FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT AND CCMSI, Appellants, vs. RHIANNON PITCHFORD (SURVIVING SPOUSE OF SCOTT PITCHFORD), Respondent.	No. 90534-COA

ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING

Las Vegas Metropolitan Police Department (LVMPD) and its third-party administrator CCMSI appeal from a district court order granting a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Hon. Jasmin D. Lilly-Spells, Judge.

Respondent Rhiannon Pitchford's husband, Scott Pitchford, worked for LVMPD from July 2, 1998, until his retirement on May 31, 2017. Less than two months after retiring, Scott suffered cardiac arrest and passed away in July 2017. Rhiannon initiated a workers' compensation claim for occupational heart disease on Scott's behalf, and CCMSI denied the claim for occupational heart disease based on Scott's failure to correct predisposing conditions. In response to queries by CCMSI, a physician recommended denying the claim because he had no evidence that Scott had medically treated his predisposing conditions, and CCMSI maintained its claim denial.

Rhiannon again appealed that determination to a hearing officer, who affirmed the denial. Rhiannon appealed that decision to an appeals officer.

Rhiannon subsequently filed a claim for death benefits related to Scott's death pursuant to NRS 616C.505. In response, CCMSI informed Rhiannon it could not address her claim for death benefits because the July 2017 claim for occupational heart disease remained pending. Rhiannon appealed that determination and bypassed a hearing officer. Both appeals were consolidated before an appeals officer.

In October 2024, the appeals officer issued a written decision reversing the denial of the claim for Scott's occupational heart disease, finding Scott met the requirements under NRS 617.457(1), entitling him to the conclusive presumption that his heart disease arose out of and in the course of his employment because he was employed continuously for over two years, was diagnosed with heart disease, and suffered disablement as a result of heart disease when he passed away. The appeals officer found, however, that Rhiannon's claim was limited to medical benefits pursuant to NRS 617.457(14) because the claim was filed after Scott retired. With respect to Rhiannon's subsequent claim for death benefits, the appeals officer affirmed CCMSI's denial, finding that the legislature amended NRS 617.457 to limit compensation to medical benefits for police officers who retire prior to filing their claim for occupational heart disease.

Rhiannon thereafter filed a timely petition for judicial review. Following briefing, the district court granted Rhiannon's petition, finding Rhiannon's claim for death benefits was independent from the occupational heart disease claim under NRS 617.457 and that subsection 14 did not limit

her claim for occupational heart disease to only medical benefits. This appeal followed.

Appellants now challenge the district court's grant of Rhiannon's petition for judicial review. "On appeal, this court's role is the same as the district court's: to review an appeals officer's decision for clear error or arbitrary abuse of discretion." *Las Vegas Metro. Police Dep't v. Holland*, 139 Nev. 96, 98, 527 P.3d 958, 962 (2023) (internal quotation marks omitted). But we "independently review the appeals officer's purely legal determinations, including those of statutory construction." *Id.*

Appellants first contend that Rhiannon failed to demonstrate Scott suffered a compensable occupational heart disease. NRS 617.457[1] governs heart diseases as occupational diseases for police officers and certain other professionals. As relevant to this case, a person who has a disease of the heart and has been employed as a police officer for at least two continuous years before the date of disablement is conclusively presumed to have a compensable claim for occupational disease benefits if the disease is diagnosed and causes the disablement during the period after separation from employment which is equal to the number of years worked, if the person ceases employment before completing 20 years of service as a police officer. *See* NRS 617.457(1)(b) (2017). Subsection 11 provides that "[f]ailure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination . . . excludes the employee from the

[1]We refer to the January 1, 2017, version of NRS 617.457, which was in effect at the time these proceedings were initiated. *See* 2015 Nev. Stat., ch. 420, §§ 3, 3.5, 7 at 2429-31, 2433.

benefits of this section if the correction is within the ability of the employee."

Here, substantial evidence supports the appeals officer's determination that Scott had a compensable occupational heart disease based on the conclusive presumption in subsection 1. Scott had been employed as a police officer with LVMPD continuously for 19 years prior to his retirement and the date of his disablement. He was diagnosed with disease of the heart (cardiac arrest and death), and his death certificate listed "hypertensive-type cardiovascular disease" as his cause of death less than two months following his retirement.

Appellants' contention that Scott failed to meet the requirements based on his purported failure to correct predisposing conditions was considered and rejected by the appeals officer. Appellants argue that the initial physician's recommendation of claim denial and Scott's medical records—which indicated inconsistent reporting regarding smoking and heart issues and showed he was informed in writing of predisposing conditions—demonstrate he failed to correct those conditions. However, there was competing evidence from another physician which indicated the predisposing conditions Scott had, while indicative of one type of heart disease, were "irrelevant" and not the cause of the type of heart disease that actually caused Scott's death. Moreover, the appeals officer concluded Scott's medical records showed he had quit smoking. *See Holland*, 139 Nev. at 101-02, 527 P.3d at 964-65 (explaining that it is the employer's burden to show a claimant had the ability to correct the predisposing condition). Appellants' contention essentially amounts to a request for this court to reweigh the evidence, which this court does not do. Given this competing evidence, it was within the

province of the appeals officer, as the trier of fact, to resolve the conflict. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 365-66, 212 P.3d 1068, 1080 (2009) (explaining that "credibility determinations and the weighing of evidence are left to the trier of fact"). As such, appellants have failed to demonstrate the appeals officer abused its discretion by determining Scott was conclusively presumed to have a compensable occupational heart disease claim. *See Holland*, 139 Nev. at 98, 527 P.3d at 962.

Appellants next contend the district court erred by reversing the appeals officer's determination that Rhiannon was not entitled to death benefits and by concluding that NRS 617.455(14) did not apply to her to limit her benefit recovery to only medical benefits. The construction and interpretation of a statute presents a question of law that is reviewed de novo. *City of Las Vegas v. Munson*, 141 Nev., Adv. Op. 28, 574 P.3d 426 (2025). "In interpreting a statute, this court will look to the plain language of its text and construe the statute according to its fair meaning and so as not to produce unreasonable results." *Id.* (quotation marks omitted). Where a legal question invokes multiple statutes, courts are to construe the statutes as a whole so as to reconcile and harmonize them to the extent practicable. *Diamond Nat. Res. Prot. & Conservation Ass'n v. Diamond Valley Ranch, LLC*, 138 Nev. 436, 441, 511 P.3d 1003, 1007 (2022).

NRS Chapter 617, the Nevada Occupational Diseases Act, does not provide a method for determining the amount of an occupational disease benefit, *DeMaranville v. Emps. Ins. Co. of Nev.*, 135 Nev. 259, 264, 448 P.3d 526, 531 (2019), but applies NRS Chapters 616A to 616D and their implementing regulations for the purpose of determining benefits, NRS

617.015; NRS 617.430(1). NRS 617.430(1) provides that the dependents of an employee who dies from an occupational disease arising out of and in the course of that employment is entitled to compensation "subject to the modifications mentioned in this chapter." And our supreme court has applied NRS 617.430(1) to surviving spouses of retired police officers. *DeMaranville*, 135 Nev. at 262, 448 P.3d at 530 (applying NRS 617.430(1) to the surviving spouse of a retired police officer). In addition, NRS 617.457(14) (2017) provides that "[a] person who files for a claim for a disease of the heart . . . after he or she retires from employment as a . . . police officer is not entitled to receive any compensation for that disease other than medical benefits."[2]

The parties dispute whether subsection 14 operates to limit Rhiannon's recovery to only medical benefits. Appellants contend that, to the extent Rhiannon is entitled to any benefits, her recovery is limited to only medical benefits under NRS 617.457(14). Rhiannon, by contrast, contends the plain language of the subsection 14 only applies to the retired officer and not to surviving spouses and that her claim for death benefits is separate and distinct from Scott's workers' compensation claim.

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[2]We note that the language now contained in NRS 617.457(14) was originally added to the Nevada Revised Statutes in 2015 through S.B. 153. *See* 2015 Nev. Stat., ch. 420, § 3, at 2431. Section 6 of S.B. 153 sets forth an exception to NRS 617.457(14) and provides that it does not apply to persons "who, on the effective date of this section, ha[ve] completed at least 20 years of creditable service" as a firefighter. *See* S.B. 153, 78th Leg. (Nev. 2015). However, this exception does not apply to Scott, who had not completed 20 years of creditable service as of June 8, 2015, the effective date of section 6 of S.B. 153. *See* 2015 Nev. Stat., ch. 420, §§ 6-7, at 2433.

We agree with appellants. In this case, Rhiannon's entitlement to compensation as Scott's surviving spouse is explained by NRS 617.430(1) and *DeMaranville*, 135 Nev. at 262, 448 P.3d at 530. Although Rhiannon argues the limitation to only medical benefits found in NRS 617.457(14) does not apply to her because surviving spouses are not listed in that subsection, under principles of statutory interpretation, NRS 617.430(1) and NRS 617.457(14) must be read together "to reconcile and harmonize them to the extent practicable." *See Diamond Nat. Res. Prot. & Conservation Ass'n*, 138 Nev. at 441, 511 P.3d at 1007. And, as described above, the entitlement to benefits pursuant to NRS 617.430(1) is "subject to the modifications mentioned in this chapter." One such modification is contained in NRS 617.457(14), which limits a retired officer's occupational heart disease compensation to only medical benefits. Reading these two statutes together, Rhiannon is entitled to the same benefits as Scott, who was retired at the time his occupational disease caused his disablement, and therefore was limited to receiving only medical benefits pursuant to subsection 14. Moreover, Rhiannon's proposed interpretation of the statute would render the "subject to modifications" language of NRS 617.430 meaningless. *See Matter of Est. of Ulvang*, 142 Nev., Adv. Op. 22, 585 P.3d 998, 999 (2026) (explaining that this court "avoids statutory interpretation that renders language meaningless or superfluous" and will "interpret a rule or statute in harmony with other rules and statutes" where necessary). We therefore conclude the district court erred by reversing the appeal's officer's determination and concluding NRS 617.457(14) did not

apply to Rhiannon.[3] Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

[3]Rhiannon also asserts she is entitled to benefits based on NRS 617.430, NRS 616C.505, and *State Industrial Insurance System v. Lodge*, 107 Nev. 867, 871, 822 P.2d 664, 666-67 (1991), but we are unpersuaded by her argument. Rhiannon does not address the "subject to modification" language contained in NRS 617.430(1). And, although *DeMaranville* applied NRS 616C.505, which sets forth the amount and duration of death benefits, to an occupational heart disease claim for the surviving spouse of a retired police officer, that case involved a claim under a prior version of the heart disease statute, which did not include subsection 14's language limiting a police officer's post-retirement claim recovery to only medical benefits. 135 Nev. at 262 n.2, 264-68, 448 P.3d at 530 n.2, 531-34. Similarly, we are unpersuaded by Rhiannon's reliance on *Lodge*, 107 Nev. at 871, 822 P.2d at 666-67, as that opinion discussed application of a statutory time bar under NRS 617.460 for claims involving silicosis or asbestos and predated the effective date of relevant language contained in NRS 617.457(14).

cc: Hon. Jasmin D. Lilly-Spells, District Judge
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