

LEGISLATIVE SUMMARY SHEET

Tracking No. 0114-19

DATE: May 2, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING ARIZONA SENATE BILL 1355 TITLED "AN ACT REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL HEALTH PROVIDERS"

PURPOSE: If approved, this resolution will support Arizona Senate Bill 1355 titled "AN ACT REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL HEALTH PROVIDERS."

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2018
Website Posting Time/Date: _____
Posting End Date: 5-14-19
Eligible for Action: 5-15-19

Health Education & Human Services Committee
Thence
Naa'bik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Daniel E. Lee

Primary Sponsor

TRACKING NO. 0114-19

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES
COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING ARIZONA
SENATE BILL 1355 TITLED "AN ACT REQUIRING THE ARIZONA HEALTH
CARE COST CONTAINMENT SYSTEM ADMINISTRATION TO SEEK
FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL
HEALTH PROVIDERS"

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. *See* 2 N.N.C. §§ 700 (A), 701 (A)(6). *See also* CO-45-12.
- B. The Navajo Nation established the Health Education and Human Services Committee ("HEHSC") as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions relating to health within the Navajo Nation. 2 N.N.C. §§ 164 (A)(9), 400 *et seq.* *See also* CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the State of Arizona.

1 D. During the First Regular Session of 2019, Arizona State Senator Heather Carter
2 introduced Senate Bill 1355 to the 54th Legislature. *See* Arizona SB 1355 attached
3 hereto as **Exhibit A**.

4 E. Arizona Senate Bill 1355 will require the Arizona Health Care Cost Containment
5 System (“AHCCCS”) administration to seek federal authorization to reimburse the
6 Indian Health Services and tribal facilities to cover the cost of eligible adult dental
7 services. *Id. See also* **Exhibit B**.

8 F. The Fort Defiance Indian Hospital Board Inc., Board of Directors supports the
9 passage of SB 1355 and respectfully requests the Navajo Nation to support the
10 passage of Arizona SB 1355. *See* **Exhibit B**.

11
12 **THEREFORE, BE IT RESOLVED:**

13 A. The Navajo Nation hereby supports Arizona Senate Bill 1355 titled “AN ACT
14 REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
15 ADMINISTRATION TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE
16 INDIAN AND TRIBAL HEALTH PROVIDERS” attached hereto as **Exhibit A**.

17 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
18 President of the Navajo Nation, and their designees, to advocate the Navajo Nation’s
19 support of Arizona Senate Bill 1355.
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Senate Engrossed

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1355

AN ACT

REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION
TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL HEALTH
PROVIDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. AHCCCS; federal authorization; adult dental
3 services

4 The Arizona health care cost containment system administration shall
5 seek federal authorization to reimburse the Indian health services and
6 tribal facilities to cover the cost of adult dental services that are
7 eligible for a federal medical assistance percentage of one hundred
8 percent and that are in excess of the limits prescribed in sections
9 36-2907 and 36-2939, Arizona Revised Statutes, and that are received
10 through these entities.



P.O. BOX 649 FORT DEFIANCE, AZ 86504 PHONE: 928.729.8000 FAX: 928.729.8019 WEBSITE: WWW.FDIHB.ORG

FDIHB-MAR-H18-2019

**RESOLUTION OF THE FORT DEFIANCE INDIAN
HOSPITAL BOARD, INC. (FDIHB) BOARD OF DIRECTORS**

**RESPECTFULLY REQUESTING THE NAVAJO NATION SUPPORT THE PASSAGE OF SENATE
BILL 1355 (S.B. 1355) WITHIN THE STATE OF ARIZONA FIFTY-FOURTH LEGISLATURE**

WHEREAS:

1. The Fort Defiance Indian Hospital Board, Inc. (FDIHB and Corporation will be used interchangeably), was approved and certified by the Navajo Nation Business Regulatory Department, Division of Economic Development, on July 31, 1995; and
2. FDIHB assumed operation and management of the Fort Defiance Indian Hospital, now called the Tséhootsooí Medical Center, Nahata Dził health center, and related health programs on March 28, 2010, pursuant to a self-determination contract authorized by the Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended; and
3. Pursuant to Article IV, Section 1 of the FDIHB Bylaws, the FDIHB Board of Directors (Board) is empowered to conduct, manage, and control the affairs and business of the Corporation; and
4. Pursuant to Article X, Section 2 the CEO carries out the decisions and instructions of, and administering the policies of, the Board in the day-to-day affairs of the Corporation . . . the CEO shall manage the FDIHB facilities on behalf of the Board; and the CEO is empowered to act in areas where no policy has yet been established and immediate action is required.
5. Arizona State Senator Heather Carter sponsored S.B. 1355 titled: "An Act Requiring the Arizona Health Care Cost Containment System Administration to seek Federal Authorization to Reimburse Indian and Tribal Health Providers." Attached hereto as **Exhibit A**.
6. S.B. 1355 was first read on February 4, 2019 and has passed the Arizona State Senate on February 28, 2019 and was transmitted to the House of Representatives (House) on February 28, 2019.
7. SB 1355 was first read at the House on March 5, 2019. The House then referred S.B. 1355 to the Health and Human Services Committee and the Rules Committee. SB 1355 second reading was on March 6, 2019. Bill Status Inquiry, is attached as **Exhibit B**.
8. S.B. 1355 purpose is to require the Arizona Health Care Cost Containment System (AHCCCS) to seek federal authorization to reimburse the Indian Health Services (IHS) and tribal facilities to cover the cost of adult dental services. Fact Sheet for S.B. 1355 attached hereto as Exhibit C.
9. The Federal Medical Assistance Percentages (FMAP) are published annually by the U.S. Secretary of Health and Human Services (U.S. Secretary of HHS) and used to determine the

amount of federal matching funds for state expenditures for assistance payments for certain social services and state medical insurance expenditures. The U.S. Secretary of HHS additionally prescribes an FMAP specifically for IHS and tribal facilities. The U.S. Social Security Act specifies that services provided to Medicaid-eligible patients at IHS and tribal facilities can be reimbursed at 100 percent of the FMAP (42 U.S.C. § 1905). See **Exhibit C**.

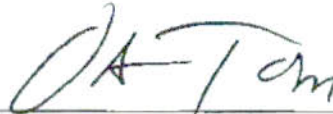
10. S.B. 1355 would require AHCCCS to seek federal authorization to reimburse IHS and tribal facilities for adult dental services at 100 percent of the cost through FMAP (42 U.S.C. § 1905), whereas currently tribal facilities are currently not receiving any reimbursement for adult dental services.
11. The Board finds it is in the best interest of the FDIHB to respectfully request the Navajo Nation to support the passage of Senate Bill 1355 within the State of Arizona Fifty-Fourth Legislature.

NOW THEREFORE BE IT RESOLVED THAT:

The FDIHB Board of Directors hereby respectfully request the Navajo Nation to support the passage of Senate Bill 1355 in the State of Arizona Fifty-Fourth Legislature. The FDIHB Board of Directors hereby authorizes the Board to advocate the Navajo Nation to support the passage of Senate Bill 1355 within the State of Arizona Fifty-Fourth Legislature.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the FDIHB Board of Directors at a duly called meeting held in Fort Defiance, Arizona, at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 0 abstained, this 22nd day of March, 2019.



Oscencio Tom, Chairperson
FDIHB Board of Directors

MOTION: Sonny Clark

SECOND: Juanita Martinez

Senate Engrossed

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1355

AN ACT

REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION
TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL HEALTH
PROVIDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. AHCCCS; federal authorization; adult dental
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4 The Arizona health care cost containment system administration shall
5 seek federal authorization to reimburse the Indian health services and
6 tribal facilities to cover the cost of adult dental services that are
7 eligible for a federal medical assistance percentage of one hundred
8 percent and that are in excess of the limits prescribed in sections
9 36-2907 and 36-2939, Arizona Revised Statutes, and that are received
10 through these entities.

Bill History for SB1355

Sponsors	CARTER P												
Keywords	NATIVE AMERICANS, INDIAN AND TRIBAL HEALTH, ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM FEDERAL AUTHORIZATION, AHCCCS, REIMBURSEMENT, DENTAL SERVICES												
Short Title	AHCCCS, dental services; native Americans												
Senate Committees	Assigned Date	Committee	Report Date	Action	Vote								
	2/4/2019	HHS	2/20/2019	DP	7-0-0-0-0-1								
	2/4/2019	RULES	2/25/2019	PFC	0-0-0-0-0-0								
Senate First Read	2/4/2019												
Senate Second Read	2/5/2019												
Consent Calendar	2/25/2019	Object	No										
Minority Caucus	2/26/2019	Yes											
Majority Caucus	2/26/2019	Yes											
Senate Third Reading	Date	Ayes	Nays	NV	Exc	Vac	Emer	Amended	RFE	RFEIR	2/3 Vote	Action	
	2/28/2019	25	5	0	0	0						PASSED	
Transmit to House	2/28/2019												
House Committees	Assigned Date	Committee	Report Date	Action	Vote								
	3/5/2019	HHS		None	0-0-0-0-0-0								
	3/5/2019	RULES		None	0-0-0-0-0-0								
House First Read	3/5/2019												
House Second Read	3/6/2019												

**Exhibit "C"**

ARIZONA STATE SENATE
Fifty-Fourth Legislature, First Regular Session

FACT SHEET FOR S.B. 1355

AHCCCS; dental services; native Americans

Purpose

Requires the Arizona Health Care Cost Containment System (AHCCCS) to seek federal authorization to reimburse the Indian health services (IHS) and tribal facilities to cover the cost of adult dental services.

Background

AHCCCS, Arizona's Medicaid Program, contracts with health professionals to provide medically-necessary health and medical services to eligible members. Currently, AHCCCS contractors are required to provide: 1) inpatient hospital services; 2) outpatient health services; 3) laboratory and X-ray services; 4) prescription medications; 5) medical supplies, durable medical equipment, insulin pumps and prosthetic devices; 6) treatment of medical conditions of the eye; 7) early and periodic health screening and diagnostic services; 8) family planning services; 9) podiatry services; 10) nonexperimental transplants; 11) up to \$1,000 annually for emergency dental care and extractions per adult member; 12) ambulance and nonambulance transportation; 13) hospice care; and 14) orthotics (A.R.S. § 36-2907).

AHCCCS offers long-term care services for persons who are elderly or disabled through the Arizona Long-term Care System (ALTCS). The ALTCS program provides acute care services, behavioral health services, institutional services, home and community-based services and case management services. ALTCS program contractors are required to provide dental services in an annual amount up to \$1,000 per ALTCS-eligible member (A.R.S. § 36-2939).

The Federal Medical Assistance Percentages (FMAPs) are published annually by the U.S. Secretary of Health and Human Services (U.S. Secretary of HHS) and used to determine the amount of federal matching funds for state expenditures for assistance payments for certain social services and state medical insurance expenditures. The U.S. Secretary of HHS additionally prescribes an FMAP specifically for IHS and tribal facilities. The U.S. Social Security Act specifies that services provided to Medicaid-eligible patients at IHS and tribal facilities can be reimbursed at 100 percent of the FMAP (42 U.S.C. § 1905).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires AHCCCS to seek federal authorization to reimburse the IHS and tribal facilities to cover the cost of adult dental services that are:
 - a) eligible for 100 percent FMAP;

FACT SHEET

S.B. 1355

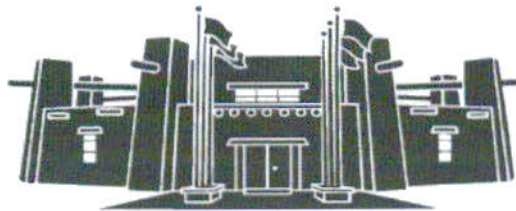
Page 2

- b) in excess of the limits on covered services; and
 - c) received through the IHS and tribal facilities.
2. Becomes effective on the general effective date.

Prepared by Senate Research

February 18, 2019

CRS/AB/kja



MEMORANDUM

TO: Honorable Daniel Tso
24th Navajo Nation Council Delegate

FROM:


Candace French, Attorney
Office of Legislative Counsel

DATE: May 2, 2019

RE: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING ARIZONA SENATE BILL 1355 TITLED "AN ACT REQUIRING THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION TO SEEK FEDERAL AUTHORIZATION TO REIMBURSE INDIAN AND TRIBAL HEALTH PROVIDERS"

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.