

Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease (CWCD): Legal Authority and Obligations

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2023 TRAINING

Road Map

- Statutory Authority
- Statutory Duties
- Overview of Open Meeting Law & Ethics in Government Provisions



The Origin Story

The 73rd Legislative Session (2005) passed Senate Bill (SB) 197, which creates the Nevada Advisory Council on the State Program for Fitness and Wellness, with the Nevada Department of Health and Human Services, Division of Public and Behavioral Health.

Changes were made by **77th Legislative Session (2013)** through **Assembly Bill (SB) 158**, which amended the Advisory Council to become the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease.

Codified in NRS 439.514 through 439.525, inclusive.



Advisory Council Composition

NRS 439.518, provides, in relevant part:

2. The Administrator shall appoint to the Advisory Council the following 13 voting members:
 - (a) The Chief Medical Officer or the designee of the Chief Medical Officer;
 - (b) The Superintendent of Public Instruction or the designee of the Superintendent;
 - (c) One representative of the health insurance industry;
 - (d) One provider of health care;
 - (e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization;
 - (f) Three representatives of organizations committed to the prevention and treatment of chronic diseases;
 - (g) One registered dietitian;
 - (h) One representative who is a member of a racial or ethnic minority group appointed from a list of persons submitted to the Administrator by the Advisory Committee of the Office of Minority Health and Equity of the Department;
 - (i) One representative of private employers in this State who has experience in matters relating to employment and human resources;
 - (j) One representative of a local health authority; and
 - (k) One representative of the Nevada System of Higher Education from a list of persons submitted to the Administrator by the Board of Regents of the University of Nevada.

3. The Legislative Commission shall appoint to the Advisory Council the following two voting members:
 - (a) One member of the Senate; and
 - (b) One member of the Assembly

4. A majority of the voting members of the Advisory Council may appoint nonvoting members to the Advisory Council.



Duties: Obligations and Authority

- NRS 439.518(1) sets forth that “the Division shall establish the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease **to advise and make recommendations to the Division concerning the Program.**”
- “May” versus “Shall” set forth in NRS 439.519
 - Shall select Chair and Vice Chair;
 - Shall meet at the call of the Administrator, Chair, or majority to voting members quarterly, or as is necessary;
 - May appoint committees or subcommittees to study issues;
 - May remove nonlegislative members for failure to serve best interests of Advisory Council;
 - May establish advisory group to study delivery of health care through patient-centered medical homes
- Duties of Division set forth at NRS 439.521, “with the advice and recommendations of the Advisory Council”



Other Governing Provisions of Law

Boards and Commissions are subject to:

- The Open Meeting Law: NRS Chapter 241
- The Ethics in Government Act: NRS Chapter 281A

Open Meeting Law

AGO Training: https://ag.nv.gov/Hot_Topics/Training_Materials/

Key points to remember:

- No communications between a quorum of members outside of a properly noticed meeting
- No serial communications
- Subcommittees appointed by the Council are subject to the same provisions
- Public comment periods must be provided, with only reasonable restrictions
- Changes during 81st Legislative Session (2021)

Ethics in Government

AGO Training: https://ag.nv.gov/Hot_Topics/Training_Materials/

Key points to remember:

- Disclosure: mandatory for any interest created by: a gift, substantial pecuniary interest, commitment in a private capacity
 - Must be made at time the matter is considered
 - Sufficient to inform public
- Abstention: only required in clear cases where judgment of a reasonable person in same position would be materially affected
 - Determination must be made on the record
- No misuse of official position (deliberation/action)

Questions?

Please feel free to reach out:

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