

Nevada Advisory Council on Palliative Care and Quality of Life: Legal Authority and Obligations

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2022TRAINING

Road Map

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

The Origin Story

The 79th Legislative Session (2017) passed Senate Bill (SB) 136, which creates the Nevada Advisory Council on Palliative Care and Quality of Life, with the Nevada Department of Health and Human Services.

Codified in NRS 232.485 to 232.4858, inclusive.

Advisory Council Composition

NRS 232.3855, provides, in relevant part:

2. The Director shall appoint such number of members of the Council as he or she determines is appropriate to carry out the provisions of NRS 232.485 to 232.4858, inclusive, but not less than nine members as follows:

- (a) Two members with experience in the provision of interdisciplinary palliative care, including, without limitation, hospital, medical, nursing, social work, pharmacy, financial and spiritual services;
- (b) One member with a background in patient and family caregiver advocacy;
- (c) One member who is a health care professional with clinical experience in palliative care;
- (d) One member who is a health care professional with expertise in delivery models for palliative care in a variety of inpatient, outpatient and community settings and with diverse populations;
- (e) Two members who are employees of the Department or any other state agency, board or commission who have relevant work experience related to palliative care and issues concerning quality of life; and
- (f) Two members who are board certified hospice and palliative care physicians or nurses.

3. After the initial terms, the term of each member of the Council is 3 years, and members shall serve at the pleasure of the Director.

Duties: Obligations and Authority

- Advisory Council “shall meet at least twice annually at a time and place specified by a call of the Director.”
- Advisory Council shall:
 1. Consult with and advise the Department on matters related to the establishment, maintenance, operation and outcomes of palliative care programs and initiatives in this State; and
 2. Advise and assist in the creation and carrying out of the Program established by NRS 232.4858 [Palliative Care and Quality of Life Consumer and Professional Information and Education Program]
- Advisory Council may “apply for any available grants and accept any available gifts, grants, appropriations or donations, and use any such gifts, grants, appropriations or donations to carry out the provisions of NRS 232.485 to 232.4858, inclusive.”

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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