My name is Jeff Luszeck and please accept this email as my formal objection to AB 461. I have practiced law in the State of Nevada for nearly 20-years, and for 16 of those years have practice exclusively in probate, trust, power of attorney and guardianship law. I am extremely concerned with the implications of AB 461, and the implications that it has on NRS 162A, and the increase of litigation that will arise therefrom. I am equally concerned that the Probate & Trust Legislative Committee was not consulted regarding AB 461 prior to the 2025 Legislative Session so the concerns below could have been addressed. My concerns regarding AB 461, include, but are not limited to, the following:

1. While I agree that Uniform Acts can be helpful, Nevada has a robust statutory scheme, particularly Titles 12 and 13, that may be unintentionally impacted by adopting Uniform Acts.

2. AB 461 also seeks to enact 81 different statutes (some of which are definitions), which appear to adopt the Uniform Health-Care Decisions Act in its totality. I have particular concerns with definitions set forth in Section 7 ("Cohabitant"), Section 10 ("Family Member"), Section 14 ("Health Care Professional"), Section 16 ("Mental Health Care") among others.

3. While people generally execute health care powers of attorney to avoid litigation, the following areas appear to create a litigation landmine and will increase litigation:
    a. Sections 28, 29 & 30: individual's capacity to make a HCPOA.
    b. Sections 36, 37 & 39: default surrogates that can act as an agent under a HCPOA.
    c. Sections 41, 42 & 43: actions allowed by or not allowed by surrogates.
    d. Section 47: good faith exceptions to civil or criminal liability are conditioned on subjective standards, and potentially expose healthcare providers to liability.
    e. Section 48: while I generally agree that we do not want forged or falsified directives, the phrase inducement is extremely problematic for attorneys, and potentially attorneys, and it appears that attorneys can be fined $25,000 if they do not disclose a copy of the HCPOA even if the client instructs them not to do so. An exception for attorneys who retain client records should be expressly included to avoid potential liability.
    f. Section 50: also invites unnecessary litigation and delays in treatment/care of an individual.

Again, the aforementioned list is not intended to be exhaustive, but rather, provide examples of problems contained within AB 461. The Probate & Estate Section of the Nevada State Bar has an active Legislative Committee that I am sure would work with the Sponsors of this Bill to address any issues with the current Health Care Power of Attorney Statutes contained within NRS 162A for the 2027 Legislative Session, however, enacting AB 461 as written is premature and extremely problematic for the reasons stated herein.

Jeffrey Luszeck

Las Vegas