

4 200.50986 The local office of the Aging and Disability Services Division of
5 the Department of Health and Human Services or the county's office for protective
6 services may petition a court in accordance with NRS 159.185, 159.1853 or
7 159.1905 for the removal of the guardian of an older person **or vulnerable**
8 **person**, or the termination or modification of that guardianship, if, based on its
9 investigation, the Aging and Disability Services Division or the county's office of
10 protective services has reasonable cause to believe that the guardian is abusing,
11 neglecting, exploiting, isolating or abandoning the older person **or vulnerable**
12 **person** in violation of NRS 200.5091 to 200.50995, inclusive **or**, **and section 4 of**
13 **this act**.

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

15 217.070 1. "Victim" means:

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

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

20 (c) A minor who was sexually abused, as "sexual abuse" is defined in NRS
21 432B.100;

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

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

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

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

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

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

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

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

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

40 ***"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.***

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

42 228.250 As used in NRS 228.250 to 228.290, inclusive, **and section 14 of**
43 **this act**, unless the context otherwise requires, the words and terms defined in NRS
44 228.255 and 228.260 **and section 14 of this act** have the meanings ascribed to them
45 in those sections.

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

47 228.260 "Unit" means the Unit for the Investigation and Prosecution of
48 Crimes Against Older Persons **or Vulnerable Persons** created pursuant to NRS
49 228.265.

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

51 228.265 There is hereby created in the Office of the Attorney General the
52 Unit for the Investigation and Prosecution of Crimes Against Older Persons **or**
53 **Vulnerable Persons**.

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

2 228.270 1. The Unit may investigate and prosecute any alleged abuse,
3 neglect, exploitation, isolation or abandonment of an older person *or vulnerable*
4 *person* in violation of NRS 200.5099 or 200.50995 and any failure to report such a
5 violation pursuant to NRS 200.5093:

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

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

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

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

17 (a) A representative of the Unit;

18 (b) Any law enforcement agency that is involved with the case under review;

19 (c) The district attorney's office in the county where the case is under review;

20 (d) The Aging and Disability Services Division of the Department of Health
21 and Human Services or the county's office of protective services, if one exists in
22 the county where the case is under review;

23 (e) A representative of the coroner's office; and

24 (f) Any other medical professional or financial professional that the Attorney
25 General deems appropriate for the review.

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

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

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

41 228.275 The Unit may bring an action to enjoin or obtain any other equitable
42 relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an
43 older person ~~(h)~~ *or vulnerable person*. The court may award reasonable attorney's
44 fees and costs if the Unit prevails in such an action.

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

46 228.280 1. In addition to any criminal penalty, a person who is convicted of
47 a crime against an older person *or vulnerable person* for which an additional term
48 of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection
49 1 of NRS 193.167 or of the abuse, neglect, exploitation, isolation or abandonment
50 of an older person *or vulnerable person* pursuant to NRS 200.5099 or 200.50995 is
51 liable for a civil penalty to be recovered by the Attorney General in a civil action
52 brought in the name of the State of Nevada:

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

3 (b) For a second or subsequent offense, in an amount which is not less than
4 \$10,000 and not more than \$30,000.

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

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

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

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

14 (b) The Account for the Unit for the Investigation and Prosecution of Crimes
15 Against Older Persons *or Vulnerable Persons* created pursuant to 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 Prosecution
18 of Crimes Against Older Persons *or Vulnerable Persons* is hereby created in the
19 State General Fund. The Attorney General shall administer the Account.

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

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

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

28 228.290 1. The Unit may apply for any available grants and accept gifts,
29 grants, appropriations or donations to assist the Unit in carrying out its duties
30 pursuant to the provisions of this chapter.

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

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

35 228.495 1. The Committee may review the death of the victim of a crime
36 that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency
37 of a local government does not organize or sponsor a multidisciplinary team
38 pursuant to NRS 217.475 or if the court or agency requests the assistance of the
39 Committee. In addition to the review of a particular case, the Committee shall:

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

42 (b) Determine the number and type of incidents the Committee wishes to
43 review;

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

46 (d) Engage in activities to educate the public, providers of services to victims
47 of domestic violence and policymakers concerning deaths from crimes that
48 constitute domestic violence and strategies for intervention and prevention of such
49 crimes; and

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

52 2. The review of the death of a victim pursuant to this section does not grant
53 the Attorney General or the Committee supervisory authority over, or restrict or

1 impair the statutory authority of, any state or local governmental agency
2 responsible for the investigation or prosecution of the death of a victim of a crime
3 that constitutes domestic violence pursuant to NRS 33.018.

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

7 4. The Committee may request any person, agency or organization that is in
8 possession of information or records concerning a victim who is the subject of a
9 review or any person who was in contact with the victim to provide the Committee
10 with any information or records that are relevant to the review. Any information or
11 records provided to the Committee pursuant to this subsection are confidential.

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

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

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

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

23 (d) To oversee the review of the death of a child organized pursuant to NRS
24 432B.4075.

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

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

31 8. The Attorney General:

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

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

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

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

43 11. Any meeting of the Committee held to review the death of a victim
44 pursuant to this section, or any portion of a meeting of the Committee during which
45 the Committee reviews such a death, is not subject to the provisions of chapter 241
46 of NRS.

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

48 289.510 1. The Commission:

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

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

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

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

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

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

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

10 (d) Shall, when necessary, present courses of training and continuing education
11 courses for category I, category II and category III peace officers and reserve peace
12 officers.

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

16 (f) Shall carry out the duties required of the Commission pursuant to NRS
17 432B.610 and 432B.620.

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

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

23 2. Regulations adopted by the Commission:

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

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

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

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

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

34 388.880 1. Except as otherwise provided in subsection 2, if any person who
35 knows or has reasonable cause to believe that another person has made a threat of
36 violence against a school official, school employee or pupil reports in good faith
37 that threat of violence to a school official, teacher, school police officer, local law
38 enforcement agency or potential victim of the violence that is threatened, the person
39 who makes the report is immune from civil liability for any act or omission relating
40 to that report. Such a person is not immune from civil liability for any other act or
41 omission committed by the person as a part of, in connection with or as a principal,
42 accessory or conspirator to the violence, regardless of the nature of the other act or
43 omission.

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

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

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

49 3. As used in this section:

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

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

3 (1) A board of trustees of a school district pursuant to NRS 391.100 or
4 391.281;

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

6 (3) The Achievement School District.

7 (c) "School official" means:

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

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

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

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

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

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

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

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

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

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

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

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

34 3. As used in this section:

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

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

41 (c) "School official" means:

42 (1) An owner of a private school.

43 (2) A director of a private school.

44 (3) A supervisor at a private school.

45 (4) An administrator at a private school.

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

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

49 640B.700 1. The Board may refuse to issue a license to an applicant or may
50 take disciplinary action against a licensee if, after notice and a hearing as required
51 by law, the Board determines that the applicant or licensee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (d) Place the licensee on probation;

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

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

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

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

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

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

45 657.290 1. Each financial institution shall designate a person or persons to
46 whom an officer or employee of the financial institution must report known or
47 suspected exploitation of an older person or vulnerable person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~[7.]~~ 5. An officer, employee and the designated reporter are entitled to the
40 immunity from liability set forth in NRS 200.5096 for making a report in good
41 faith.

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

43 673.807 1. Each savings bank shall designate a person or persons to whom a
44 director, officer or employee of the savings bank must report known or suspected
45 exploitation of an older person or vulnerable person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 ~~[7.] 5.~~ A director, officer, employee and the designated reporter are entitled to
38 the immunity from liability set forth in NRS 200.5096 for making a report in good
39 faith.

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

41 677.707 1. Each licensee shall designate a person or persons to whom an
42 officer or employee of the licensee must report known or suspected exploitation of
43 an older person or vulnerable person.

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

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

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

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

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

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

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

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

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

17 ~~— (a) Except as otherwise provided in subsection 5, report the known or~~
18 ~~suspected exploitation of the vulnerable person to a law enforcement 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 that the~~
21 ~~exploitation of the vulnerable person involves an act or omission of a law~~
22 ~~enforcement agency, the designated reporter shall make the report to a law~~
23 ~~enforcement agency other than the one alleged to have committed the act or~~
24 ~~omission.~~

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

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

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

34 ~~[7.]~~ 5. An officer, employee and the designated reporter are entitled to the
35 immunity from liability set forth in NRS 200.5096 for making a report in good
36 faith.

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

38 678.779 1. Each credit union shall designate a person or persons to whom
39 an employee of the credit union must report known or suspected exploitation of an
40 older person or vulnerable person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 ~~7.} 5. An employee and the designated reporter are entitled to the immunity~~
33 ~~from liability set forth in NRS 200.5096 for making a report in good faith.~~

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

37 **Sec. 33.** NRS 200.50935 is hereby repealed.

38 **Sec. 34.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

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

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

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

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

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

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

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

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

(c) A coroner.

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

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

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

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

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

(i) Every social worker.

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

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

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

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

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