

LEGAL OBLIGATIONS UNDER NEVADA LAW WHEN IT IS BELIEVED AN ELDERLY PERSON OR VULNERABLE ADULT HAS BEEN ABUSED OR NEGLECTED*

Nevada law protects older persons and other vulnerable adults from abuse, neglect, isolation, abandonment and exploitation. It prohibits any knowing, intentional or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to an older person or a vulnerable person. It is important to be aware of how such persons are treated and to report any mistreatment.

Who Is Protected?

The law protects both older persons and vulnerable persons. For convenience of reference in this memo, the term “elder abuse” is intended to be comprehensive of both categories of protected persons.

An older person is defined as a person who is 60 years of age or older. NRS 200.5092(6).

A vulnerable person is a person 18 years of age or older who either (a) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (b) has physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. NRS 200.5092(8).

What Conduct Is Prohibited?

Abuse

Abuse means willful:

- Infliction of pain or injury on an older person or a vulnerable person;
- Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;
- Psychological or emotional abuse such as
 - Threatening, controlling or socially isolating the person;
 - Disregarding the needs of the person; or
 - Harming or destroying any property of the person, including pets.
- Nonconsensual sexual contact including

* Prepared for the Diocese of Reno by Sharon M. Jannuzzi of Woodburn and Wedge law firm. © 2016

- An act that the older or vulnerable person cannot understand or to which he or she cannot communicate an objection; or
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or
- Permitting such acts to be committed.

NRS 200.5092(2).

Neglect

Neglect means the failure to provide food, shelter, clothing or services which are necessary to maintain physical or mental health. Neglect does not have to be intentional. The person guilty of neglect has to have a duty to provide these services. NRS 200.5092(5). Allowing or permitting harm may also involve neglect, particularly concerning health and safety hazards.

Isolation

Isolation means preventing an older or vulnerable person from having contact with another person by:

- Intentionally preventing the person from receiving visitors, mail or telephone calls;
- Physically restraining the older or vulnerable person to prevent him or her from meeting with someone who comes to visit; or
- Permitting such acts to be committed.

The term does not include actions intended to protect the person's property, physical or mental welfare, or actions performed pursuant to doctor's orders. NRS 200.5092(4).

Abandonment

Abandonment means:

- Desertion in an unsafe manner by a caretaker or other person with a legal duty of care; or
- Withdrawal of necessary assistance owed by a caretaker or other person with an obligation to provide such services. NRS 200.5092(1).

Exploitation

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

- Obtain control, through deception, intimidation or undue influence, over the person's money or property with the intention of permanently depriving the person of the ownership, use, benefit or possession thereof; or
- Convert money or property of the person with the intention of permanently depriving the person of the ownership, use, benefit or possession thereof.

→“Undue influence” means the improper use of power or trust to deprive a person of his or her free will and substitute the objectives of another. It does not include the normal influence that one member of a family has over another. NRS 200.5092(3).

Signs of Elder Abuse

You should suspect elder abuse if you notice the older or vulnerable person suffering any of the following conditions:

- Inadequately explained bruises, cuts or burns
- Dehydration or malnutrition
- Overly medicated or extremely sedated
- Unusual confinement (closed off in a room; tied to furniture)
- Lack of cleanliness or grooming
- Fear of speaking for self in the presence of caretaker; anxious to please
- Sudden change in financial activity; unusual cash withdrawals in short period of time

You should suspect elder abuse if a caretaker displays any of the following behaviors:

- Threatening remarks or behavior
- Conflicting stories (such as how the older person was injured)
- Insults or aggressive behavior
- Withholding attention, security, affection
- Indifference or anger toward the older person
- Obvious absence of assistance or attendance

Who Can Report a Case of Elder Abuse?

Any person may report an incident of abuse if they have reasonable cause to believe that an elderly person has been abandoned, abused, neglected, exploited, or isolated. All information received as a result of a report is maintained as confidential. NRS 200.5095.

Mandatory reporters must make the report immediately after the event, but no later than 24 hours after there is reason to believe that an elderly person has been abandoned, abused, neglected, exploited, or isolated. NRS 200.50935. Mandatory reporters include:

- Medical professionals
- Employees of hospitals and home health agencies
- Coroners
- Law enforcement employees
- Adult or juvenile probation officers
- Department of Health and Human Services' employees
- Law enforcement employees
- Employees of the facilities providing care for older persons
- Social workers
- Mortuary or funeral home employees

Penalties for Failure to Report; Immunity for Making a Report

Failure to report as required by law is a misdemeanor punishable by law up to six months in jail and/or a fine of \$1,000. NRS 200.50935(7).

Any person making a good faith report of suspected elder abuse is immune from civil or criminal liability for reporting. NRS 200.5096.

Making a Report

To report suspected elder abandonment, abuse, neglect, exploitation, isolation, and/or facility complaints to the Elder Rights Intake unit, please call:

- **Las Vegas/Clark County** (702) 486-6930
- **Statewide/All Other Areas** (888) 729-0571

If an older person is in immediate danger, the local police, sheriff's office or emergency medical service should be contacted. If the person is not in immediate danger, the report should be made using one of the designated phone numbers.

Contents of Report

A report can be made via telephone or in writing. It is strongly recommended that a verbal report be followed up by a written report. The report must contain the following information, when possible:

- The name and address of the older or vulnerable person;
- The name and address of the person responsible for his or her care;
- The name and address of the person who is alleged to have committed the abuse;
- The nature and extent of the abuse;
- Any evidence of previous injuries; and
- The basis of the reporter's belief that the person has been abused.

NRS 200.5094.