SENATE BILL NO. 422–COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011
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Referred to Committee on Finance

SUMMARY—Requires counties to pay for the use of services offered by the Aging and Disability Services Division of the Department of Health and Human Services. (BDR 15-1169)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to the Aging and Disability Services Division of the Department of Health and Human Services; requiring counties to pay for the use of services offered by the Aging and Disability Services Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
1   Under existing law, the Aging and Disability Services Division of the
2 Department of Health and Human Services provides various services concerning
3 the identification, report and investigation of abuse, neglect, exploitation or
4 isolation of older persons and vulnerable persons. (NRS 200.5091-200.50995) This
5 bill requires that the expense for the use of any service provided by the Aging and
6 Disability Services Division be paid by the county that uses any such service.

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

1   **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3   *The expense for the use of any service provided by the Aging*
4 *and Disability Services Division of the Department of Health and*

1 *Human Services pursuant to NRS 200.5091 to 200.50995,*
2 *inclusive, must be paid by the county that uses any such service.*
3   **Sec. 2.** NRS 200.5092 is hereby amended to read as follows:
4   200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
5 *and section 1 of this act,* unless the context otherwise requires:
6   1. "Abuse" means willful and unjustified:
7   (a) Infliction of pain, injury or mental anguish on an older
8 person or a vulnerable person; or
9   (b) Deprivation of food, shelter, clothing or services which are
10 necessary to maintain the physical or mental health of an older
11 person or a vulnerable person.
12   2. "Exploitation" means any act taken by a person who has the
13 trust and confidence of an older person or a vulnerable person or
14 any use of the power of attorney or guardianship of an older person
15 or a vulnerable person to:
16   (a) Obtain control, through deception, intimidation or undue
17 influence, over the older person's or vulnerable person's money,
18 assets or property with the intention of permanently depriving the
19 older person or vulnerable person of the ownership, use, benefit or
20 possession of his or her money, assets or property; or
21   (b) Convert money, assets or property of the older person or
22 vulnerable person with the intention of permanently depriving the
23 older person or vulnerable person of the ownership, use, benefit or
24 possession of his or her money, assets or property.
25 ➥ As used in this subsection, "undue influence" does not include
26 the normal influence that one member of a family has over another.
27   3. "Isolation" means willfully, maliciously and intentionally
28 preventing an older person or a vulnerable person from having
29 contact with another person by:
30   (a) Intentionally preventing the older person or vulnerable
31 person from receiving visitors, mail or telephone calls, including,
32 without limitation, communicating to a person who comes to visit
33 the older person or vulnerable person or a person who telephones
34 the older person or vulnerable person that the older person or
35 vulnerable person is not present or does not want to meet with or
36 talk to the visitor or caller knowing that the statement is false,
37 contrary to the express wishes of the older person or vulnerable
38 person and intended to prevent the older person or vulnerable person
39 from having contact with the visitor; or
40   (b) Physically restraining the older person or vulnerable person
41 to prevent the older person or vulnerable person from meeting with
42 a person who comes to visit the older person or vulnerable person.
43 ➥ The term does not include an act intended to protect the property
44 or physical or mental welfare of the older person or vulnerable

1 person or an act performed pursuant to the instructions of a
2 physician of the older person or vulnerable person.
3   4. "Neglect" means the failure of:
4   (a) A person who has assumed legal responsibility or a
5 contractual obligation for caring for an older person or a vulnerable
6 person or who has voluntarily assumed responsibility for his or her
7 care to provide food, shelter, clothing or services which are
8 necessary to maintain the physical or mental health of the older
9 person or vulnerable person; or
10   (b) An older person or a vulnerable person to provide for his or
11 her own needs because of inability to do so.
12   5. "Older person" means a person who is 60 years of age or
13 older.
14   6. "Protective services" means services the purpose of which is
15 to prevent and remedy the abuse, neglect, exploitation and isolation
16 of older persons. The services may include investigation, evaluation,
17 counseling, arrangement and referral for other services and
18 assistance.
19   7. "Vulnerable person" means a person 18 years of age or older
20 who:
21   (a) Suffers from a condition of physical or mental incapacitation
22 because of a developmental disability, organic brain damage or
23 mental illness; or
24   (b) Has one or more physical or mental limitations that restrict
25 the ability of the person to perform the normal activities of daily
26 living.
27   **Sec. 3.** The provisions of NRS 354.599 do not apply to any
28 additional expenses of a local government that are related to the
29 provisions of this act.
30   **Sec. 4.** This act becomes effective on July 1, 2011.

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