

SENATE BILL NO. 134—SENATOR WOODHOUSE

FEBRUARY 6, 2019

JOINT SPONSOR: ASSEMBLYWOMAN CARLTON

Referred to Committee on Growth and Infrastructure

SUMMARY—Makes various changes relating to advanced practice registered nurses. (BDR 43-63)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 nurses; authorizing an advanced practice registered nurse to make certain certifications, diagnoses and determinations in lieu of a physician or other provider of health care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an advanced practice registered nurse to provide his or
2 her signature, certification, stamp, verification or endorsement when such is
3 required by a physician, if it is within the scope of practice of the advanced practice
4 registered nurse. (NRS 632.237) **Sections 1-7** of this bill authorize an advanced
5 practice registered nurse to sign certain statements and forms for submission to the
6 Department of Motor Vehicles for certain designations on a person’s driver’s
7 license. (NRS 483.330, 483.348, 483.349, 483.363, 483.384, 483.575, 483.865)
8 **Sections 8, 16 and 17** of this bill similarly authorize an advanced practice
9 registered nurse to sign certain statements attesting to a person’s inability to wear a
10 safety belt or a child restraint system for medical or physical reasons. (NRS
11 484B.157, 484D.495, 484D.500) **Section 9** of this bill authorizes an advanced
12 practice registered nurse to determine whether a person has hemophilia or a heart
13 condition requiring the use of an anticoagulant, and therefore exempt from a blood
14 test intended to measure the concentration of alcohol in his or her blood. (NRS
15 484C.160) **Section 15** of this bill authorizes an advanced practice registered nurse
16 to certify whether a person is exempt, due to an inability to provide a deep lung
17 breath sample, from a breath test intended to measure the concentration of alcohol
18 in his or her breath. (NRS 484C.460) **Sections 10-14** of this bill authorize an
19 advanced practice registered nurse who has been certified by the State Board of
20 Nursing to make such an evaluation to evaluate certain offenders to determine if an



21 offender is an abuser of alcohol or drugs and whether the offender can be treated
22 successfully. (NRS 484C.300, 484C.320, 484C.330, 484C.340, 484C.350) **Sections**
23 **18-27** of this bill authorize an advanced practice registered nurse to make certain
24 determinations and certifications regarding guardianships. (NRS 159.044, 159.046,
25 159.0523, 159.0525, 159.0535, 159.079, 159.0809, 159A.0535, 159A.079,
26 159A.0809) **Sections 28-34** of this bill authorize an advanced practice registered
27 nurse to take certain actions and make certain determinations and certifications
28 regarding a power of attorney. (NRS 162A.220, 162A.260, 162A.790, 162A.810,
29 162A.815, 162A.860, 162A.865) **Section 35** of this bill authorizes an advanced
30 practice registered nurse to make certain certifications regarding a custodial trust.
31 (NRS 166A.260) **Section 37** of this bill requires the State Board of Nursing to
32 adopt regulations for the psychiatric training and experience necessary for an
33 advanced practice registered nurse to be authorized to evaluate certain offenders to
34 determine if an offender is an abuser of alcohol or drugs and whether the offender
35 can be treated successfully. **Sections 38 and 39** of this bill authorize an advanced
36 practice registered nurse to sign a statement verifying a physical or mental
37 disability for the purpose of making the person with the disability eligible for
38 certain free or reduced rates for certain modes of public transportation. (NRS
39 704.140, 706.351)

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

1 **Section 1.** NRS 483.330 is hereby amended to read as follows:
2 483.330 1. The Department may require every applicant for a
3 driver's license, including a commercial driver's license issued
4 pursuant to NRS 483.900 to 483.940, inclusive, to submit to an
5 examination. The examination may include:
6 (a) A test of the applicant's ability to understand official devices
7 used to control traffic;
8 (b) A test of the applicant's knowledge of practices for safe
9 driving and the traffic laws of this State;
10 (c) Except as otherwise provided in subsection 2, a test of the
11 applicant's eyesight; and
12 (d) Except as otherwise provided in subsection 3, an actual
13 demonstration of the applicant's ability to exercise ordinary and
14 reasonable control in the operation of a motor vehicle of the type or
15 class of vehicle for which he or she is to be licensed.
16 ↪ The examination may also include such further physical and
17 mental examination as the Department finds necessary to determine
18 the applicant's fitness to drive a motor vehicle safely upon the
19 highways. If the Department requires an applicant to submit to a test
20 specified in paragraph (b), the Department shall ensure that the test
21 includes at least one question testing the applicant's knowledge of
22 the provisions of NRS 484B.165.
23 2. The Department may provide by regulation for the
24 acceptance of a report from an ophthalmologist, optician , ~~for~~



1 optometrist , *physician or advanced practice registered nurse* in
2 lieu of an eye test by a driver's license examiner.

3 3. If the Department establishes a type or classification of
4 driver's license to operate a motor vehicle of a type which is not
5 normally available to examine an applicant's ability to exercise
6 ordinary and reasonable control of such a vehicle, the Department
7 may, by regulation, provide for the acceptance of an affidavit from
8 a:

9 (a) Past, present or prospective employer of the applicant; or

10 (b) Local joint apprenticeship committee which had jurisdiction
11 over the training or testing, or both, of the applicant,

12 ↪ in lieu of an actual demonstration.

13 4. The Department may waive an examination pursuant to
14 subsection 1 for a person applying for a Nevada driver's license who
15 possesses a valid driver's license of the same type or class issued by
16 another jurisdiction unless that person:

17 (a) Has not attained 21 years of age, except that the Department
18 may, based on the driving record of the applicant, waive the
19 examination to demonstrate the applicant's ability to exercise
20 ordinary and reasonable control in the operation of a motor vehicle
21 of the same type or class of vehicle for which he or she is to be
22 licensed;

23 (b) Has had his or her license or privilege to drive a motor
24 vehicle suspended, revoked or cancelled or has been otherwise
25 disqualified from driving during the immediately preceding 4 years;

26 (c) Has been convicted of a violation of NRS 484C.130 or,
27 during the immediately preceding 7 years, of a violation of NRS
28 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction
29 that prohibits the same or similar conduct;

30 (d) Has restrictions to his or her driver's license which the
31 Department must reevaluate to ensure the safe driving of a motor
32 vehicle by that person;

33 (e) Has had three or more convictions of moving traffic
34 violations on his or her driving record during the immediately
35 preceding 4 years; or

36 (f) Has been convicted of any of the offenses related to the use
37 or operation of a motor vehicle which must be reported pursuant to
38 the provisions of ~~[Parts]~~ **Part** 1327 ~~[et seq.]~~ of Title 23 of the Code
39 of Federal Regulations relating to the National Driver Register
40 Problem Driver Pointer System during the immediately preceding 4
41 years.

42 **Sec. 2.** NRS 483.348 is hereby amended to read as follows:

43 483.348 1. Except as otherwise provided in subsection 2, the
44 Department shall issue a driver's license with a specially colored
45 background to any person who qualifies for a driver's license



1 pursuant to the provisions of this chapter and delivers to the
2 Department a signed statement from a physician *or an advanced*
3 *practice registered nurse* that the person is an insulin dependent
4 diabetic or an epileptic. The Department shall designate one color to
5 be used only for a driver's license held by a diabetic and another
6 color to be used only for a driver's license held by an epileptic.

7 2. In lieu of issuing a driver's license pursuant to subsection 1,
8 the Department may issue to a person specified in that subsection a
9 driver's license with a specially colored border around the
10 photograph on the license.

11 3. The Department of Public Safety shall provide for the
12 education of peace officers on the:

13 (a) Effects and treatment of a person suffering from a diabetic
14 condition or an epileptic seizure and the similarity in appearance of
15 a person suffering from a diabetic condition or an epileptic seizure
16 to a person under the influence of alcohol or a controlled substance;
17 and

18 (b) Procedures for identifying and handling situations involving
19 a person suffering from a diabetic condition or an epileptic seizure.

20 **Sec. 3.** NRS 483.349 is hereby amended to read as follows:

21 483.349 1. Upon the application of a person with a disability
22 which limits or impairs the ability to walk, the Department shall
23 place on any driver's license issued to the person pursuant to the
24 provisions of this chapter a designation that the person is a person
25 with a disability. The application must include a statement from a
26 licensed physician *or an advanced practice registered nurse*
27 certifying that the applicant is a person with a disability which limits
28 or impairs the ability to walk.

29 2. For the purposes of this section, "person with a disability
30 which limits or impairs the ability to walk" has the meaning
31 ascribed to it in NRS 482.3835.

32 **Sec. 4.** NRS 483.363 is hereby amended to read as follows:

33 483.363 1. A person who is 18 years of age or older may file
34 with the Department a report requesting that the Department
35 examine a licensee who:

36 (a) Is related to the person filing the report within the third
37 degree of consanguinity or who is the spouse of the person filing the
38 report; and

39 (b) The person filing the report reasonably and in good faith
40 believes cannot safely operate a motor vehicle.

41 2. The report described in subsection 1 must:

42 (a) Include the name, relationship, address, telephone number
43 and signature of the person filing the report.

44 (b) State the person's basis for believing that the licensee cannot
45 safely operate a motor vehicle, which basis must be:



1 (1) Personal observation or physical evidence of a physical
2 or medical condition that has the potential to impair the ability of
3 the licensee to operate a motor vehicle, corroborated by an affidavit
4 from a physician *or an advanced practice registered nurse* in which
5 the physician *or advanced practice registered nurse* concurs that
6 the licensee should be examined to determine the licensee's ability
7 to safely operate a motor vehicle;

8 (2) Personal knowledge that the driving record of the
9 licensee indicates the unsafe operation of a motor vehicle,
10 corroborated by an affidavit from a physician *or an advanced*
11 *practice registered nurse* in which the physician *or advanced*
12 *practice registered nurse* concurs that the licensee should be
13 examined to determine the licensee's ability to safely operate a
14 motor vehicle; or

15 (3) An investigation by a law enforcement officer.

16 (c) Be kept confidential, except as otherwise provided in NRS
17 239.0115 and except that the report must be released upon request
18 of the licensee or an order of a court of competent jurisdiction.

19 ↪ No person may file more than one report concerning the same
20 licensee within a 12-month period.

21 3. The Administrator shall prescribe:

22 (a) A standard form to be used for the filing of a report pursuant
23 to this section; and

24 (b) The procedure to be used for the filing of a report pursuant to
25 this section.

26 **Sec. 5.** NRS 483.384 is hereby amended to read as follows:

27 483.384 1. The Department may require an applicant for a
28 renewal license to appear before an examiner for a driver's license
29 and successfully pass an eye test.

30 2. The Department may accept, in lieu of an eye test, a report
31 from an ophthalmologist, optometrist, *physician, advanced*
32 *practice registered nurse* or agency of another state which has
33 duties comparable to those of the Department if the reported test
34 was performed within 90 days before the application for renewal
35 and:

36 (a) The applicant is qualified to renew his or her driver's license
37 by mail in accordance with the procedure established pursuant to
38 NRS 483.383; or

39 (b) The Department determines, upon good cause shown, that
40 the applicant is unable to appear in person.

41 3. The Department shall adopt regulations which prescribe:

42 (a) The criteria to determine which applicant for a renewal
43 license must appear and successfully pass an eye test.

44 (b) The circumstances under which the Department will accept a
45 report from an ophthalmologist, optometrist, *physician, advanced*



1 *practice registered nurse* or agency of another state which is
2 authorized to conduct eye tests, in lieu of an eye test for the renewal
3 of an applicant's driver's license.

4 4. If the Administrator or his or her authorized agent has reason
5 to believe that the licensee is no longer qualified to receive a license
6 because of the licensee's physical condition, the Department may
7 require that the applicant submit to an examination pursuant to the
8 provisions of NRS 483.330. The age of a licensee, by itself, does not
9 constitute grounds for requiring an examination of driving
10 qualifications.

11 **Sec. 6.** NRS 483.575 is hereby amended to read as follows:

12 483.575 1. A person with epilepsy shall not operate a motor
13 vehicle if that person has been informed by a physician *or an*
14 *advanced practice registered nurse* pursuant to NRS 629.047 that
15 his or her condition would severely impair his or her ability to safely
16 operate a motor vehicle.

17 2. If a physician *or an advanced practice registered nurse* is
18 aware that a person has violated subsection 1 after the physician *or*
19 *advanced practice registered nurse* has informed the person
20 pursuant to NRS 629.047 that the person's condition would severely
21 impair his or her ability to safely operate a motor vehicle, the
22 physician *or advanced practice registered nurse* may, without the
23 consent of the person, submit a written report to the Department that
24 includes the name, address and age of the person. A report received
25 by the Department pursuant to this subsection:

26 (a) Is confidential, except that the contents of the report may be
27 disclosed to the person about whom the report is made; and

28 (b) May be used by the Department solely to determine the
29 eligibility of the person to operate a vehicle on the streets and
30 highways of this State.

31 3. The submission by a physician *or an advanced practice*
32 *registered nurse* of a report pursuant to subsection 2 is solely within
33 his or her discretion. No cause of action may be brought against a
34 physician *or an advanced practice registered nurse* based on the
35 fact that he or she did not submit such a report.

36 4. No cause of action may be brought against a physician *or an*
37 *advanced practice registered nurse* based on the fact that he or she
38 submitted a report pursuant to subsection 2 unless the physician *or*
39 *advanced practice registered nurse* acted with malice, intentional
40 misconduct, gross negligence or intentional or knowing violation of
41 the law.

42 **Sec. 7.** NRS 483.865 is hereby amended to read as follows:

43 483.865 1. Upon the application of a person with a disability
44 which limits or impairs the ability to walk, the Department shall
45 place on any identification card issued to the person pursuant to



1 NRS 483.810 to 483.890, inclusive, a designation that the person is
2 a person with a disability. The application must include a statement
3 from a licensed physician *or an advanced practice registered nurse*
4 certifying that the applicant is a person with a disability which limits
5 or impairs the ability to walk.

6 2. For the purposes of this section, "person with a disability
7 which limits or impairs the ability to walk" has the meaning
8 ascribed to it in NRS 482.3835.

9 **Sec. 8.** NRS 484B.157 is hereby amended to read as follows:

10 484B.157 1. Except as otherwise provided in subsection 7,
11 any person who is transporting a child who is less than 6 years of
12 age and who weighs 60 pounds or less in a motor vehicle operated
13 in this State which is equipped to carry passengers shall secure the
14 child in a child restraint system which:

15 (a) Has been approved by the United States Department of
16 Transportation in accordance with the Federal Motor Vehicle Safety
17 Standards set forth in 49 C.F.R. Part 571;

18 (b) Is appropriate for the size and weight of the child; and

19 (c) Is installed within and attached safely and securely to the
20 motor vehicle:

21 (1) In accordance with the instructions for installation and
22 attachment provided by the manufacturer of the child restraint
23 system; or

24 (2) In another manner that is approved by the National
25 Highway Traffic Safety Administration.

26 2. If a defendant pleads or is found guilty of violating the
27 provisions of subsection 1, the court shall:

28 (a) For a first offense, order the defendant to pay a fine of not
29 less than \$100 or more than \$500 or order the defendant to perform
30 not less than 10 hours or more than 50 hours of community service;

31 (b) For a second offense, order the defendant to pay a fine of not
32 less than \$500 or more than \$1,000 or order the defendant to
33 perform not less than 50 hours or more than 100 hours of
34 community service; and

35 (c) For a third or subsequent offense, suspend the driver's
36 license of the defendant for not less than 30 days or more than 180
37 days.

38 3. At the time of sentencing, the court shall provide the
39 defendant with a list of persons and agencies approved by the
40 Department of Public Safety to conduct programs of training and
41 perform inspections of child restraint systems. The list must include,
42 without limitation, an indication of the fee, if any, established by the
43 person or agency pursuant to subsection 4. If, within 60 days after
44 sentencing, a defendant provides the court with proof of satisfactory



1 completion of a program of training provided for in this subsection,
2 the court shall:

3 (a) If the defendant was sentenced pursuant to paragraph (a) of
4 subsection 2, waive the fine or community service previously
5 imposed; or

6 (b) If the defendant was sentenced pursuant to paragraph (b) of
7 subsection 2, reduce by one-half the fine or community service
8 previously imposed.

9 ↪ A defendant is only eligible for a reduction of a fine or
10 community service pursuant to paragraph (b) if the defendant
11 has not had a fine or community service waived pursuant to
12 paragraph (a).

13 4. A person or agency approved by the Department of Public
14 Safety to conduct programs of training and perform inspections of
15 child restraint systems may, in cooperation with the Department,
16 establish a fee to be paid by defendants who are ordered to complete
17 a program of training. The amount of the fee, if any:

18 (a) Must be reasonable; and

19 (b) May, if a defendant desires to acquire a child restraint
20 system from such a person or agency, include the cost of a child
21 restraint system provided by the person or agency to the defendant.

22 ↪ A program of training may not be operated for profit.

23 5. For the purposes of NRS 483.473, a violation of this section
24 is not a moving traffic violation.

25 6. A violation of this section may not be considered:

26 (a) Negligence in any civil action; or

27 (b) Negligence or reckless driving for the purposes of
28 NRS 484B.653.

29 7. This section does not apply:

30 (a) To a person who is transporting a child in a means of public
31 transportation, including a taxi, school bus or emergency vehicle.

32 (b) When a physician *or an advanced practice registered nurse*
33 determines that the use of such a child restraint system for the
34 particular child would be impractical or dangerous because of such
35 factors as the child's weight, physical unfitness or medical
36 condition. In this case, the person transporting the child shall carry
37 in the vehicle the signed statement of the physician *or advanced*
38 *practice registered nurse* to that effect.

39 8. As used in this section, "child restraint system" means any
40 device that is designed for use in a motor vehicle to restrain, seat or
41 position children. The term includes, without limitation:

42 (a) Booster seats and belt-positioning seats that are designed to
43 elevate or otherwise position a child so as to allow the child to be
44 secured with a safety belt;

45 (b) Integrated child seats; and



1 (c) Safety belts that are designed specifically to be adjusted to
2 accommodate children.

3 **Sec. 9.** NRS 484C.160 is hereby amended to read as follows:

4 484C.160 1. Except as otherwise provided in subsections 4
5 and 5, any person who drives or is in actual physical control of a
6 vehicle on a highway or on premises to which the public has access
7 shall be deemed to have given his or her consent to an evidentiary
8 test of his or her blood, urine, breath or other bodily substance to
9 determine the concentration of alcohol in his or her blood or breath
10 or to determine whether a controlled substance, chemical, poison,
11 organic solvent or another prohibited substance is present, if such a
12 test is administered at the request of a police officer having
13 reasonable grounds to believe that the person to be tested was:

14 (a) Driving or in actual physical control of a vehicle while under
15 the influence of intoxicating liquor or a controlled substance or with
16 a prohibited substance in his or her blood or urine; or

17 (b) Engaging in any other conduct prohibited by NRS 484C.110,
18 484C.120, 484C.130 or 484C.430.

19 2. A police officer who requests that a person submit to a test
20 pursuant to subsection 1 shall inform the person that his or her
21 license, permit or privilege to drive will be revoked if he or she fails
22 to submit to the test.

23 3. If the person to be tested pursuant to subsection 1 is dead or
24 unconscious, the officer shall direct that samples of blood from the
25 person to be tested.

26 4. Any person who is afflicted with hemophilia or with a heart
27 condition requiring the use of an anticoagulant as determined by a
28 physician *or an advanced practice registered nurse* is exempt from
29 any blood test which may be required pursuant to this section but
30 must, when appropriate pursuant to the provisions of this section, be
31 required to submit to a breath or urine test.

32 5. If the concentration of alcohol in the blood or breath of the
33 person to be tested is in issue:

34 (a) Except as otherwise provided in this section, the person may
35 refuse to submit to a blood test if means are reasonably available to
36 perform a breath test.

37 (b) The person may request a blood test, but if means are
38 reasonably available to perform a breath test when the blood test is
39 requested, and the person is subsequently convicted, the person must
40 pay for the cost of the blood test, including the fees and expenses of
41 witnesses whose testimony in court or an administrative hearing is
42 necessary because of the use of the blood test. The expenses of such
43 a witness may be assessed at an hourly rate of not less than:

44 (1) Fifty dollars for travel to and from the place of the
45 proceeding; and



1 (2) One hundred dollars for giving or waiting to give
2 testimony.

3 (c) Except as otherwise provided in NRS 484C.200, not more
4 than three samples of the person's blood or breath may be taken
5 during the 5-hour period immediately following the time of the
6 initial arrest.

7 6. Except as otherwise provided in subsection 7, if the presence
8 of a controlled substance, chemical, poison, organic solvent or
9 another prohibited substance in the blood or urine of the person is in
10 issue, the officer may request that the person submit to a blood or
11 urine test, or both.

12 7. If the presence of marijuana in the blood of the person is in
13 issue, the officer may request that the person submit to a blood test.

14 8. Except as otherwise provided in subsections 4 and 6, a
15 police officer shall not request that a person submit to a urine test.

16 9. If a person to be tested fails to submit to a required test as
17 requested by a police officer pursuant to this section and the officer
18 has reasonable grounds to believe that the person to be tested was:

19 (a) Driving or in actual physical control of a vehicle while under
20 the influence of intoxicating liquor or a controlled substance or with
21 a prohibited substance in his or her blood or urine; or

22 (b) Engaging in any other conduct prohibited by NRS 484C.110,
23 484C.120, 484C.130 or 484C.430,

24 ➤ the officer may apply for a warrant or court order directing that
25 reasonable force be used to the extent necessary to obtain samples of
26 blood from the person to be tested.

27 10. If a person who is less than 18 years of age is requested to
28 submit to an evidentiary test pursuant to this section, the officer
29 shall, before testing the person, make a reasonable attempt to notify
30 the parent, guardian or custodian of the person, if known.

31 **Sec. 10.** NRS 484C.300 is hereby amended to read as follows:

32 484C.300 1. Before sentencing an offender for a violation of
33 NRS 484C.110 or 484C.120 that is punishable as a felony pursuant
34 to NRS 484C.400 or 484C.410, other than an offender who has been
35 evaluated pursuant to NRS 484C.340, or a violation of NRS
36 484C.130 or 484C.430, the court shall require that the offender be
37 evaluated to determine whether the offender is an abuser of alcohol
38 or drugs and whether the offender can be treated successfully for the
39 condition.

40 2. The evaluation must be conducted by:

41 (a) An alcohol and drug abuse counselor who is licensed or
42 certified, or a clinical alcohol and drug abuse counselor who is
43 licensed, pursuant to chapter 641C of NRS, to make such an
44 evaluation;



1 (b) A physician who is certified to make such an evaluation by
2 the Board of Medical Examiners; ~~or~~

3 (c) *An advanced practice registered nurse who is certified to*
4 *make such an evaluation by the State Board of Nursing; or*

5 (d) A psychologist who is certified to make such an evaluation
6 by the Board of Psychological Examiners.

7 3. The alcohol and drug abuse counselor, clinical alcohol and
8 drug abuse counselor, physician, *advanced practice registered*
9 *nurse* or psychologist who conducts the evaluation shall
10 immediately forward the results of the evaluation to the Director of
11 the Department of Corrections.

12 **Sec. 11.** NRS 484C.320 is hereby amended to read as follows:

13 484C.320 1. An offender who is found guilty of a violation
14 of NRS 484C.110 or 484C.120 that is punishable pursuant to
15 paragraph (a) of subsection 1 of NRS 484C.400, other than an
16 offender who is found to have a concentration of alcohol of 0.18 or
17 more in his or her blood or breath, may, at that time or any time
18 before the offender is sentenced, apply to the court to undergo a
19 program of treatment for alcoholism or drug abuse for at least 6
20 months. The court shall authorize that treatment if:

21 (a) The offender is diagnosed as an alcoholic or abuser of drugs
22 by:

23 (1) An alcohol and drug abuse counselor who is licensed or
24 certified, or a clinical alcohol and drug abuse counselor who is
25 licensed, pursuant to chapter 641C of NRS, to make that diagnosis;
26 ~~or~~

27 (2) A physician who is certified to make that diagnosis by the
28 Board of Medical Examiners; *or*

29 (3) *An advanced practice registered nurse who is certified*
30 *to make that diagnosis by the State Board of Nursing;*

31 (b) The offender agrees to pay the cost of the treatment to the
32 extent of his or her financial resources; and

33 (c) The offender has served or will serve a term of imprisonment
34 in jail of 1 day, or has performed or will perform 24 hours of
35 community service.

36 2. A prosecuting attorney may, within 10 days after receiving
37 notice of an application for treatment pursuant to this section,
38 request a hearing on the question of whether the offender is eligible
39 to undergo a program of treatment for alcoholism or drug abuse.
40 The court shall order a hearing on the application upon the request
41 of the prosecuting attorney or may order a hearing on its own
42 motion. The hearing must be limited to the question of whether the
43 offender is eligible to undergo such a program of treatment.

44 3. At the hearing on the application for treatment, the
45 prosecuting attorney may present the court with any relevant



1 evidence on the matter. If a hearing is not held, the court shall
2 decide the matter upon affidavits and other information before the
3 court.

4 4. If the court grants an application for treatment, the court
5 shall:

6 (a) Immediately sentence the offender and enter judgment
7 accordingly.

8 (b) Suspend the sentence of the offender for not more than 3
9 years upon the condition that the offender be accepted for treatment
10 by a treatment provider that is approved by the court, that the
11 offender complete the treatment satisfactorily and that the offender
12 comply with any other condition ordered by the court. If the court
13 has a specialty court program for the supervision and monitoring of
14 the person, the treatment provider must comply with the
15 requirements of the specialty court, including, without limitation,
16 any requirement to submit progress reports to the specialty court.

17 (c) Advise the offender that:

18 (1) He or she may be placed under the supervision of a
19 treatment provider for a period not to exceed 3 years.

20 (2) The court may order the offender to be admitted to a
21 residential treatment facility or to be provided with outpatient
22 treatment in the community.

23 (3) If the offender fails to complete the program of treatment
24 satisfactorily, the offender shall serve the sentence imposed by the
25 court. Any sentence of imprisonment must be reduced by a time
26 equal to that which the offender served before beginning treatment.

27 (4) If the offender completes the treatment satisfactorily, the
28 offender's sentence will be reduced to a term of imprisonment
29 which is no longer than that provided for the offense in paragraph
30 (c) of subsection 1 and a fine of not more than the minimum fine
31 provided for the offense in NRS 484C.400, but the conviction must
32 remain on the record of criminal history of the offender.

33 5. The court shall administer the program of treatment pursuant
34 to the procedures provided in NRS 458.320 and 458.330, except that
35 the court:

36 (a) Shall not defer the sentence, set aside the conviction or
37 impose conditions upon the election of treatment except as
38 otherwise provided in this section.

39 (b) May immediately revoke the suspension of sentence for a
40 violation of any condition of the suspension.

41 6. The court shall notify the Department, on a form approved
42 by the Department, upon granting the application of the offender for
43 treatment and his or her failure to be accepted for or complete
44 treatment.



1 **Sec. 12.** NRS 484C.330 is hereby amended to read as follows:
2 484C.330 1. An offender who is found guilty of a violation
3 of NRS 484C.110 or 484C.120 that is punishable pursuant to
4 paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or
5 any time before the offender is sentenced, apply to the court to
6 undergo a program of treatment for alcoholism or drug abuse for at
7 least 1 year. The court shall authorize that treatment if:

8 (a) The offender is diagnosed as an alcoholic or abuser of drugs
9 by:

10 (1) An alcohol and drug abuse counselor who is licensed or
11 certified, or a clinical alcohol and drug abuse counselor who is
12 licensed, pursuant to chapter 641C of NRS, to make that diagnosis;

13 ~~or~~

14 (2) A physician who is certified to make that diagnosis by the
15 Board of Medical Examiners; *or*

16 (3) *An advanced practice registered nurse who is certified*
17 *to make that diagnosis by the State Board of Nursing;*

18 (b) The offender agrees to pay the costs of the treatment to the
19 extent of his or her financial resources; and

20 (c) The offender has served or will serve a term of imprisonment
21 in jail of 5 days and, if required pursuant to NRS 484C.400, has
22 performed or will perform not less than one-half of the hours of
23 community service.

24 2. A prosecuting attorney may, within 10 days after receiving
25 notice of an application for treatment pursuant to this section,
26 request a hearing on the matter. The court shall order a hearing on
27 the application upon the request of the prosecuting attorney or may
28 order a hearing on its own motion.

29 3. At the hearing on the application for treatment, the
30 prosecuting attorney may present the court with any relevant
31 evidence on the matter. If a hearing is not held, the court shall
32 decide the matter upon affidavits and other information before the
33 court.

34 4. If the court grants an application for treatment, the court
35 shall:

36 (a) Immediately sentence the offender and enter judgment
37 accordingly.

38 (b) Suspend the sentence of the offender for not more than 3
39 years upon the condition that the offender be accepted for treatment
40 by a treatment provider that is approved by the court, that the
41 offender complete the treatment satisfactorily and that the offender
42 comply with any other condition ordered by the court. If the court
43 has a specialty court program for the supervision and monitoring of
44 the person, the treatment provider must comply with the



1 requirements of the specialty court, including, without limitation,
2 any requirement to submit progress reports to the specialty court.

3 (c) Advise the offender that:

4 (1) He or she may be placed under the supervision of the
5 treatment provider for a period not to exceed 3 years.

6 (2) The court may order the offender to be admitted to a
7 residential treatment facility or to be provided with outpatient
8 treatment in the community.

9 (3) If the offender fails to complete the program of treatment
10 satisfactorily, the offender shall serve the sentence imposed by the
11 court. Any sentence of imprisonment must be reduced by a time
12 equal to that which the offender served before beginning treatment.

13 (4) If the offender completes the treatment satisfactorily, the
14 offender's sentence will be reduced to a term of imprisonment
15 which is no longer than that provided for the offense in paragraph
16 (c) of subsection 1 and a fine of not more than the minimum
17 provided for the offense in NRS 484C.400, but the conviction must
18 remain on the record of criminal history of the offender.

19 5. The court shall administer the program of treatment pursuant
20 to the procedures provided in NRS 458.320 and 458.330, except that
21 the court:

22 (a) Shall not defer the sentence, set aside the conviction or
23 impose conditions upon the election of treatment except as
24 otherwise provided in this section.

25 (b) May immediately revoke the suspension of sentence for a
26 violation of a condition of the suspension.

27 6. The court shall notify the Department, on a form approved
28 by the Department, upon granting the application of the offender for
29 treatment and his or her failure to be accepted for or complete
30 treatment.

31 **Sec. 13.** NRS 484C.340 is hereby amended to read as follows:

32 484C.340 1. An offender who enters a plea of guilty or nolo
33 contendere to a violation of NRS 484C.110 or 484C.120 that is
34 punishable pursuant to paragraph (c) of subsection 1 of NRS
35 484C.400 may, at the time the offender enters a plea, apply to the
36 court to undergo a program of treatment for alcoholism or drug
37 abuse for at least 3 years. The court may authorize that treatment if:

38 (a) The offender is diagnosed as an alcoholic or abuser of drugs
39 by:

40 (1) An alcohol and drug abuse counselor who is licensed or
41 certified, or a clinical alcohol and drug abuse counselor who is
42 licensed, pursuant to chapter 641C of NRS, to make that diagnosis;
43 ~~for~~

44 (2) A physician who is certified to make that diagnosis by the
45 Board of Medical Examiners; *or*



1 ***(3) An advanced practice registered nurse who is certified***
2 ***to make that diagnosis by the State Board of Nursing;*** and

3 (b) The offender agrees to pay the costs of the treatment to the
4 extent of his or her financial resources.

5 ↳ An alcohol and drug abuse counselor, a clinical alcohol and drug
6 abuse counselor or a physician ***or an advanced practice registered***
7 ***nurse*** who diagnoses an offender as an alcoholic or abuser of drugs
8 shall make a report and recommendation to the court concerning the
9 length and type of treatment required for the offender.

10 2. A prosecuting attorney may, within 10 days after receiving
11 notice of an application for treatment pursuant to this section,
12 request a hearing on the matter. The court shall order a hearing on
13 the application upon the request of the prosecuting attorney or may
14 order a hearing on its own motion.

15 3. At the hearing on the application for treatment, the
16 prosecuting attorney may present the court with any relevant
17 evidence on the matter. If a hearing is not held, the court shall
18 decide the matter and other information before the court.

19 4. If the court determines that an application for treatment
20 should be granted, the court shall:

21 (a) Immediately, without entering a judgment of conviction and
22 with the consent of the offender, suspend further proceedings and
23 place the offender on probation for not more than 5 years.

24 (b) Order the offender to complete a program of treatment for
25 alcoholism or drug abuse with a treatment provider approved by the
26 court. If the court has a specialty court program for the supervision
27 and monitoring of the person, the treatment provider must comply
28 with the requirements of the specialty court, including, without
29 limitation, any requirement to submit progress reports to the
30 specialty court.

31 (c) Advise the offender that:

32 (1) He or she may be placed under the supervision of a
33 treatment provider for not more than 5 years.

34 (2) The court may order the offender to be admitted to a
35 residential treatment facility or to be provided with outpatient
36 treatment in the community.

37 (3) The court will enter a judgment of conviction for a
38 violation of paragraph (c) of subsection 1 of NRS 484C.400 if a
39 treatment provider fails to accept the offender for a program of
40 treatment for alcoholism or drug abuse or if the offender fails to
41 complete the program of treatment satisfactorily. Any sentence of
42 imprisonment may be reduced by a time equal to that which the
43 offender served before beginning treatment.



1 (4) If the offender completes the treatment satisfactorily, the
2 court will enter a judgment of conviction for a violation of
3 paragraph (b) of subsection 1 of NRS 484C.400.

4 (5) The provisions of NRS 483.460 requiring the revocation
5 of the license, permit or privilege of the offender to drive do not
6 apply.

7 5. The court shall administer the program of treatment pursuant
8 to the procedures provided in NRS 458.320 and 458.330, except that
9 the court:

10 (a) Shall not defer the sentence or set aside the conviction upon
11 the election of treatment, except as otherwise provided in this
12 section; and

13 (b) May enter a judgment of conviction and proceed as provided
14 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of
15 a condition ordered by the court.

16 6. To participate in a program of treatment, the offender must:

17 (a) Serve not less than 6 months of residential confinement;

18 (b) Install, at his or her own expense, a device for not less than
19 12 months;

20 (c) Not drive any vehicle unless it is equipped with a device;

21 (d) Agree to be subject to periodic testing for the use of alcohol
22 or controlled substances while participating in a program of
23 treatment; and

24 (e) Agree to any other conditions that the court deems necessary.

25 7. An offender may not apply to the court to undergo a
26 program of treatment for alcoholism or drug abuse pursuant to this
27 section if the offender has previously applied to receive treatment
28 pursuant to this section or if the offender has previously been
29 convicted of:

30 (a) A violation of NRS 484C.430;

31 (b) A violation of NRS 484C.130;

32 (c) A homicide resulting from driving or being in actual physical
33 control of a vehicle while under the influence of intoxicating liquor
34 or a controlled substance or resulting from any other conduct
35 prohibited by NRS 484C.110, 484C.130 or 484C.430;

36 (d) A violation of paragraph (c) of subsection 1 of
37 NRS 484C.400;

38 (e) A violation of NRS 484C.410; or

39 (f) A violation of law of any other jurisdiction that prohibits the
40 same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

41 8. As used in this section, "device" has the meaning ascribed to
42 it in NRS 484C.450.

43 **Sec. 14.** NRS 484C.350 is hereby amended to read as follows:

44 484C.350 1. If an offender is found guilty of a violation of
45 NRS 484C.110 that is punishable pursuant to paragraph (a) of



1 subsection 1 of NRS 484C.400 and if the concentration of alcohol in
2 the offender's blood or breath at the time of the offense was 0.18 or
3 more, or if an offender is found guilty of a violation of NRS
4 484C.110 or 484C.120 that is punishable pursuant to paragraph (b)
5 of subsection 1 of NRS 484C.400, the court shall, before sentencing
6 the offender, require an evaluation of the offender pursuant to
7 subsection 3, 4, 5 or 6 to determine whether the offender is an
8 abuser of alcohol or other drugs.

9 2. If an offender is convicted of a violation of NRS 484C.110
10 or 484C.120 that is punishable pursuant to paragraph (a) of
11 subsection 1 of NRS 484C.400 and if the offender is under 21 years
12 of age at the time of the violation, the court shall, before sentencing
13 the offender, require an evaluation of the offender pursuant to
14 subsection 3, 4, 5 or 6 to determine whether the offender is an
15 abuser of alcohol or other drugs.

16 3. Except as otherwise provided in subsection 4, 5 or 6, the
17 evaluation of an offender pursuant to this section must be conducted
18 at an evaluation center by:

19 (a) An alcohol and drug abuse counselor who is licensed or
20 certified, or a clinical alcohol and drug abuse counselor who is
21 licensed, pursuant to chapter 641C of NRS, to make that evaluation;
22 ~~or~~

23 (b) A physician who is certified to make that evaluation by the
24 Board of Medical Examiners ~~or~~; *or*

25 *(c) An advanced practice registered nurse who is certified to*
26 *make that evaluation by the State Board of Nursing,*

27 *who shall report to the court the results of the evaluation and*
28 *make a recommendation to the court concerning the length and type*
29 *of treatment required for the offender.*

30 4. The evaluation of an offender who resides more than 30
31 miles from an evaluation center may be conducted outside an
32 evaluation center by a person who has the qualifications set forth in
33 subsection 3. The person who conducts the evaluation shall report to
34 the court the results of the evaluation and make a recommendation
35 to the court concerning the length and type of treatment required for
36 the offender.

37 5. The evaluation of an offender who resides in another state
38 may, upon approval of the court, be conducted in the state where the
39 offender resides by a physician, *advanced practice registered nurse*
40 *or other person who is authorized by the appropriate governmental*
41 *agency in that state to conduct such an evaluation. The offender*
42 *shall ensure that the results of the evaluation and the*
43 *recommendation concerning the length and type of treatment for the*
44 *offender are reported to the court.*



6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician, *advanced practice registered nurse* or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician, *advanced practice registered nurse* or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 15. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person convicted of:

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, to install, at his or her own expense and for a period of not less than 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430, to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:



1 (a) Requiring the person to install a device in a motor vehicle
2 which the person owns or operates would cause the person to
3 experience an economic hardship;

4 (b) The person requires the use of the motor vehicle to:

5 (1) Travel to and from work or in the course and scope of his
6 or her employment; or

7 (2) Obtain medicine, food or other necessities or to obtain
8 health care services for the person or another member of the
9 person's immediate family;

10 (c) The person is unable to provide a deep lung breath sample
11 for a device, as certified in writing by a physician *or an advanced*
12 *practice registered nurse* of the person; or

13 (d) The person resides more than 100 miles from a manufacturer
14 of a device or its agent.

15 3. If the court orders a person to install a device pursuant to
16 subsection 1:

17 (a) The court shall immediately prepare and transmit a copy of
18 its order to the Director. The order must include a statement that a
19 device is required and the specific period for which it is required.
20 The Director shall cause this information to be incorporated into the
21 records of the Department and noted as a restriction on the person's
22 driver's license.

23 (b) The person who is required to install the device shall provide
24 proof of compliance to the Department before the person may
25 receive a restricted license or before the driving privilege of the
26 person may be reinstated, as applicable. Each model of a device
27 installed pursuant to this section must have been certified by the
28 Committee on Testing for Intoxication.

29 4. A person whose driving privilege is restricted pursuant to
30 this section or NRS 483.490 shall have the device inspected,
31 calibrated, monitored and maintained by the manufacturer of the
32 device or its agent at least one time each 90 days during the period
33 in which the person is required to use the device to determine
34 whether the device is operating properly. Any inspection,
35 calibration, monitoring or maintenance required pursuant to this
36 subsection must be conducted in accordance with regulations
37 adopted pursuant to NRS 484C.480. The manufacturer or its agent
38 shall submit a report to the Director indicating whether the device is
39 operating properly, whether any of the incidents listed in subsection
40 1 of NRS 484C.470 have occurred and whether the device has been
41 tampered with. If the device has been tampered with, the Director
42 shall notify the court that ordered the installation of the device.
43 Upon receipt of such notification and before the court imposes a
44 penalty pursuant to subsection 3 of NRS 484C.470, the court shall



1 afford any interested party an opportunity for a hearing after
2 reasonable notice.

3 5. If a person is required to operate a motor vehicle in the
4 course and scope of his or her employment and the motor vehicle is
5 owned by the person's employer, the person may operate that
6 vehicle without the installation of a device, if:

7 (a) The employee notifies his or her employer that the
8 employee's driving privilege has been so restricted; and

9 (b) The employee has proof of that notification in his or her
10 possession or the notice, or a facsimile copy thereof, is with the
11 motor vehicle.

12 ➤ This exemption does not apply to a motor vehicle owned by a
13 business which is all or partly owned or controlled by the person
14 otherwise subject to this section.

15 6. The running of the period during which a person is required
16 to have a device installed pursuant to this section commences when
17 the Department issues a restricted license to the person or reinstates
18 the driving privilege of the person and is tolled whenever and for as
19 long as the person is, with regard to a violation of NRS 484C.110,
20 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of
21 residential confinement, placed under the supervision of a treatment
22 provider, on parole or on probation.

23 **Sec. 16.** NRS 484D.495 is hereby amended to read as follows:

24 484D.495 1. It is unlawful to drive a passenger car
25 manufactured after:

26 (a) January 1, 1968, on a highway unless it is equipped with at
27 least two lap-type safety belt assemblies for use in the front seating
28 positions.

29 (b) January 1, 1970, on a highway unless it is equipped with a
30 lap-type safety belt assembly for each permanent seating position
31 for passengers. This requirement does not apply to the rear seats of
32 vehicles operated by a police department or sheriff's office.

33 (c) January 1, 1970, unless it is equipped with at least two
34 shoulder-harness-type safety belt assemblies for use in the front
35 seating positions.

36 2. Any person driving, and any passenger who:

37 (a) Is 6 years of age or older; or

38 (b) Weighs more than 60 pounds, regardless of age,

39 ➤ who rides in the front or back seat of any vehicle described in
40 subsection 1, having an unladen weight of less than 10,000 pounds,
41 on any highway, road or street in this State shall wear a safety belt if
42 one is available for the seating position of the person or passenger.

43 3. A citation must be issued to any driver or to any adult
44 passenger who fails to wear a safety belt as required by subsection

45 2. If the passenger is a child who:



1 (a) Is 6 years of age or older but less than 18 years of age,
2 regardless of weight; or

3 (b) Is less than 6 years of age but who weighs more than 60
4 pounds,

5 ↪ a citation must be issued to the driver for failing to require that
6 child to wear the safety belt, but if both the driver and that child are
7 not wearing safety belts, only one citation may be issued to the
8 driver for both violations. A citation may be issued pursuant to this
9 subsection only if the violation is discovered when the vehicle is
10 halted or its driver arrested for another alleged violation or offense.
11 Any person who violates the provisions of subsection 2 shall be
12 punished by a fine of not more than \$25 or by a sentence to perform
13 a certain number of hours of community service.

14 4. A violation of subsection 2:

15 (a) Is not a moving traffic violation under NRS 483.473.

16 (b) May not be considered as negligence or as causation in any
17 civil action or as negligent or reckless driving under NRS 484B.653.

18 (c) May not be considered as misuse or abuse of a product or as
19 causation in any action brought to recover damages for injury to a
20 person or property resulting from the manufacture, distribution, sale
21 or use of a product.

22 5. The Department shall exempt those types of motor vehicles
23 or seating positions from the requirements of subsection 1 when
24 compliance would be impractical.

25 6. The provisions of subsections 2 and 3 do not apply:

26 (a) To a driver or passenger who possesses a written statement
27 by a physician *or an advanced practice registered nurse* certifying
28 that the driver or passenger is unable to wear a safety belt for
29 medical or physical reasons;

30 (b) If the vehicle is not required by federal law to be equipped
31 with safety belts;

32 (c) To an employee of the United States Postal Service while
33 delivering mail in the rural areas of this State;

34 (d) If the vehicle is stopping frequently, the speed of that vehicle
35 does not exceed 15 miles per hour between stops and the driver or
36 passenger is frequently leaving the vehicle or delivering property
37 from the vehicle; or

38 (e) Except as otherwise provided in NRS 484D.500, to a
39 passenger riding in a means of public transportation, including a
40 school bus or emergency vehicle.

41 7. It is unlawful for any person to distribute, have for sale,
42 offer for sale or sell any safety belt or shoulder harness assembly for
43 use in a motor vehicle unless it meets current minimum standards
44 and specifications of the United States Department of
45 Transportation.



1 **Sec. 17.** NRS 484D.500 is hereby amended to read as follows:
2 484D.500 1. Any passenger 18 years of age or older who
3 rides in the front or back seat of any taxicab on any highway, road
4 or street in this State shall wear a safety belt if one is available for
5 the seating position of the passenger, except that this subsection
6 does not apply:

7 (a) To a passenger who possesses a written statement by a
8 physician *or an advanced practice registered nurse* certifying that
9 the passenger is unable to wear a safety belt for medical or physical
10 reasons; or

11 (b) If the taxicab was not required by federal law at the time of
12 initial sale to be equipped with safety belts.

13 2. A citation must be issued to any passenger who violates the
14 provisions of subsection 1. A citation may be issued pursuant to this
15 subsection only if the violation is discovered when the vehicle is
16 halted or its driver arrested for another alleged violation or offense.
17 Any person who violates the provisions of subsection 1 shall be
18 punished by a fine of not more than \$25 or by a sentence to perform
19 a certain number of hours of community service.

20 3. A violation of subsection 1:

21 (a) Is not a moving traffic violation under NRS 483.473.

22 (b) May be considered as negligence or as causation in any civil
23 action or as negligent or reckless driving under NRS 484B.653.

24 (c) May be considered as misuse or abuse of a product or as
25 causation in any action brought to recover damages for injury to a
26 person or property resulting from the manufacture, distribution, sale
27 or use of a product.

28 4. An owner or operator of a taxicab shall post a sign within
29 each of his or her taxicabs advising passengers that they must wear
30 safety belts while being transported by the taxicab. Such a sign must
31 be placed within the taxicab so as to be visible to and easily readable
32 by passengers, except that this subsection does not apply if the
33 taxicab was not required by federal law at the time of initial sale to
34 be equipped with safety belts.

35 **Sec. 18.** NRS 159.044 is hereby amended to read as follows:

36 159.044 1. A proposed protected person, a governmental
37 agency, a nonprofit corporation or any interested person may
38 petition the court for the appointment of a guardian.

39 2. To the extent the petitioner knows or reasonably may
40 ascertain or obtain, the petition must include, without limitation:

41 (a) The name and address of the petitioner.

42 (b) The name, date of birth and current address of the proposed
43 protected person.

44 (c) A copy of one of the following forms of identification of the
45 proposed protected person which must be placed in the records



1 relating to the guardianship proceeding and, except as otherwise
2 provided in NRS 239.0115 or as otherwise required to carry out a
3 specific statute, maintained in a confidential manner:

- 4 (1) A social security number;
- 5 (2) A taxpayer identification number;
- 6 (3) A valid driver's license number;
- 7 (4) A valid identification card number;
- 8 (5) A valid passport number;
- 9 (6) A valid permanent resident card number; or
- 10 (7) A valid tribal identification card number.

11 ➤ If the information required pursuant to this paragraph is not
12 included with the petition, the information must be provided to the
13 court not later than 120 days after the appointment of a guardian or
14 as otherwise ordered by the court.

15 (d) Whether the proposed protected person is a resident or
16 nonresident of this State.

17 (e) The names and addresses of the spouse of the proposed
18 protected person and the relatives of the proposed protected person
19 who are within the second degree of consanguinity.

20 (f) The name, date of birth and current address of the proposed
21 guardian. If the proposed guardian is a private professional
22 guardian, the petition must include proof that the guardian meets the
23 requirements of NRS 159.0595 or 159A.0595. If the proposed
24 guardian is not a private professional guardian, the petition must
25 include a statement that the guardian currently is not receiving
26 compensation for services as a guardian to more than one protected
27 person who is not related to the person by blood or marriage. As
28 used in this paragraph, "protected person" includes a protected
29 minor.

30 (g) A copy of one of the following forms of identification of the
31 proposed guardian which must be placed in the records relating to
32 the guardianship proceeding and, except as otherwise provided in
33 NRS 239.0115 or as otherwise required to carry out a specific
34 statute, maintained in a confidential manner:

- 35 (1) A social security number;
- 36 (2) A taxpayer identification number;
- 37 (3) A valid driver's license number;
- 38 (4) A valid identification card number;
- 39 (5) A valid passport number;
- 40 (6) A valid permanent resident card number; or
- 41 (7) A valid tribal identification card number.

42 (h) Whether the proposed guardian has ever been convicted of a
43 felony and, if so, information concerning the crime for which the
44 proposed guardian was convicted and whether the proposed
45 guardian was placed on probation or parole.



1 (i) A summary of the reasons why a guardian is needed and
2 recent documentation demonstrating the need for a guardianship.
3 The documentation must include, without limitation:

4 (1) A certificate signed by a physician *or an advanced*
5 *practice registered nurse* who is licensed to practice ~~[medicine]~~ in
6 this State or who is employed by the Department of Veterans
7 Affairs, a letter signed by any governmental agency in this State
8 which conducts investigations or a certificate signed by any other
9 person whom the court finds qualified to execute a certificate,
10 stating:

11 (I) The need for a guardian;

12 (II) Whether the proposed protected person presents a
13 danger to himself or herself or others;

14 (III) Whether the attendance of the proposed protected
15 person at a hearing would be detrimental to the proposed protected
16 person;

17 (IV) Whether the proposed protected person would
18 comprehend the reason for a hearing or contribute to the proceeding;
19 and

20 (V) Whether the proposed protected person is capable of
21 living independently with or without assistance; and

22 (2) If the proposed protected person is determined to have
23 the limited capacity to consent to the appointment of a special
24 guardian, a written consent to the appointment of a special guardian
25 from the protected person.

26 (j) Whether the appointment of a general or a special guardian is
27 sought.

28 (k) A general description and the probable value of the property
29 of the proposed protected person and any income to which the
30 proposed protected person is or will be entitled, if the petition is for
31 the appointment of a guardian of the estate or a special guardian. If
32 any money is paid or is payable to the proposed protected person by
33 the United States through the Department of Veterans Affairs, the
34 petition must so state.

35 (l) The name and address of any person or care provider having
36 the care, custody or control of the proposed protected person.

37 (m) If the petitioner is not the spouse or natural child of the
38 proposed protected person, a declaration explaining the relationship
39 of the petitioner to the proposed protected person or to the family or
40 friends of the proposed protected person, if any, and the interest, if
41 any, of the petitioner in the appointment.

42 (n) Requests for any of the specific powers set forth in NRS
43 159.117 to 159.175, inclusive, necessary to enable the guardian to
44 carry out the duties of the guardianship.



1 (o) If the guardianship is sought as the result of an investigation
2 of a report of abuse, neglect, exploitation, isolation or abandonment
3 of the proposed protected person, whether the referral was from a
4 law enforcement agency or a state or county agency.

5 (p) Whether the proposed protected person or the proposed
6 guardian is a party to any pending criminal or civil litigation.

7 (q) Whether the guardianship is sought for the purpose of
8 initiating litigation.

9 (r) Whether the proposed protected person has executed a
10 durable power of attorney for health care, a durable power of
11 attorney for financial matters or a written nomination of guardian
12 and, if so, who the named agents are for each document.

13 (s) Whether the proposed guardian has filed for or received
14 protection under the federal bankruptcy laws within the immediately
15 preceding 7 years.

16 3. Before the court makes a finding pursuant to NRS 159.054,
17 a petitioner seeking a guardian for a proposed protected person must
18 provide the court with an assessment of the needs of the proposed
19 protected person completed by a licensed physician *or an advanced*
20 *practice registered nurse* which identifies the limitations of capacity
21 of the proposed protected person and how such limitations affect the
22 ability of the proposed protected person to maintain his or her safety
23 and basic needs. The court may prescribe the form in which the
24 assessment of the needs of the proposed protected person must be
25 filed.

26 **Sec. 19.** NRS 159.046 is hereby amended to read as follows:

27 159.046 1. Upon filing of the petition, or any time thereafter,
28 the court may appoint one or more investigators to:

29 (a) Locate persons who perform services needed by the
30 proposed protected person and other public and private resources
31 available to the proposed protected person.

32 (b) Determine any competing interests in the appointment of a
33 guardian.

34 (c) Investigate allegations or claims which affect a protected
35 person or proposed protected person.

36 2. An investigator may be an employee of a social service
37 agency, family service officer of the court, public guardian,
38 physician, *advanced practice registered nurse* or other qualified
39 person.

40 3. An investigator shall file with the court and parties a report
41 concerning the scope of the appointment of the guardian and any
42 special powers which a guardian would need to assist the proposed
43 protected person.

44 4. An investigator who is appointed pursuant to this section is
45 entitled to reasonable compensation from the estate of the proposed



1 protected person. If the court finds that a person has unnecessarily
2 or unreasonably caused the investigation, the court may order the
3 person to pay to the estate of the proposed protected person all or
4 part of the expenses associated with the investigation.

5 **Sec. 20.** NRS 159.0523 is hereby amended to read as follows:

6 159.0523 1. A petitioner may request the court to appoint a
7 temporary guardian for a proposed protected person who is unable
8 to respond to a substantial and immediate risk of physical harm or to
9 a need for immediate medical attention. To support the request, the
10 petitioner must set forth in a petition and present to the court under
11 oath:

12 (a) Documentation which shows the proposed protected person
13 faces a substantial and immediate risk of physical harm or needs
14 immediate medical attention and lacks capacity to respond to the
15 risk of harm or obtain the necessary medical attention. Such
16 documentation must include, without limitation, a certificate signed
17 by a physician *or advanced practice registered nurse* who is
18 licensed to practice ~~[medicine]~~ in this State or who is employed by
19 the Department of Veterans Affairs, a letter signed by any
20 governmental agency in this State which conducts investigations or
21 a police report indicating:

22 (1) That the proposed protected person is unable to respond
23 to a substantial and immediate risk of physical harm or to a need for
24 immediate medical attention;

25 (2) Whether the proposed protected person presents a danger
26 to himself or herself or others; and

27 (3) Whether the proposed protected person is or has been
28 subjected to abuse, neglect, exploitation, isolation or abandonment;
29 and

30 (b) Facts which show that:

31 (1) The petitioner has tried in good faith to notify the persons
32 entitled to notice pursuant to NRS 159.047 by telephone or in
33 writing before the filing of the petition;

34 (2) The proposed protected person would be exposed to an
35 immediate risk of physical harm if the petitioner were to provide
36 notice to the persons entitled to notice pursuant to NRS 159.047
37 before the court determines whether to appoint a temporary
38 guardian; or

39 (3) Giving notice to the persons entitled to notice pursuant to
40 NRS 159.047 is not feasible under the circumstances.

41 2. The court may appoint a temporary guardian to serve for 10
42 days if the court:

43 (a) Finds reasonable cause to believe that the proposed protected
44 person is unable to respond to a substantial and immediate risk of
45 physical harm or to a need for immediate medical attention; and



1 (b) Is satisfied that the petitioner has tried in good faith to notify
2 the persons entitled to notice pursuant to NRS 159.047 or that
3 giving notice to those persons is not feasible under the
4 circumstances, or determines that such notice is not required
5 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

6 3. Except as otherwise provided in subsection 4, after the
7 appointment of a temporary guardian, the petitioner shall attempt in
8 good faith to notify the persons entitled to notice pursuant to NRS
9 159.047, including, without limitation, notice of any hearing to
10 extend the temporary guardianship. If the petitioner fails to make
11 such an effort, the court may terminate the temporary guardianship.

12 4. If, before the appointment of a temporary guardian, the court
13 determined that advance notice was not required pursuant to
14 subparagraph (2) of paragraph (b) of subsection 1, the petitioner
15 shall notify the persons entitled to notice pursuant to NRS 159.047
16 without undue delay, but not later than 48 hours after the
17 appointment of the temporary guardian or not later than 48 hours
18 after the petitioner discovers the existence, identity and location of
19 the persons entitled to notice pursuant to that section. If the
20 petitioner fails to provide such notice, the court may terminate the
21 temporary guardianship.

22 5. Not later than 10 days after the date of the appointment of a
23 temporary guardian pursuant to subsection 2, the court shall hold a
24 hearing to determine the need to extend the temporary guardianship.
25 Except as otherwise provided in subsection 7, the court may extend
26 the temporary guardianship until a general or special guardian is
27 appointed pursuant to subsection 8 if:

28 (a) The court finds by clear and convincing evidence that the
29 proposed protected person is unable to respond to a substantial and
30 immediate risk of physical harm or to a need for immediate medical
31 attention; and

32 (b) The extension of the temporary guardianship is necessary
33 and in the best interests of the proposed protected person.

34 6. If the court appoints a temporary guardian or extends the
35 temporary guardianship pursuant to this section, the court shall limit
36 the powers of the temporary guardian to those necessary to respond
37 to the substantial and immediate risk of physical harm or to a need
38 for immediate medical attention.

39 7. The court may not extend a temporary guardianship pursuant
40 to subsection 5 beyond the initial period of 10 days unless the
41 petitioner demonstrates that:

42 (a) The provisions of NRS 159.0475 have been satisfied; or

43 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently
44 being undertaken.



1 8. The court may extend the temporary guardianship, for good
2 cause shown, for not more than two successive 60-day periods,
3 except that the court shall not cause the temporary guardianship to
4 continue longer than 5 months unless extraordinary circumstances
5 are shown.

6 **Sec. 21.** NRS 159.0525 is hereby amended to read as follows:

7 159.0525 1. A petitioner may request the court to appoint a
8 temporary guardian for a protected person who is unable to respond
9 to a substantial and immediate risk of financial loss. To support the
10 request, the petitioner must set forth in a petition and present to the
11 court under oath:

12 (a) Documentation which shows that the proposed protected
13 person faces a substantial and immediate risk of financial loss and
14 lacks capacity to respond to the risk of loss. Such documentation
15 must include, without limitation, a certificate signed by a physician
16 *or advanced practice registered nurse* who is licensed to practice
17 ~~[medicine]~~ in this State or who is employed by the Department of
18 Veterans Affairs, a letter signed by any governmental agency in this
19 State which conducts investigations or a police report indicating:

20 (1) That the proposed protected person is unable to respond
21 to a substantial and immediate risk of financial loss;

22 (2) Whether the proposed protected person can live
23 independently with or without assistance or services; and

24 (3) Whether the proposed protected person is or has been
25 subjected to abuse, neglect, exploitation, isolation or abandonment;

26 (b) A detailed explanation of what risks the proposed protected
27 person faces, including, without limitation, termination of utilities or
28 other services because of nonpayment, initiation of eviction or
29 foreclosure proceedings, exploitation or loss of assets as the result of
30 fraud, coercion or undue influence; and

31 (c) Facts which show that:

32 (1) The petitioner has tried in good faith to notify the persons
33 entitled to notice pursuant to NRS 159.047 by telephone or in
34 writing before the filing of the petition;

35 (2) The proposed protected person would be exposed to an
36 immediate risk of financial loss if the petitioner were to provide
37 notice to the persons entitled to notice pursuant to NRS 159.047
38 before the court determines whether to appoint a temporary
39 guardian; or

40 (3) Giving notice to the persons entitled to notice pursuant to
41 NRS 159.047 is not feasible under the circumstances.

42 2. The court may appoint a temporary guardian to serve for 10
43 days if the court:



1 (a) Finds reasonable cause to believe that the proposed protected
2 person is unable to respond to a substantial and immediate risk of
3 financial loss; and

4 (b) Is satisfied that the petitioner has tried in good faith to notify
5 the persons entitled to notice pursuant to NRS 159.047 or that
6 giving notice to those persons is not feasible under the
7 circumstances, or determines that such notice is not required
8 pursuant to subparagraph (2) of paragraph (c) of subsection 1.

9 3. Except as otherwise provided in subsection 4, after the
10 appointment of a temporary guardian, the petitioner shall attempt in
11 good faith to notify the persons entitled to notice pursuant to NRS
12 159.047, including, without limitation, notice of any hearing to
13 extend the temporary guardianship. If the petitioner fails to make
14 such an effort, the court may terminate the temporary guardianship.

15 4. If, before the appointment of a temporary guardian, the court
16 determined that advance notice was not required pursuant to
17 subparagraph (2) of paragraph (c) of subsection 1, the petitioner
18 shall notify the persons entitled to notice pursuant to NRS 159.047
19 without undue delay, but not later than 48 hours after the
20 appointment of the temporary guardian or not later than 48 hours
21 after the petitioner discovers the existence, identity and location of
22 the persons entitled to notice pursuant to that section. If the
23 petitioner fails to provide such notice, the court may terminate the
24 temporary guardianship.

25 5. Not later than 10 days after the date of the appointment of a
26 temporary guardian pursuant to subsection 2, the court shall hold a
27 hearing to determine the need to extend the temporary guardianship.
28 Except as otherwise provided in subsection 7, the court may extend
29 the temporary guardianship until a general or special guardian is
30 appointed pursuant to subsection 8 if:

31 (a) The court finds by clear and convincing evidence that the
32 proposed protected person is unable to respond to a substantial and
33 immediate risk of financial loss; and

34 (b) The extension of the temporary guardianship is necessary
35 and in the best interests of the proposed protected person.

36 6. If the court appoints a temporary guardian or extends the
37 temporary guardianship pursuant to this section, the court shall limit
38 the powers of the temporary guardian to those necessary to respond
39 to the substantial and immediate risk of financial loss, specifically
40 limiting the temporary guardian's authority to take possession of,
41 close or have access to any accounts of the protected person or to
42 sell or dispose of tangible personal property of the protected person
43 to only that authority as needed to provide for the basic living
44 expenses of the protected person until a general or special guardian



1 can be appointed. The court may freeze any or all of the accounts of
2 the protected person to protect such accounts from loss.

3 7. The court may not extend a temporary guardianship pursuant
4 to subsection 5 beyond the initial period of 10 days unless the
5 petitioner demonstrates that:

6 (a) The provisions of NRS 159.0475 have been satisfied; or

7 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently
8 being undertaken.

9 8. The court may extend the temporary guardianship, for good
10 cause shown, for not more than two successive 60-day periods,
11 except that the court shall not cause the temporary guardianship to
12 continue longer than 5 months unless extraordinary circumstances
13 are shown.

14 **Sec. 22.** NRS 159.0535 is hereby amended to read as follows:

15 159.0535 1. A proposed protected person who is found in
16 this State must attend the hearing for the appointment of a guardian
17 unless:

18 (a) A certificate signed by a physician , *advanced practice*
19 *registered nurse* or psychiatrist who is licensed to practice in this
20 State or who is employed by the Department of Veterans Affairs
21 specifically states the condition of the proposed protected person,
22 the reasons why the proposed protected person is unable to appear in
23 court and whether the attendance of the proposed protected person
24 at the hearing would be detrimental to the physical or mental health
25 of the proposed protected person; or

26 (b) A certificate signed by any other person the court finds
27 qualified to execute a certificate states the condition of the proposed
28 protected person, the reasons why the proposed protected person is
29 unable to appear in court and whether the attendance of the
30 proposed protected person at the hearing would be detrimental to the
31 physical or mental health of the proposed protected person.

32 2. A proposed protected person found in this State who cannot
33 attend the hearing for the appointment of a general or special
34 guardian as set forth in a certificate pursuant to subsection 1 may
35 appear by videoconference. If the proposed protected person cannot
36 attend by videoconference, the person who signs the certificate
37 described in subsection 1 or any other person the court finds
38 qualified shall:

39 (a) Inform the proposed protected person that the petitioner is
40 requesting that the court appoint a guardian for the proposed
41 protected person;

42 (b) Ask the proposed protected person for a response to the
43 guardianship petition; and



1 (c) Ask the preferences of the proposed protected person for the
2 appointment of a particular person as the guardian of the proposed
3 protected person.

4 3. The person who informs the proposed protected person of
5 the rights of the proposed protected person pursuant to subsection 2
6 shall state in a certificate signed by that person:

7 (a) The responses of the proposed protected person to the
8 questions asked pursuant to subsection 2; and

9 (b) Any conditions that the person believes may have limited the
10 responses by the proposed protected person.

11 4. The court may prescribe the form in which a certificate
12 required by this section must be filed. If the certificate consists of
13 separate parts, each part must be signed by the person who is
14 required to sign the certificate.

15 5. If the proposed protected person is not in this State, the
16 proposed protected person must attend the hearing only if the court
17 determines that the attendance of the proposed protected person is
18 necessary in the interests of justice.

19 **Sec. 23.** NRS 159.079 is hereby amended to read as follows:

20 159.079 1. Except as otherwise ordered by the court, a
21 guardian of the person has the care, custody and control of the
22 person of the protected person, and has the authority and, subject to
23 subsection 2, shall perform the duties necessary for the proper care,
24 maintenance, education and support of the protected person,
25 including, without limitation, the following:

26 (a) Supplying the protected person with food, clothing, shelter
27 and all incidental necessities, including locating an appropriate
28 residence for the protected person based on the financial situation
29 and needs of the protected person, including, without limitation, any
30 medical needs or needs relating to his or her care.

31 (b) Taking reasonable care of any clothing, furniture, vehicles
32 and other personal effects of the protected person and commencing
33 a proceeding if any property of the protected person is in need of
34 protection.

35 (c) Authorizing medical, surgical, dental, psychiatric,
36 psychological, hygienic or other remedial care and treatment for the
37 protected person.

38 (d) Seeing that the protected person is properly trained and
39 educated and that the protected person has the opportunity to learn a
40 trade, occupation or profession.

41 2. In the performance of the duties enumerated in subsection 1
42 by a guardian of the person, due regard must be given to the extent
43 of the estate of the protected person. A guardian of the person is not
44 required to incur expenses on behalf of the protected person except



1 to the extent that the estate of the protected person is sufficient to
2 reimburse the guardian.

3 3. A guardian of the person is the personal representative of the
4 protected person for purposes of the Health Insurance Portability
5 and Accountability Act of 1996, Public Law 104-191, and any
6 applicable regulations. The guardian of the person has authority to
7 obtain information from any government agency, medical provider,
8 business, creditor or third party who may have information
9 pertaining to the health care or health insurance of the protected
10 person.


11 4. A guardian of the person may, subject to the provisions of
12 subsection 6 and NRS 159.0807, establish and change the residence
13 of the protected person at any place within this State. The guardian
14 shall select the least restrictive appropriate residence which is
15 available and necessary to meet the needs of the protected person
16 and which is financially feasible.

17 5. A guardian of the person shall petition the court for an order
18 authorizing the guardian to change the residence of the protected
19 person to a location outside of this State. The guardian must show
20 that the placement outside of this State is in the best interest of the
21 protected person or that there is no appropriate residence available
22 for the protected person in this State. The court shall retain
23 jurisdiction over the guardianship unless the guardian files for
24 termination of the guardianship pursuant to NRS 159.1905 or
25 159.191 or the jurisdiction of the guardianship is transferred to the
26 other state.

27 6. A guardian of the person must file a notice with the court of
28 his or her intent to move a protected person to or place a protected
29 person in a secured residential long-term care facility pursuant to
30 subsection 4 of NRS 159.0807 unless the secured residential long-
31 term care facility is in this State and:

32 (a) An emergency condition exists pursuant to subsection 5 of
33 NRS 159.0807;

34 (b) The court has previously granted the guardian authority to
35 move the protected person to or place the protected person in such a
36 facility based on findings made when the court appointed the
37 guardian; or

38 (c) The move or placement is made pursuant to a written
39 recommendation by a licensed physician  *or an advanced*
40 *practice registered nurse*, a physician *or an advanced practice*
41 *registered nurse* employed by the Department of Veterans Affairs, a
42 licensed social worker or an employee of a county or state office for
43 protective services.



1 7. This section does not relieve a parent or other person of any
2 duty required by law to provide for the care, support and
3 maintenance of any dependent.

4 8. As used in this section "protective services" has the meaning
5 ascribed to it in NRS 200.5092.

6 **Sec. 24.** NRS 159.0809 is hereby amended to read as follows:

7 159.0809 1. Except as otherwise provided in NRS 159.0807,
8 a guardian shall immediately notify all interested persons and
9 persons of natural affection:

10 (a) If the guardian reasonably believes that the death of the
11 protected person is likely to occur within the next 30 days and such
12 belief is based on information from a psychologist, physician ,
13 *advanced practice registered nurse* or other health care provider of
14 the protected person or a person otherwise qualified to provide such
15 a medical opinion, including, without limitation, a health care
16 provider employed by a hospice or by a hospital of the Department
17 of Veterans Affairs.

18 (b) Upon the death of the protected person.

19 (c) Upon obtaining any information relating to the burial or
20 cremation of the protected person.

21 2. The guardian shall provide notification pursuant to
22 paragraph (b) of subsection 1:

23 (a) In person or by telephone to the family members of the
24 protected person or, if the protected person does not have any family
25 members or does not have a relationship with any family members,
26 the person of natural affection designated to receive such
27 notification;

28 (b) By electronic communication to any family member of the
29 protected person or person of natural affection who has opted to
30 receive notification by electronic communication; and

31 (c) In writing to all other interested persons and persons of
32 natural affection not given notice pursuant to paragraph (a) or (b).

33 **Sec. 25.** NRS 159A.0535 is hereby amended to read as
34 follows:

35 159A.0535 1. A proposed protected minor who is found in
36 this State must attend the hearing for the appointment of a guardian
37 unless:

38 (a) A certificate signed by a physician , *advanced practice*
39 *registered nurse* or psychiatrist who is licensed to practice in this
40 State specifically states the condition of the proposed protected
41 minor, the reasons why the proposed protected minor is unable to
42 appear in court and whether the proposed protected minor's
43 attendance at the hearing would be detrimental to the physical or
44 mental health of the proposed protected minor; or



1 (b) A certificate signed by any other person the court finds
2 qualified to execute a certificate states the condition of the proposed
3 protected minor, the reasons why the proposed protected minor is
4 unable to appear in court and whether the proposed protected
5 minor's attendance at the hearing would be detrimental to the
6 physical or mental health of the proposed protected minor.

7 2. A proposed protected minor found in this State who cannot
8 attend the hearing for the appointment of a guardian as set forth in a
9 certificate pursuant to subsection 1 may appear by videoconference.

10 3. The court may prescribe the form in which a certificate
11 required by this section must be filed. If the certificate consists of
12 separate parts, each part must be signed by the person who is
13 required to sign the certificate.

14 4. If the proposed protected minor is not in this State, the
15 proposed protected minor must attend the hearing only if the court
16 determines that the attendance of the proposed protected minor is
17 necessary in the interests of justice.

18 **Sec. 26.** NRS 159A.079 is hereby amended to read as follows:

19 159A.079 1. Except as otherwise ordered by the court, a
20 guardian of the person has the care, custody and control of the
21 person of the protected minor, and has the authority and, subject to
22 subsection 2, shall perform the duties necessary for the proper care,
23 maintenance, education and support of the protected minor,
24 including, without limitation, the following:

25 (a) Supplying the protected minor with food, clothing, shelter
26 and all incidental necessities, including locating an appropriate
27 residence for the protected minor based on the financial situation
28 and needs of the protected minor, including, without limitation, any
29 medical needs or needs relating to his or her care.

30 (b) Taking reasonable care of any clothing, furniture, vehicles
31 and other personal effects of the protected minor and commencing a
32 proceeding if any property of the protected minor is in need of
33 protection.

34 (c) Authorizing medical, surgical, dental, psychiatric,
35 psychological, hygienic or other remedial care and treatment for the
36 protected minor.

37 (d) Seeing that the protected minor is properly trained and
38 educated and that the protected minor has the opportunity to learn a
39 trade, occupation or profession.

40 2. In the performance of the duties enumerated in subsection 1
41 by a guardian of the person, due regard must be given to the extent
42 of the estate of the protected minor. A guardian of the person may
43 be required to incur expenses on behalf of the protected minor if the
44 estate of the protected minor is insufficient to reimburse the
45 guardian.



1 3. A guardian of the person is the protected minor's personal
2 representative for purposes of the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, and any
4 applicable regulations. The guardian of the person has authority to
5 obtain information from any government agency, medical provider,
6 business, creditor or third party who may have information
7 pertaining to the protected minor's health care or health insurance.


8 4. A guardian of the person may, subject to the provisions of
9 subsection 6 and NRS 159A.0807, establish and change the
10 residence of the protected minor at any place within this State. The
11 guardian shall select the least restrictive appropriate residence which
12 is available and necessary to meet the needs of the protected minor
13 and which is financially feasible.

14 5. A guardian of the person shall petition the court for an order
15 authorizing the guardian to change the residence of the protected
16 minor to a location outside of this State. The guardian must show
17 that changing the residence of the protected minor to a location
18 outside of this State is in the best interest of the protected minor or
19 that there is no appropriate residence available for the protected
20 minor in this State. The court shall retain jurisdiction over
21 the guardianship unless the guardian files for termination of the
22 guardianship pursuant to NRS 159A.1905 or 159A.191 or the
23 jurisdiction of the guardianship is transferred to the other state. Not
24 later than 6 months after changing the residence of a protected
25 minor to a location outside of this State, the guardian shall file a
26 petition for guardianship in the state of the protected minor's
27 residence.

28 6. A guardian of the person must file a notice with the court of
29 his or her intent to move a protected minor to or place a protected
30 minor in a secured residential long-term care facility pursuant to
31 subsection 4 of NRS 159A.0807 unless the secured residential long-
32 term care facility is in this State and:

33 (a) An emergency condition exists pursuant to subsection 5 of
34 NRS 159A.0807;

35 (b) The court has previously granted the guardian authority to
36 move the protected minor to or place the protected minor in such a
37 facility based on findings made when the court appointed the
38 guardian; or

39 (c) The move or placement is made pursuant to a written
40 recommendation by a licensed physician  *or an advanced*
41 *practice registered nurse*, a physician *or an advanced practice*
42 *registered nurse* employed by the Department of Veterans Affairs, a
43 licensed social worker or an employee of a county or state office for
44 protective services.



1 7. This section does not relieve a parent or other person of any
2 duty required by law to provide for the care, support and
3 maintenance of any dependent.

4 **Sec. 27.** NRS 159A.0809 is hereby amended to read as
5 follows:

6 159A.0809 1. Except as otherwise provided in NRS
7 159A.0807, a guardian shall immediately notify all interested
8 persons and persons of natural affection:

9 (a) If the guardian reasonably believes that the death of the
10 protected minor is likely to occur within the next 30 days and such
11 belief is based on information from a psychologist, physician ,
12 *advanced practice registered nurse* or other health care provider of
13 the protected minor or a person otherwise qualified to provide such
14 a medical opinion, including, without limitation, a health care
15 provider employed by a hospice or by a hospital of the Department
16 of Veterans Affairs.

17 (b) Upon the death of the protected minor.

18 (c) Upon obtaining any information relating to the burial or
19 cremation of the protected minor.

20 2. The guardian shall provide notification pursuant to
21 paragraph (b) of subsection 1:

22 (a) In person or by telephone to the family members of the
23 protected minor or, if the protected minor does not have any family
24 members or does not have a relationship with any family members,
25 the person of natural affection designated to receive such
26 notification;

27 (b) By electronic communication to any family member of the
28 protected minor or person of natural affection who has opted to
29 receive notification by electronic communication; and

30 (c) In writing to all other interested persons and persons of
31 natural affection not given notice pursuant to paragraph (a) or (b).

32 **Sec. 28.** NRS 162A.220 is hereby amended to read as follows:

33 162A.220 1. A power of attorney must be signed by the
34 principal or, in the principal's conscious presence, by another
35 individual directed by the principal to sign the principal's name on
36 the power of attorney. A signature on a power of attorney is
37 presumed to be genuine if the principal acknowledges the signature
38 before a notary public or other individual authorized by law to take
39 acknowledgments.

40 2. If the principal resides in a hospital, residential facility for
41 groups, facility for skilled nursing or home for individual residential
42 care, at the time of execution of the power of attorney, a
43 certification of competency of the principal from *an advanced*
44 *practice registered nurse*, a physician, psychologist or psychiatrist
45 must be attached to the power of attorney.



1 3. If the principal resides or is about to reside in a hospital,
2 assisted living facility or facility for skilled nursing at the time of
3 execution of the power of attorney, in addition to the prohibition set
4 forth in NRS 162A.840 and except as otherwise provided in
5 subsection 4, the principal may not name as agent in any power of
6 attorney for any purpose:

7 (a) The hospital, assisted living facility or facility for skilled
8 nursing;

9 (b) An owner or operator of the hospital, assisted living facility
10 or facility for skilled nursing; or

11 (c) An employee of the hospital, assisted living facility or
12 facility for skilled nursing.

13 4. The principal may name as agent any person identified in
14 subsection 3 if that person is:

15 (a) The spouse, legal guardian or next of kin of the principal; or

16 (b) Named only for the purpose of assisting the principal to
17 establish eligibility for Medicaid and the power of attorney complies
18 with the provisions of subsection 5.

19 5. A person may be named as agent pursuant to paragraph (b)
20 of subsection 4 only if:

21 (a) A valid financial power of attorney for the principal does not
22 exist;

23 (b) The agent has made a good faith effort to contact each
24 family member of the principal identified in the records of the
25 hospital, assisted living facility or facility for skilled nursing, as
26 applicable, to request that the family member establish a financial
27 power of attorney for the principal and has documented his or her
28 effort;

29 (c) The power of attorney specifies that the agent is only
30 authorized to access financial documents of the principal which are
31 necessary to prove eligibility of the principal for Medicaid as
32 described in the application for Medicaid and specifies that any
33 request for such documentation must be accompanied by a copy of
34 the application for Medicaid or by other proof that the document is
35 necessary to prove eligibility for Medicaid;

36 (d) The power of attorney specifies that the agent does not have
37 authority to access money or any other asset of the principal for any
38 purpose; and

39 (e) The power of attorney specifies that the power of attorney is
40 only valid until eligibility of the principal for Medicaid is
41 determined or 6 months after the power of attorney is signed,
42 whichever is sooner.

43 6. A person who is named as agent pursuant to paragraph (b) of
44 subsection 4 shall not use the power of attorney for any purpose
45 other than to assist the principal to establish eligibility for Medicaid



1 and shall not use the power of attorney in a manner inconsistent
2 with the provisions of subsection 5. A person who violates the
3 provisions of this subsection is guilty of a category C felony and
4 shall be punished as provided in NRS 193.130.

5 7. As used in this section:

6 (a) "Assisted living facility" has the meaning ascribed to it in
7 NRS 422.3962.

8 (b) "Facility for skilled nursing" has the meaning ascribed to it
9 in NRS 449.0039.

10 (c) "Home for individual residential care" has the meaning
11 ascribed to it in NRS 449.0105.

12 (d) "Hospital" has the meaning ascribed to it in NRS 449.012.

13 (e) "Residential facility for groups" has the meaning ascribed to
14 it in NRS 449.017.

15 **Sec. 29.** NRS 162A.260 is hereby amended to read as follows:

16 162A.260 1. A power of attorney is effective when executed
17 unless the principal provides in the power of attorney that it
18 becomes effective at a future date or upon the occurrence of a future
19 event or contingency.

20 2. If a power of attorney becomes effective upon the
21 occurrence of a future event or contingency, the principal, in the
22 power of attorney, may authorize one or more persons to determine
23 in a writing or other record that the event or contingency has
24 occurred.

25 3. If a power of attorney becomes effective upon the principal's
26 incapacity and the principal has not authorized a person to
27 determine whether the principal is incapacitated, or the person
28 authorized is unable or unwilling to make the determination, the
29 power of attorney becomes effective upon a determination in a
30 writing or other record by *an advanced practice registered nurse*, a
31 physician, psychiatrist or licensed psychologist that the principal is
32 incapacitated.

33 4. A person authorized by the principal in the power of
34 attorney to determine that the principal is incapacitated may act as
35 the principal's personal representative pursuant to the Health
36 Insurance Portability and Accountability Act of 1996, Public Law
37 104-191, as amended, and applicable regulations, to obtain a
38 determination of incapacity.

39 **Sec. 30.** NRS 162A.790 is hereby amended to read as follows:

40 162A.790 1. Any adult person may execute a power of
41 attorney enabling the agent named in the power of attorney to make
42 decisions concerning health care for the principal if that principal
43 becomes incapable of giving informed consent concerning such
44 decisions.



1 2. A power of attorney for health care must be signed by the
2 principal. The principal's signature on the power of attorney for
3 health care must be:

- 4 (a) Acknowledged before a notary public; or
5 (b) Witnessed by two adult witnesses who know the principal
6 personally.

7 3. Neither of the witnesses to a principal's signature may be:

- 8 (a) A provider of health care;
9 (b) An employee of a provider of health care;
10 (c) An operator of a health care facility;
11 (d) An employee of a health care facility; or
12 (e) The agent.

13 4. At least one of the witnesses to a principal's signature must
14 be a person who is:

- 15 (a) Not related to the principal by blood, marriage or adoption;
16 and
17 (b) To the best of the witnesses' knowledge, not entitled to any
18 part of the estate of the principal upon the death of the principal.

19 5. If the principal resides in a hospital, residential facility for
20 groups, facility for skilled nursing or home for individual residential
21 care, at the time of the execution of the power of attorney, a
22 certification of competency of the principal from *an advanced*
23 *practice registered nurse*, a physician, psychologist or psychiatrist
24 must be attached to the power of attorney.

25 6. A power of attorney executed in a jurisdiction outside of this
26 State is valid in this State if, when the power of attorney was
27 executed, the execution complied with the laws of that jurisdiction
28 or the requirements for a military power of attorney pursuant to 10
29 U.S.C. § 1044b.

30 7. As used in this section:

31 (a) "Facility for skilled nursing" has the meaning ascribed to it
32 in NRS 449.0039.

33 (b) "Home for individual residential care" has the meaning
34 ascribed to it in NRS 449.0105.

35 (c) "Hospital" has the meaning ascribed to it in NRS 449.012.

36 (d) "Residential facility for groups" has the meaning ascribed to
37 it in NRS 449.017.

38 **Sec. 31.** NRS 162A.810 is hereby amended to read as follows:

39 162A.810 1. A power of attorney for health care is effective
40 when executed unless the principal provides in the power of
41 attorney that it becomes effective at a future date or upon incapacity.

42 2. If a power of attorney for health care becomes effective
43 upon the principal's incapacity, the power of attorney becomes
44 effective upon a determination in a writing or other record by *an*



1 *advanced practice registered nurse*, a physician, psychiatrist or
2 licensed psychologist that the principal is incapacitated.

3 3. An agent named in the power of attorney for health care may
4 act as the principal's personal representative pursuant to the Health
5 Insurance Portability and Accountability Act of 1996, Public Law
6 104-191, as amended, and applicable regulations, to obtain a
7 determination of incapacity.

8 **Sec. 32.** NRS 162A.815 is hereby amended to read as follows:

9 162A.815 1. A physician, *an advanced practice registered*
10 *nurse, a* health care facility or other provider of health care that in
11 good faith accepts an acknowledged power of attorney for health
12 care without actual knowledge that the signature is not genuine may
13 rely upon the presumption that the signature is genuine.

14 2. A physician, *an advanced practice registered nurse, a*
15 health care facility or other provider of health care that in good faith
16 accepts an acknowledged power of attorney for health care without
17 actual knowledge that the power of attorney for health care is void,
18 invalid or terminated, or that the purported agent's authority is void,
19 invalid or terminated, may rely upon the power of attorney for
20 health care as if the power of attorney for health care were genuine,
21 valid and still in effect, and the agent's authority was genuine, valid
22 and still in effect.

23 3. A physician, *an advanced practice registered nurse, a*
24 health care facility or other provider of health care that in good faith
25 accepts an acknowledged power of attorney for health care is not
26 subject to civil or criminal liability or discipline for unprofessional
27 conduct for giving effect to a declaration contained within the power
28 of attorney for health care or for following the direction of an agent
29 named in the power of attorney for health care.

30 **Sec. 33.** NRS 162A.860 is hereby amended to read as follows:

31 162A.860 Except as otherwise provided in NRS 162A.865, the
32 form of a power of attorney for health care may be substantially in
33 the following form, and must be witnessed or executed in the same
34 manner as the following form:

35
36 DURABLE POWER OF ATTORNEY
37 FOR HEALTH CARE DECISIONS

38
39 WARNING TO PERSON EXECUTING THIS DOCUMENT

40
41 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT
42 CREATES A DURABLE POWER OF ATTORNEY FOR
43 HEALTH CARE. BEFORE EXECUTING THIS
44 DOCUMENT, YOU SHOULD KNOW THESE
45 IMPORTANT FACTS:



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

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

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

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

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



1 6. YOU HAVE THE RIGHT TO REVOKE THE
2 APPOINTMENT OF THE PERSON DESIGNATED IN
3 THIS DOCUMENT TO MAKE HEALTH CARE
4 DECISIONS FOR YOU BY NOTIFYING THAT PERSON
5 OF THE REVOCATION ORALLY OR IN WRITING.

6 7. YOU HAVE THE RIGHT TO REVOKE THE
7 AUTHORITY GRANTED TO THE PERSON
8 DESIGNATED IN THIS DOCUMENT TO MAKE
9 HEALTH CARE DECISIONS FOR YOU BY NOTIFYING
10 THE TREATING PHYSICIAN, **ADVANCED PRACTICE**
11 **REGISTERED NURSE**, HOSPITAL OR OTHER
12 PROVIDER OF HEALTH CARE ORALLY OR IN
13 WRITING.

14 8. THE PERSON DESIGNATED IN THIS
15 DOCUMENT TO MAKE HEALTH CARE DECISIONS
16 FOR YOU HAS THE RIGHT TO EXAMINE YOUR
17 MEDICAL RECORDS AND TO CONSENT TO THEIR
18 DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN
19 THIS DOCUMENT.

20 9. THIS DOCUMENT REVOKES ANY PRIOR
21 DURABLE POWER OF ATTORNEY FOR HEALTH
22 CARE.

23 10. IF THERE IS ANYTHING IN THIS DOCUMENT
24 THAT YOU DO NOT UNDERSTAND, YOU SHOULD
25 ASK A LAWYER TO EXPLAIN IT TO YOU.

26
27 1. DESIGNATION OF HEALTH CARE AGENT.

28 I,
29 (insert your name) do hereby designate and appoint:

30
31 Name:
32 Address:
33 Telephone Number:

34
35 as my agent to make health care decisions for me as
36 authorized in this document.

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



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

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

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

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

4. SPECIAL PROVISIONS AND LIMITATIONS.

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

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

-
.....
.....
.....



5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.

[.....]

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

[.....]



1 3. If I have an incurable or
2 terminal condition or illness and no
3 reasonable hope of long-term recovery
4 or survival, I desire that life-sustaining
5 or prolonging treatments not be used.
6 (Also should utilize provisions of NRS
7 449A.400 to 449A.481, inclusive, if this
8 subparagraph is initialed.)

[.....]

9 4. Withholding or withdrawal of
10 artificial nutrition and hydration may
11 result in death by starvation or
12 dehydration. I want to receive or
13 continue receiving artificial nutrition
14 and hydration by way of the
15 gastrointestinal tract after all other
16 treatment is withheld.

[.....]

17 5. I do not desire treatment to be
18 provided and/or continued if the
19 burdens of the treatment outweigh the
20 expected benefits. My agent is to
21 consider the relief of suffering, the
22 preservation or restoration of
23 functioning, and the quality as well as
24 the extent of the possible extension of
25 my life.

[.....]

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

30 Other or Additional Statements of Desires:

31
32
33
34
35

37 7. DESIGNATION OF ALTERNATE AGENT.

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



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

A. First Alternative Agent

Name:

Address:

Telephone Number:

B. Second Alternative Agent

Name:

Address:

Telephone Number:

8. PRIOR DESIGNATIONS REVOKED.

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

9. WAIVER OF CONFLICT OF INTEREST.

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

10. CHALLENGES.

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

11. NOMINATION OF GUARDIAN.

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

12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business,



creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

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

..... (Signature)

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

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

State of Nevada }
}ss.
County of..... }

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

NOTARY SEAL

..... (Signature of Notary Public)



STATEMENT OF WITNESSES

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(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

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

Signature: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

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

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

Signature:

Signature:



 1
 2 Names: Address:
 3 Print Name:
 4 Date:
 5

6 COPIES: You should retain an executed copy of this
 7 document and give one to your agent. The power of attorney
 8 should be available so a copy may be given to your providers
 9 of health care.

10 **Sec. 34.** NRS 162A.865 is hereby amended to read as follows:
 11 162A.865 1. The form of a power of attorney for health care
 12 for an adult with an intellectual disability may be substantially in the
 13 following form, and must be witnessed or executed in the same
 14 manner as the following form:

15
 16 **DURABLE POWER OF ATTORNEY**
 17 **FOR HEALTH CARE DECISIONS**
 18

19 My name is..... (insert your name) and my
 20 address is..... (insert your address). I would like to
 21 designate..... (insert the name of the person you wish
 22 to designate as your agent for health care decisions for you)
 23 as my agent for health care decisions for me if I am sick or
 24 hurt and need to see a doctor *or an advanced practice*
 25 *registered nurse* or go to the hospital. I understand what this
 26 means.

27 If I am sick or hurt, my agent should take me to the doctor
 28 *or an advanced practice registered nurse*. If my agent is
 29 not with me when I become sick or hurt, please contact my
 30 agent and ask him or her to come to the doctor's *or advanced*
 31 *practice registered nurse's* office. I would like the doctor *or*
 32 *advanced practice registered nurse* to speak with my agent
 33 and me about my sickness or injury and whether I need any
 34 medicine or other treatment. After we speak with the doctor
 35 *or advanced practice registered nurse*, I would like my
 36 agent to speak with me about the care or treatment. When we
 37 have made decisions about the care or treatment, my agent
 38 will tell the doctor *or advanced practice registered nurse*
 39 about our decisions and sign any necessary papers.

40 If I am very sick or hurt, I may need to go to the hospital. I
 41 would like my agent to help me decide if I need to go to the
 42 hospital. If I go to the hospital, I would like the people who
 43 work at the hospital to try very hard to care for me. If I am
 44 able to communicate, I would like the doctor *or advanced*
 45 *practice registered nurse* at the hospital to speak with me and



1 my agent about what care or treatment I should receive, even
2 if I am unable to understand what is being said about me.
3 After we speak with the doctor **[H]** or *advanced practice*
4 *registered nurse*, I would like my agent to help me decide
5 what care or treatment I should receive. Once we decide, my
6 agent will sign any necessary paperwork. If I am unable to
7 communicate because of my illness or injury, I would like my
8 agent to make decisions about my care or treatment based on
9 what he or she thinks I would do and what is best for me.

10 I would like my agent to help me decide if I need to see a
11 dentist and help me make decisions about what care or
12 treatment I should receive from the dentist. Once we decide,
13 my agent will sign any necessary paperwork.

14 I would also like my agent to be able to see and have
15 copies of all my medical records. If my agent requests to see
16 or have copies of my medical records, please allow him or her
17 to see or have copies of the records.

18 I understand that my agent cannot make me receive any
19 care or treatment that I do not want. I also understand that I
20 can take away this power from my agent at any time, either
21 by telling my agent that he or she is no longer my agent or by
22 putting it in writing.

23 If my agent is unable to make health care decisions for
24 me, then I designate..... (insert the name of another
25 person you wish to designate as your alternative agent to
26 make health care decisions for you) as my agent to make
27 health care decisions for me as authorized in this document.

28
29 (YOU MUST DATE AND SIGN THIS POWER OF
30 ATTORNEY)

31
32 I sign my name to this Durable Power of Attorney for
33 Health Care on (date) at (city),
34 (state)

35
36 (Signature)

37
38 AGENT SIGNATURE

39
40 As agent for..... (insert name of principal), I agree that a
41 physician, *advanced practice registered nurse*, health care
42 facility or other provider of health care, acting in good faith,
43 may rely on this power of attorney for health care and the
44 signatures herein, and I understand that pursuant to NRS
45 162A.815, a physician, *advanced practice registered nurse*,



1 health care facility or other provider of health care that in
2 good faith accepts an acknowledged power of attorney for
3 health care is not subject to civil or criminal liability or
4 discipline for unprofessional conduct for giving effect to a
5 declaration contained within the power of attorney for health
6 care or for following the direction of an agent named in the
7 power of attorney for health care.

8 I also agree that:

9 1. I have a duty to act in a manner consistent with the
10 desires of..... (insert name of principal) as stated in this
11 document or otherwise made known by..... (insert name of
12 principal), or if his or her desires are unknown, to act in his or
13 her best interest.

14 2. If..... (insert name of principal) revokes this power
15 of attorney at any time, either verbally or in writing, I have a
16 duty to inform any persons who may rely on this document,
17 including, without limitation, treating physicians, *advanced*
18 *practice registered nurses*, hospital staff or other providers of
19 health care, that I no longer have the authorities described in
20 this document.

21 3. The provisions of NRS 162A.840 prohibit me from
22 being named as an agent to make health care decisions in this
23 document if I am a provider of health care, an employee of
24 the principal's provider of health care or an operator or
25 employee of a health care facility caring for the principal,
26 unless I am the spouse, legal guardian or next of kin of the
27 principal.

28 4. The provisions of NRS 162A.850 prohibit me from
29 consenting to the following types of care or treatments on
30 behalf of the principal, including, without limitation:

31 (a) Commitment or placement of the principal in a facility
32 for treatment of mental illness;

33 (b) Convulsive treatment;

34 (c) Psychosurgery;

35 (d) Sterilization;

36 (e) Abortion;

37 (f) Aversive intervention, as it is defined in
38 NRS 449A.203;

39 (g) Experimental medical, biomedical or behavioral
40 treatment, or participation in any medical, biomedical or
41 behavioral research program; or

42 (h) Any other care or treatment to which the principal
43 prohibits the agent from consenting in this document.



STATEMENT OF WITNESSES

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(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

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

Signature: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

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

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

Signature:

Signature:



 1
 2 Names: Address:
 3 Print Name:
 4 Date:
 5

6 COPIES: You should retain an executed copy of this
 7 document and give one to your agent. The power of attorney
 8 should be available so a copy may be given to your providers
 9 of health care.

10
 11 2. The form for end-of-life decisions of a power of attorney for
 12 health care for an adult with an intellectual disability may be
 13 substantially in the following form, and must be witnessed or
 14 executed in the same manner as the following form:

15
 16 END-OF-LIFE DECISIONS ADDENDUM
 17 STATEMENT OF DESIRES
 18

19 (You can, but are not required to, state what you want to
 20 happen if you get very sick and are not likely to get well. You
 21 do not have to complete this form, but if you do, your agent
 22 must do as you ask if you cannot speak for yourself.)
 23

24 (Insert name of agent) might have to decide, if
 25 you get very sick, whether to continue with your medicine or
 26 to stop your medicine, even if it means you might not
 27 live..... (Insert name of agent) will talk to you to
 28 find out what you want to do, and will follow your wishes.
 29

30 If you are not able to talk to..... (insert name of
 31 agent), you can help him or her make these decisions for you
 32 by letting your agent know what you want.
 33

34 Here are your choices. Please circle yes or no to each of the
 35 following statements and sign your name below:
 36

37 1. I want to take all the
 38 medicine and receive any
 39 treatment I can to keep me alive
 40 regardless of how the medicine
 41 or treatment makes me feel. YES NO



2. I do not want to take medicine or receive treatment if my doctors *or advanced practice registered nurses* think that the medicine or treatment will not help me.

YES NO

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.

YES NO

4. I want to get food and water even if I do not want to take medicine or receive treatment.

YES NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on (date) at (city), (state)

..... (Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

State of Nevada }
County of..... }ss.

On this..... day of....., in the year...., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally



known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

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

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the



estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:

Signature:

Names: Address:

Print Name:

Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 35. NRS 166A.260 is hereby amended to read as follows:

166A.260 1. The custodial trustee shall administer the custodial trust as for an incapacitated beneficiary if:

- (a) The custodial trust was created under NRS 166A.210;
- (b) The transferor has so directed in the instrument creating the custodial trust; or
- (c) The custodial trustee has determined that the beneficiary is incapacitated.

2. A custodial trustee may determine that the beneficiary is incapacitated in reliance upon:

- (a) Previous direction or authority given by the beneficiary while not incapacitated, including, without limitation, direction or authority pursuant to a durable power of attorney;
- (b) The certificate of the beneficiary's physician **†** *or advanced practice registered nurse*; or
- (c) Other persuasive evidence.

3. If a custodial trustee for an incapacitated beneficiary reasonably concludes that the beneficiary's incapacity has ceased, or that circumstances concerning the beneficiary's ability to manage property and business affairs have changed since the creation of a custodial trust directing administration as for an incapacitated beneficiary, the custodial trustee may administer the trust as for a beneficiary who is not incapacitated.

4. On petition of the beneficiary, the custodial trustee or other person interested in the custodial trust property or the welfare of the beneficiary, the court shall determine whether the beneficiary is incapacitated.

5. Absent determination of incapacity of the beneficiary under subsection 2 or 4, a custodial trustee who has reason to believe that



1 the beneficiary is incapacitated shall administer the custodial trust in
2 accordance with the provisions of this chapter applicable to an
3 incapacitated beneficiary.

4 6. Incapacity of a beneficiary does not terminate:

5 (a) The custodial trust;

6 (b) Any designation of a successor custodial trustee;

7 (c) Rights or powers of the custodial trustee; or

8 (d) Any immunities of third persons acting on instructions of the
9 custodial trustee.

10 **Sec. 36.** NRS 629.047 is hereby amended to read as follows:

11 629.047 1. If a physician *or an advanced practice registered*
12 *nurse* determines that, in his or her professional judgment, a
13 patient's epilepsy severely impairs the ability of the patient to safely
14 operate a motor vehicle, the physician *or advanced practice*
15 *registered nurse* shall:

16 (a) Adequately inform the patient of the dangers of operating a
17 motor vehicle with his or her condition until such time as the
18 physician *or advanced practice registered nurse* or another
19 physician *or advanced practice registered nurse* informs the patient
20 that the patient's condition does not severely impair the ability of
21 the patient to safely operate a motor vehicle.

22 (b) Sign a written statement verifying that the physician *or*
23 *advanced practice registered nurse* informed the patient of all
24 material facts and information required by paragraph (a). The
25 physician *or advanced practice registered nurse* shall, to the extent
26 practicable, provide a copy of the statement signed by the physician
27 *or advanced practice registered nurse* to the patient. The statement
28 signed by the physician *or advanced practice registered nurse*
29 pursuant to this paragraph shall be deemed a health care record.

30 (c) Within 15 days after making such a determination, provide
31 to the Department a copy of the statement signed by the physician
32 *or advanced practice registered nurse* pursuant to paragraph (b). A
33 statement received by the Department pursuant to this paragraph:

34 (1) Is confidential, except that the contents of the statement
35 may be disclosed to the patient; and

36 (2) May be used by the Department solely to determine the
37 eligibility of the patient to operate a vehicle on the streets and
38 highways of this State.

39 2. Except as otherwise provided in subsection 1, a physician *or*
40 *an advanced practice registered nurse* is not required to notify the
41 Department about a patient who has been diagnosed with epilepsy.
42 No cause of action may be brought against a physician *or an*
43 *advanced practice registered nurse* based on the fact that he or she
44 did not notify the Department about a patient who has been
45 diagnosed with epilepsy unless the physician *or advanced practice*



1 *registered nurse* does not comply with the requirements set forth in
2 subsection 1.

3 3. No cause of action may be brought against a physician *or an*
4 *advanced practice registered nurse* based on the fact that he or she
5 provided a copy of a statement pursuant to subsection 1 unless the
6 physician *or advanced practice registered nurse* acted with malice,
7 intentional misconduct, gross negligence or intentional or knowing
8 violation of the law.

9 4. As used in this section:

10 (a) "Department" means the Department of Motor Vehicles.

11 (b) "Patient" means a person who consults or is examined or
12 interviewed by a physician *or an advanced practice registered*
13 *nurse* for the purposes of diagnosis or treatment.

14 **Sec. 37.** NRS 632.120 is hereby amended to read as follows:

15 632.120 1. The Board shall:

16 (a) Adopt regulations establishing reasonable standards:

17 (1) For the denial, renewal, suspension and revocation of,
18 and the placement of conditions, limitations and restrictions upon, a
19 license to practice professional or practical nursing or a certificate to
20 practice as a nursing assistant or medication aide - certified.

21 (2) Of professional conduct for the practice of nursing.

22 (3) For prescribing and dispensing controlled substances and
23 dangerous drugs in accordance with applicable statutes.

24 (4) For the psychiatric training and experience necessary for
25 an advanced practice registered nurse to be authorized to make the
26 *diagnoses*, evaluations and examinations described in NRS
27 433A.160, 433A.240 , ~~and~~ 433A.430 , *484C.300, 484C.320,*
28 *484C.330, 484C.340 and 484C.350* and the certifications described
29 in NRS 433A.170, 433A.195 and 433A.200.

30 (b) Prepare and administer examinations for the issuance of a
31 license or certificate under this chapter.

32 (c) Investigate and determine the eligibility of an applicant for a
33 license or certificate under this chapter.

34 (d) Carry out and enforce the provisions of this chapter and the
35 regulations adopted pursuant thereto.

36 2. The Board may adopt regulations establishing reasonable:

37 (a) Qualifications for the issuance of a license or certificate
38 under this chapter.

39 (b) Standards for the continuing professional competence of
40 licensees or holders of a certificate. The Board may evaluate
41 licensees or holders of a certificate periodically for compliance with
42 those standards.

43 3. The Board may adopt regulations establishing a schedule of
44 reasonable fees and charges, in addition to those set forth in NRS
45 632.345, for:



1 (a) Investigating licensees or holders of a certificate and
2 applicants for a license or certificate under this chapter;

3 (b) Evaluating the professional competence of licensees or
4 holders of a certificate;

5 (c) Conducting hearings pursuant to this chapter;

6 (d) Duplicating and verifying records of the Board; and

7 (e) Surveying, evaluating and approving schools of practical
8 nursing, and schools and courses of professional nursing,

9 and collect the fees established pursuant to this subsection.

10 4. For the purposes of this chapter, the Board shall, by
11 regulation, define the term "in the process of obtaining
12 accreditation."

13 5. The Board may adopt such other regulations, not
14 inconsistent with state or federal law, as may be necessary to carry
15 out the provisions of this chapter relating to nursing assistant
16 trainees, nursing assistants and medication aides - certified.

17 6. The Board may adopt such other regulations, not
18 inconsistent with state or federal law, as are necessary to enable it to
19 administer the provisions of this chapter.

20 **Sec. 38.** NRS 704.140 is hereby amended to read as follows:

21 704.140 1. It is unlawful for any person engaged in business
22 as a public utility to give or furnish to any state, district, county or
23 municipal officer of this State, or to any person other than those
24 named herein, any pass, frank, free or reduced transportation, or for
25 any state, district, county or municipal officer to accept any pass,
26 frank, free or reduced transportation.

27 2. This section does not prevent the carriage, storage or hauling
28 of property free or at reduced rates for the United States, the State of
29 Nevada or any political subdivision thereof for charitable purposes.

30 3. This chapter does not prohibit a public utility from giving
31 free or reduced rates for transportation of:

32 (a) Its own officers, commission agents, employees, attorneys,
33 physicians and surgeons and members of their families, and
34 pensioned ex-employees and ex-employees with disabilities, their
35 minor children or dependents, or witnesses attending any legal
36 investigation in which such carrier is interested.

37 (b) Inmates of hospitals or charitable institutions and persons
38 over 65 years of age.

39 (c) Persons with physical or mental disabilities who present a
40 written statement from a physician *or an advanced practice*
41 *registered nurse* to that effect.

42 (d) Persons injured in accidents or motor vehicle crashes and
43 physicians and nurses attending such persons.



1 (e) Persons providing relief in cases of common disaster, or for
2 contractors and their employees, in carrying out their contract with
3 such carrier.

4 (f) Peace officers when on official duty.

5 (g) Attendants of livestock or other property requiring the care
6 of an attendant, including return passage to the place of shipment, if
7 there is no discrimination among such shippers of a similar class.

8 (h) Employees of other carriers subject to regulation in any
9 respect by the Commission, or for the officers, agents, employees,
10 attorneys, physicians and surgeons of such other carriers, and the
11 members of their families.

12 4. This chapter does not prohibit public utilities from giving
13 reduced rates for transportation to:

14 (a) Indigent, destitute or homeless persons, when under the care
15 or responsibility of charitable societies, institutions or hospitals, and
16 the necessary agents employed in such transportation.

17 (b) Students of institutions of learning.

18 5. "Employees," as used in this section, includes furloughed,
19 pensioned and superannuated employees, and persons who have
20 become disabled or infirm in the service of any such carrier, and
21 persons traveling for the purpose of entering the service of any such
22 carrier.

23 6. Any person violating the provisions of this section shall be
24 punished by a fine of not more than \$500.

25 **Sec. 39.** NRS 706.351 is hereby amended to read as follows:

26 706.351 1. It is unlawful for:

27 (a) A fully regulated carrier to furnish any pass, frank, free or
28 reduced rates for transportation to any state, city, district, county or
29 municipal officer of this State or to any person other than those
30 specifically enumerated in this section.

31 (b) Any person other than those specifically enumerated in this
32 section to receive any pass, frank, free or reduced rates for
33 transportation.

34 2. This section does not prevent the carriage, storage or hauling
35 free or at reduced rates of passengers or property for charitable
36 organizations or purposes for the United States, the State of Nevada
37 or any political subdivision thereof.

38 3. This chapter does not prohibit a fully regulated common
39 carrier from giving free or reduced rates for transportation of
40 persons to:

41 (a) Its own officers, commission agents or employees, or
42 members of any profession licensed under title 54 of NRS retained
43 by it, and members of their families.

44 (b) Inmates of hospitals or charitable institutions and persons
45 over 60 years of age.



1 (c) Persons with physical or mental disabilities who present a
2 written statement from a physician *or an advanced practice*
3 *registered nurse* to that effect.

4 (d) Persons injured in accidents or motor vehicle crashes and
5 physicians and nurses attending such persons.

6 (e) Persons providing relief in cases of common disaster.

7 (f) Attendants of livestock or other property requiring the care of
8 an attendant, who must be given return passage to the place of
9 shipment, if there is no discrimination among shippers of a similar
10 class.

11 (g) Officers, agents, employees or members of any profession
12 licensed under title 54 of NRS, together with members of their
13 families, who are employed by or affiliated with other common
14 carriers, if there is an interchange of free or reduced rates for
15 transportation.

16 (h) Indigent, destitute or homeless persons when under the care
17 or responsibility of charitable societies, institutions or hospitals,
18 together with the necessary agents employed in such transportation.

19 (i) Students of institutions of learning, including, without
20 limitation, homeless students, whether the free or reduced rate is
21 given directly to a student or to the board of trustees of a school
22 district on behalf of a student.

23 (j) Groups of persons participating in a tour for a purpose other
24 than transportation.

25 4. This section does not prohibit common motor carriers from
26 giving free or reduced rates for the transportation of property of:

27 (a) Their officers, commission agents or employees, or members
28 of any profession licensed under title 54 of NRS retained by them,
29 or pensioned former employees or former employees with
30 disabilities, together with that of their dependents.

31 (b) Witnesses attending any legal investigations in which such
32 carriers are interested.

33 (c) Persons providing relief in cases of common disaster.

34 (d) Charitable organizations providing food and items for
35 personal hygiene to needy persons or to other charitable
36 organizations within this State.

37 5. This section does not prohibit the Authority from
38 establishing reduced rates, fares or charges for specified routes or
39 schedules of any common motor carrier providing transit service if
40 the reduced rates, fares or charges are determined by the Authority
41 to be in the public interest.

42 6. Only fully regulated common carriers may provide free or
43 reduced rates for the transportation of passengers or household
44 goods, pursuant to the provisions of this section.

45 7. As used in this section, "employees" includes:



1 (a) Furloughed, pensioned and superannuated employees.
2 (b) Persons who have become disabled or infirm in the service
3 of such carriers.

4 (c) Persons who are traveling to enter the service of such a
5 carrier.

6 **Sec. 40.** As soon as practicable after the effective date of this
7 act, the Department of Motor Vehicles shall adopt any regulations or
8 make any revisions to policies and procedures of the Department or
9 forms provided by the Department which are necessary to carry out
10 the amendatory provisions of this act.

11 **Sec. 41.** This act becomes effective upon passage and
12 approval.



