

LEGISLATIVE SUMMARY SHEET

Tracking No. 0285-18

DATE: August 21, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE DESIGNATION OF THE NAVAJOLAND NURSING HOME, INC. AS A NAVAJO NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT TO NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION OF "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

PURPOSE: The purpose of this legislation is to approve the granting of the designation "tribal organization" to the Navajoland Nursing Home, Inc. for a term of 15 years to contract as a P.L. 93-638 contractor for provisions of assisted living and nursing home care on the Navajo Nation.

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: SNOTAH
Website Posting Time/Date: 2:38pm 8/22/2018
Posting End Date: 8/27/2018
Eligible for Action: 8/28/2018

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0285-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE
DESIGNATION OF THE NAVAJOLAND NURSING HOME, INC. AS A NAVAJO
NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF CONTRACTING
WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT TO
NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-DETERMINATION ACT
(P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V SELF GOVERNANCE
COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-
638, AS AMENDED), SUCH DESIGNATION OF "TRIBAL ORGANIZATION" BEING
REVOCABLE AND CONTINGENT ON COMPLIANCE WITH ALL TERMS AND
CONDITIONS AS REQUIRED

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee (Committee) is an established Committee of the Navajo Nation Council. 2 N.N.C. §400(A).
- B. The Health, Education and Human Services Committee exercises oversight responsibility over all matters related to health on the Navajo Nation. 2 N.N.C. §400 (C)(1)

- 1 C. The Health, Education and Human Services Committee exercises authority to review
2 and recommend the authorization and designation of a for-profit or non-profit health
3 or social services organization as a tribal organization for the purposes of contracting
4 or compacting under the Indian Self-Determination and Education Assistance Act. 2
5 N.N.C. § 401 (6)(e)
- 6 D. Navajo Nation Council Resolution CJY-33-10 authorized the previously existing
7 Intergovernmental Relations Committee of the Navajo Nation Council to act as final
8 approval authority, only upon a recommendation for approval by the Health,
9 Education and Social Services Committee and each of the Navajo Nation Chapters to
10 be served, for all additional designations of “tribal organizations”. CJY-33-10
- 11 E. Upon reorganization of the Navajo Nation Council and Committees the Naabik’iyati
12 Committee assumed, unless otherwise specified, all the responsibilities of the
13 previous Navajo Nation Council’s Intergovernmental Relations Committee and the
14 Health, Education and Social Services Committee was renamed the Health, Education
15 and Human Services Committee. CAP-10-11
- 16 F. The Naabik’iyati’ Committee of the Navajo Nation Council, only upon the
17 recommendation for approval by the Health, Education and Human Services
18 Committee and the approval of each of the Navajo Nation Chapters to be served, is to
19 act as the final authority for approving the revocable designation of “tribal
20 organization” for purposes of contracting under the Indian Self-Determination Act
21 (P.L. 93-638, as amended).

22 23 **SECTION TWO. FINDINGS**

- 24 A. The Navajoland Nursing Home, Inc. has requested to be designated a “tribal
25 organization” for a period of 15 years, for the purposes of contracting with the United
26 States Indian Health Service and to negotiate and enter into Title I, Indian Self-
27 Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance
28 compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended).
29 *See Exhibits B and C. See also Exhibit D.*
- 30 B. Navajoland Nursing Home, Inc. was incorporated in the State of Arizona on February
18, 1982. ACC File No. 01450670 attached as **Exhibit E**. Navajoland Nursing Home,

1 Inc. is also incorporated under the laws of the Navajo Nation. BRD File No. 100092
2 attached as **Exhibit F**.

3 C. Navajoland Nursing Home, Inc. serves Navajo members representing 67 of the 110
4 Navajo Nation Chapters. Supporting Chapter Resolutions are attached as **Exhibit G**.

5 D. The Health, Education and Human Services Committee of the Navajo Nation Council
6 finds it to be in the best interest of the Navajo Nation to approve and recommend to
7 the Naabik'iyáti Committee that Navajoland Nursing Home, Inc. be given the
8 revocable designation of "tribal organization" for a period of 15 years for the
9 purposes of contracting with the United States Indian Health Service and to negotiate
10 and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended)
11 contracts and Title V Self Governance compacts pursuant to the Indian Self-
12 Determination Act (P.L. 93-638, as amended), subject to the Terms and Conditions as
13 found in the attached **Exhibit A**.

14 15 **SECTION THREE. APPROVAL**

16 A. The Health, Education and Human Services Committee of the Navajo Nation Council
17 hereby approves and recommends to the Naabik'iyáti Committee that the Navajoland
18 Nursing Home, Inc. be given the revocable designation of "tribal organization" for a
19 period of fifteen (15) years for the purposes of contracting with the United States
20 Indian Health Service and to negotiate and enter into Title I, Indian Self-
21 Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance
22 compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended)
23 subject to the Terms and Conditions as found in the attached **Exhibit A**.

24 B. The recommendation of the Health, Education and Human Services Committee is
25 contingent on there being no changes to the Terms and Conditions as found in the
26 attached **Exhibit A** without the approval of the Health, Education and Human
27 Services Committee.



Navajo Nation Conditions for
Designation as Tribal Organization for Nursing Homes and Assisted Living Facilities
Pursuant to
the Indian Self- Determination Act (P.L. 93-638, as amended)

The Navajo Nation and the designated "Tribal Organizations" shall cooperate under the principles of Ké to ensure that the nursing home and/or assisted living needs of all Navajo citizens are fully met.

The designation of "Tribal Organization" for participation in the Indian Self-Determination Act (P.L. 93-638 as amended) is a revocable designation and is conditioned on the continued, ongoing and full compliance with the applicable terms and conditions as set forth below:

1. The designated "Tribal Organization" must qualify as a participant under the Indian Self Determination Act (P.L. 93-638, as amended) as follows:

(A) Completing, to the satisfaction of the Health, Education and Human Services Committee and the Naabik'iyati' Committee of the Navajo Nation Council, a planning phase as described under the Act and which includes:

(1) Legal and budgetary research; and

(2) Internal tribal government planning and organizational preparation relating to the administration of nursing home and/or assisted living programs.

(B) Requesting participation Title V, Self-Governance, by resolution of the Health, Education and Human Services Committee and the Naabik'iyati' Committee of the Navajo Nation Council; and

(C) Demonstrating financial stability and financial management capability for the three (3) fiscal years immediately preceding the application for Title V, Self-Governance.

2. The designated Tribal Organization shall maintain its eligibility for third party payments under the Centers for Medicare and Medicaid Services (CMS).
3. The designated Tribal Organization shall maintain continued accreditation by a nationally recognized accreditation program.
4. The designated Tribal Organization shall operate and administer their Self-Governance Compact programs under the oversight of the Health, Education and Human and Services Committee of the Navajo Nation Council.
5. The designated Tribal Organization shall appear before and report to the Health, Education and Human Services Committee and the Naabik'iyati Committee of the Navajo Nation Council whenever requested to do so.
6. The designated Tribal Organization shall maintain compliance with all monitoring and reporting requirements duly established by the Health, Education and Human Services Committee, including:
 - (A) Submission to the Health, Education and Human Services Committee of copies upon receipt, of all final Federal Single Audit Act audit reports, including Audited Financial Statements, and final survey reports issued by its nationally recognized accreditation organizations(s) and all associated corrective action plans, with copies to the Navajo Nation Department of Health.
 - (B) Submission of copies of the Self-Governance Compact and all Annual Funding Agreements to the Navajo Nation Department of Health.
 - (C) Submission of copies of the designated "Tribal Organization's" Annual Report, upon acceptance of same by the "Tribal Organization", to the Health, Education and Human Services Committee and to the Navajo Nation Department of Health. The format, criteria and due date of the Annual report shall be determined by the Health, Education and Human Services Committee.
 - (D) Submission of a listing of the Board of Directors-identified by Chapter, description of method of selection of the Board, length of term and by-laws.
7. The designated "Tribal Organization" shall maintain continued compliance with all applicable Navajo Nation laws and regulations, including, but not limited to, the Navajo Preference in Employment Act and shall provide a report on employment compliance to the Health, Education and Human Services Committee annually and upon request.
8. The designated "Tribal Organization" shall maintain compliance with all applicable Navajo Nation Health care, nursing home and assisted living policies and priorities duly adopted by the Health and Social Services Committee and shall demonstrate the

establishment and operation of a traditional medicine program as an integral component of the provision of the nursing home and/or assisted living facility.

9. The designated "Tribal Organization" will consult and cooperate with the Navajo Nation Department of Health concerning the nursing home and/or assisted living needs and programs of the Navajo Nation.

10. The designated "Tribal Organizations" and Navajo Nation Department of Health shall timely develop and on-going written policy for consultation on matters of public health, nursing home and/or assisted living care and have such policy approved by the Health, Education and Human Services Committee.

11. The designated "Tribal Organizations" and Navajo Nation Department of Health and Navajo Nation Department of Emergency Medical Service shall enter Memorandum of Understandings for the Navajo Nation's use and occupancy of the designated Tribal Organization facilities as long as such use and occupancy does not interfere with direct care services.

12. The designated "Tribal Organization", in its dealings with the federal and state government, be it lobbying, advocacy, litigation, or negotiating efforts, shall only take positions or make arguments, consistent with official published Navajo Nation positions. The designated "Tribal Organization" shall report and consult with the Health, Education and Human Services Committee prior to such undertakings.

13. The designated "Tribal Organization" shall not directly charge any tribal member for neither nursing home and/or assisted living services nor charge the Navajo Nation Employee Benefit Plan or Workers Compensation Plan for health care services provided to a covered tribal member unless the Indian Health Service would be able to charge the tribal member for the same service under the same circumstances unless otherwise authorized by the Naabik'iyati' Committee of the Navajo Nation Council.

14. The designated "Tribal Organization" shall provide direct nursing home and/or assisted living care to all Native American eligible users unless otherwise authorized by the Naabik'iyati' Committee of the Navajo Nation Council.



Chinle Nursing Home

P.O. Box 910
Chinle, Arizona 86503

August 06, 2018



THE NAVAJO NATION

Health, Education & Human Services Committee
Window Rock, Arizona 86515

Ref: NavajoLand Nursing Home, Inc.

The Navajoland Nursing Home, Inc. (NNHI) request the Navajo Nation Health, Education & Human Services Committee (NNHEHS) and the Navajo Nation President, Russell Begay to approved the Proposed Application PL93-638 for Indian Self-Determination & Education Assistance Act (ISDEAA) Contract with Indian Health Service (IHS). NNHI wishes to pursue an ISDEAA contract with the United States Indian Health Services for the provision of Long Term Care and Assisted Living services within the Navajo Nation for 15 years.

NNHI has been providing Long Term Care and Assisted Living care services 7 days a week, 24 hours a day for our Elders for many years by the only nursing home licensed on the Navajo Nation.

NNHI is incorporated under the laws of the State of Arizona, the Navajo Nation and is governed by the Board of Directors, all of whom are Navajos.

I would appreciate any assistance your office can provide us in preparing and submitting our application.

Thank you for your attention to this matter.

Sincerely,



Wayne Claw, CEO
NNHI

Cc: Candance French, NN Office of Legislative Counsel
Beverly Martinez, NN Council Delegates Office
NNHI Board of Directors
Albert Hale, Attorney
NNHI file
Attachment (NNHI Corporation Documents)

NAVAJOLAND NURSING HOME, INC

PL93-638 APPLICATION

SUBMITTED BY:
NAVAJOLAND NURSING HOME, INC
DBA-CHINLE NURSING HOME
P.O. BOX 910
CHINLE ARIZONA 86503

NAVAJOLAND NURSING HOME, INC.

EXECUTIVE SUMMARY

NAVAJO ELDERS DESCRIBED NAVAJO CULTURE AS THE CORE OF YOUR BEING. THAT'S WHO YOU ARE, HOW YOU GREW UP, HOW YOU WERE RAISED, YOUR FAMILY CLANSHIP & YOUR TRADITIONS.

The Navajoland Nursing Home, Inc., home of 80 Navajo Elders, a full-time Level I, II & III skilled medical care in a respectful, traditional, cultural & self-sustaining community of Chinle, Arizona. At the beautiful, newly built 80 bed facility located at the mouth of the famous Canyon De Chelly National Monument in Chinle, Arizona. Like all communities of the Navajo Nation. Chinle is rural, remote and isolated. The challenges experienced by our elders are-failing health, loss of autonomy, limited mobility illness, infirmity, and loneliness-are compounded by the geographic nature of our world.

NNHI brings together 48 years of experience and innovative & alternative visions in elder health care. Like all communities on the Navajo Nation, Chinle is rural, remote, and isolated. Presently, the elders in the facility represent 60% (67) of the 110 chapters on the Navajo Nation and 100% of them speak fluent Navajo and approximately 20% speak some English. Elders are encouraged to voice their preferences and to keep similar schedules as they would have followed at home. And to help maintain connections to their families and communities, the facility helps visitors feel welcome. The elders have resident council, which represents the elder's voices and advocates for their needs. The nursing home staff meets with the council to hear first-hand about their preferences, needs and concern.

Many elders that reside in the Navajo Nation Communities are frequently isolated and left alone without other to care or provide for them. They are unable to independently meet their basic needs and maintain their quality of life. In the winter inclement weather brings cold temperatures, rain and snow which leave many elders stranded in secluded areas without adequate supplies of food, wood, and water. Most elders in the communities are in need of basic care when they are left alone while family members travel to work in surrounding border town. Elders are also frequently left behind in inadequate housing in need of repairs or renovation for the winter and summer. In 2006 survey conducted by the Navajo Nation Social Services offices, finding was-lacks of funds and family participation, neglect and need for home improvements are the key reasons the elder must be admitted to nursing home facility. These are the reasons more nursing home is need on the NN.

Many of our elders grew up eating the same traditional foods that provided support & strengthens to their ancestors and are connected to their land and cultural ways. By serving traditional foods and providing access to traditional medicine, the elder stay connected with their traditional ways. Many elders carry the thread of our culture and language and pass it on to younger people and from development of skills they can apply to careers in health care and elder care.

At NNHI, we promote the dignity and self worth of all Native elders and strive to give them excellent quality of life, as defined by the elders, individually and as a group. To the end, we encourage elder group decision-making through the elder council access to all areas of their home at NNHI, and self-determination in activities, socialization, and food preferences. NNHI is not just a caregiving facility-"It is their home", and their community.

PUBLIC LAW 93-638

CFR'S/USC's CERTIFICATION FOR TRIBAL NURSING HOME

The Purpose of NNHI going under PL93-638 is to increase funds, better benefits, grant opportunities and self-determination which Arizona AHCCCS (CMS) can't provide. The present reimbursement funds & rates set through AHCCCS's regulation for the number of bed occupied monthly is not enough to operate and manage a 79 bed facility. The HIPPA and Center for Medicare/Medicaid Services (CMS) lack regulations to cover traditional and cultural laws for elders in nursing homes on Indian reservation. The shortest and cost of hiring a State Certified Nurses and Professional Staff is costly in rural area which CMS does not understand. Lack of funds prevents NNHI from collaborating and coordinating with the existing internal and external resources which causes decrease of cost effective use of implementation funds. NNHI uses the Navajo Nation Title 9, HIPPA Nursing Home, Privacy Act and NNHI's established in-house policies, procedures, procurements, practices, regulations and laws to determine how to effectively accommodate the operation and managing required. (See Attached regulations and policies).

NNHI, Under 638, NNHI will establish a new kind of model based on the PL93 638 ideas to do business using the Indian Self-Determination & Education Assistance Act of 1975, U.S.C. 450 et seq., authorizing contracting by Indian tribe and tribal organization of federally delivered services to Indians. Using 5 U.S.C. Section 1621d Act which provides funding for Assisted Living, Home and Community Based services, Hospice Care and Long Term Care Services.

The 26 U.S.C. Section 7702B (c) qualifies long term care services for necessary diagnostic, preventive, therapeutic, curing, treating, mitigating & rehabilitative services and maintenance or personal care services which are required by a chronically ill individual and provide pursuant to a plan of care prescribed by a licensed health care practitioner.

Using U.S.C Section 5304(I) P.L. 638-contracting is available to tribal and tribal organization. Tribal organization meaning recognized governing body of any Indian tribes; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. Using the 25 U.S.C. Section 1621d, Elders Eligibility: individuals unable to perform a certain number of activities of daily living without assistance, individuals with a mental impairment such as dementia, Alzheimer's disease, or another disabling mental illness who may be able to perform activities of daily living under supervision & such other individuals as an eligible tribal health center determines to be appropriate. NNHI will comply with 25 CFR § 900.8 in applying for the P.L. 638 Contract application review and approval process through the Navajo Nation and the Indian Health Service. NNHI will provide a budget in the annual funds request for Personnel, Equipment, Materials & Supplies, Travel and subcontracts. (SEE

NNHI will conform with the following obligations under 638 Contract 25 CFR § 900.43 General Financial Management System standards; 25 CFR § 900.44 Minimum General Standards; 25 CFR § 900.15 Specific Minimum Requirements: Financial Reports, Accounting Records, Internal Controls, Budget Controls, Allowable Costs, Source Documentation and Cash Management.

25 CFR § 900.48 Basic Procurement Standards, 25 CFR § 900.51 Property Management System, 25 CFR § 900.52 Property to be tracked, 25 CFR § 900.53 Property Management System Records 25 CFR § 900.65 Programmatic Reports and Data (There are no mandatory reporting requirements).

Pursuant to attached Title V of the ISDEAA, 25 U.S.C. § 458aaa et seq & 2-4(b), 42 C.F.R. § 137 et seq., 5-23 & 30-46, DGGDCII request the following to Navajo Nation, the Indian Health Service (IHS) and the Secretary, acting through the Service, for contract provisions regards to Long Term Care to authorized to provide directly, or enter into compact under the ISDEAA, for the delivery of long term care provided in a facility; Request Title V compact with IHS, where IHS Area Office will assume full funding and control over NNHI of the ISDEAA portions of services or activities; request participation in the tribal self-governance by Tribal resolution and demonstrate 3 fiscal years of financial stability and financial management capability by using FY Audits. Also provide for the sharing of staff or other services between the Service or health programs or related facility operated (ISDEAA) by the Indian Tribal or Tribal Organizations, and shall provide that expenses relating to services that are shared and be allocated proportionately; May authorize to construct, renovate, or expand a long term care or other similar facility. And request the Secretary to provide such technical or other assistance as may be necessary to enable NNHI to comply with this section of the regulations, encourage the use of existing facilities that are not used (assisted Living) or allow the use of the swing beds for long term or similar care. NNHI shall meet Section 1913 of the Social Security Act 42 U.S.C. 139r.

NAVAJOLAND NURSING HOME, INC

PL93-638 APPLICATION

FY 2019-BUDGET

NNHHS PL93-638 OBJECTIVES

(Financial & Non-Financial Objectives)

1. PL93 638 Contract-Improve Operating/Management funding opportunities.
2. Improve Grants Opportunities 638 Diabetes and Alcoholism & other grants.
3. Fill all Licensed Staff positions (Dietary, Admission RN, Licensed Social Workers, etc.).
4. Fill all Certified Staff positions (Cooks, Housekeeping, Security, Unit Aids, etc).
5. Fill new 80 beds in 6 months.
6. Plan, Develop & Operate the Assisted Living Facility in one year, continue contract with Navajo Nation Family Services for Level I clients (Assisting Living).
7. Begin developing implementation for ongoing funding needs for 2nd year through five.
8. To improve by providing the best health care for all our elders.
9. Implement Cultural and Tradition values in Navajo elder's nursing home regulations
10. Improve staff wage and benefits.
11. Provide adequate training, & mentoring to create job satisfaction.

NNHH STAFF

1. Chief Executive Officer (1)	21. Asst. Director of Nurses (1)
2. Information Technician (1)	22. Director of Nurses (1)
3. Chief Finance Officer (1)	23. Quality Assurance (1)
4. Human Resource Coordinator (1)	24. Record Clerks (3)
5. Billing Codes (1)	Total 81
6. Payroll Specialist (1)	
7. Accounts Payable (1)	
8. Social Service Coordinators (1)	OUTSIDE CONTRACTS
9. Activity staff (2)	6. Doctor (1)
10. Physical Therapy (1) & PT Assistance (1)	27. Pharmacist (1)
11. Security Guards (2)	3. Dietician (1)
12. Receptionist (5)	Total 3
13. Dietician Supervisor (1)	
14. Cooks (5)	
15. Housekeeping (5)	
16. Maintenance staff (3)	
17. Medical Assistances (5)	
18. Unit Aids (3)	
19. Certified Nurse Assistant (2)	
20. Licensed Practical Nurse (2)	
21. Registered Nurse (1) & Contracted RNs (6)	

We value the time, skills and expert opinions of our 85 staff. We are committed to providing fair and equitable, reasonable, and successful standards and spheres of rights and responsibilities for each team member. We do not expect staff to work for which they are not trained; we do expect to share their suggestions for improving any aspects for our workers' families, but also allow them a space to make a difference in the world around them, through caring and expert assistance to our community's most vulnerable members.

NAVAJOLAND NURSING HOMES, INC
 dba/CHINLE NURSING HOME
 STATEMENT OF PRO FORMA EXPENSES

	<u>Resident Services</u>	<u>Administrative Support Services</u>	<u>Total Expenses</u>
Salaries and Benefits	2,719,200.00	379,500.00	3,098,700.00
Travel and Per Diem	5,000.00	20,000.00	25,000.00
Consumable Supplies	13,000.00	250,000.00	263000.00
Leases and utilities	230,000.00	80,000.00	310,000.00
Contractual services	580,000.00	175,000.00	755,000.00
Insurance Expense	\$75,000.00	25,000.00	100,000.00
Maintenace and repairs	40,000.00	0	40,000.00
Training	30,000.00	5,000.00	35,000.00
Fodd and beverages	200,000.00	0	200,000.00
Other expenses	3,000.00	10,000.00	13000.00
Penalties and interest	0	5,000.00	5,000.00
Payrol taxes	494,400.00	69,000.00	563,400.00
Loss/Gain on sale of assets	0	0	0
Total expenses before depreciation	<u>4389600.00</u>	<u>1,018,500.00</u>	<u>\$ 5,408,100.00</u>
Depreciation	212,500.00	637,500.00	\$ 850,000.00
Total Expenses	<u><u>\$ 4,602,100.00</u></u>	<u><u>\$ 1,656,000.00</u></u>	<u><u>\$ 6,258,100.00</u></u>

NAVAJOLAND NURSING HOMES, INC
dba/CHINLE NURSING HOME
STATEMENT OF PRO FORMA EXPENSES

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Salaries and Benefits	\$ 2,719,200.00	\$ 379,500.00	\$ 3,098,700.00
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Consumable Supplies	13,000.00	250,000.00	263000.00
Leases and utilities	230,000.00	80,000.00	310,000.00
Contractual services	580,000.00	175,000.00	755,000.00
Insurance Expense	\$75,000.00	25,000.00	100,000.00
Maintenace and repairs	40,000.00	0	40,000.00
Training	30,000.00	5,000.00	35,000.00
Fodd and beverages	200,000.00	0	200,000.00
Other expenses	3,000.00	10,000.00	13000.00
Penalties and interest	0	5,000.00	5,000.00
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Loss/Gain on sale of assets	0	0	0
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Depreciation	212,500.00	637,500.00	\$ 850,000.00
Total Expenses	<u><u>\$ 4,602,100.00</u></u>	<u><u>\$ 1,656,000.00</u></u>	<u><u>\$ 6,258,100.00</u></u>

**TITLE 1 CONTRACTING
&
TITLE 5 COMPACTING**

Differences Between Title I Contracting and Title V Compacting Under the Indian Self-Determination Education Assistance Act (ISDEAA)

	Title I	Title V
Program Authority	Title I of the ISDEAA 25 U.S.C. § 450 et seq. 25 C.F.R. § 900 et seq.	Title V of the ISDEAA 25 U.S.C. § 458aaa et seq. 42 C.F.R. § 137 et seq.
Program Summary	Federally recognized Tribes or Tribal Organizations <u>contract</u> with the IHS to plan, conduct, and administer one or more individual programs, functions, services or activities (PFSAs), or portions thereof, that the IHS would otherwise provide for Indians because of their status as Indians. 25 U.S.C. § 450f	Federally recognize Tribes or Tribal Organizations <u>compact</u> with the IHS to assume full funding and control over programs, services, functions or activities (PFSAs), or portions thereof, that the IHS would otherwise provide for Indians because of their status as Indians. 25 U.S.C. § 458aaa-3-4(b)
Eligibility	Any federally recognized Tribe or Tribal Organization is eligible for Title I contracting upon request of the Tribe by Tribal resolution. 25 U.S.C. § 450f(a)(1) 25 C.F.R. § 900.8	Eligibility for Title V requires that the Tribe or Tribal Organization (1) successfully complete a planning phase, (2) request participation in the Tribal Self-Governance Program by Tribal resolution or other official action by the governing body of each Tribe to be Served, and (3) demonstrate three fiscal years of financial stability and financial management capability. 25 U.S.C. § 458aaa-2 42 C.F.R. §§ 137.15-23
Documents Required	(1) A <u>Contract</u> that includes the model agreement in the ISDEAA and any other provisions agreed to by the parties, and (2) and <u>Annual Funding Agreement</u> (AFA) describing all PFSAs to be performed or administered, the associated funding, and method of payment. 25 U.S.C. § 450i 25 C.F.R. § 900.8	(1) A <u>Compact</u> that sets forth the general terms of the nation-to-nation relationship between the Tribe or Tribal Organization and the Secretary, and (2) an annual or multi-year Funding Agreement (FA) that generally identifies the PFSAs to be performed or administered by the Tribe, the financial terms and conditions, and the responsibilities of the Secretary. There is no model Compact, but the ISDEAA does require some mandatory provisions. 25 U.S.C. §§ 458aaa 3-4 42 C.F.R. §§ 137.30-46
Process	The eligible Tribe or Tribal Organization submits a Letter or Notice of Intent. Technical assistance is provided as necessary. The Tribe or Tribal Organization submits a Self-Determination Contract proposal for review. A draft Contract and AFA are produced, and negotiations are held with the Tribe or Tribal Organization. Within 90 days after receipt of the proposal, the IHS Area contracting officer must either approve the proposal and award the Contract or provide written declination of the proposal based on the five ISDEAA declination criteria. In the event of a declination, the IHS must sever and award any portion of the proposal not declined. See generally 25 U.S.C. § 450f-n 25 C.F.R. § 900 et seq.	The Tribe or Tribal Organization produces a draft Compact and FA. The IHS Agency Lead Negotiator (ALN) assembles a negotiation team and reviews the draft. Following pre-negotiation discussions, the ALN negotiates with the Tribe or Tribal Organization on behalf of the IHS Director. See generally 25 U.S.C. § 458aaa et seq. 42 C.F.R. § 137.1 et seq.

	Title I	Title V
Appeal	<p>If a Contract proposal is declined, the Tribe or Tribal Organization must be provided with a written statement of any objections, assistance to overcome the stated objections, and a hearing on the record with the opportunity for appeal on the objections raised.</p> <p>25 U.S.C. § 450f(b) 25 C.F.R. §§ 900.28-31</p>	<p>If issues arise on which the parties cannot reach agreement, the Tribe or Tribal Organization may submit a final offer to the IHS. Within 45 days, the Agency must make a determination on the final offer in accordance with the ISDEAA.</p> <p>25 U.S.C. §§ 458aaa-6(b)-(d) 43 C.F.R. §§ 137.131-150</p>
Redesign and Funding Reallocation	<p>A Tribe or Tribal Organization may redesign PFSA's with IHS approval and may rebudget funding to meet Contract requirements without IHS approval in accordance with the ISDEAA.</p> <p>25 U.S.C. §§ 450j(j) & 450j-1(o)</p>	<p>A Tribe or Tribal Organization may redesign or consolidate PSFAs and reallocate or redirect funding without IHS approval in accordance with the ISDEAA.</p> <p>25 U.S.C. §§ 458aaa-4 & 458aaa-5(e) 42 C.F.R. § 137.185</p>
Performance Monitoring	<p>Generally, for routine monitoring, the IHS is limited to not more than one performance-monitoring visit per Contract; exceptions may apply.</p> <p>25 U.S.C. § 450l(c)(b)(7)(C)</p>	<p>No routine monitoring is required.</p> <p>No citation.</p>
Mandatory Reporting	<p>For mature Contracts, an annual agency audit as required by the Single Agency Audit Act of 1984 and a brief annual program report. All other reporting requirements are negotiable.</p> <p>25 U.S.C. § 450(c) 25 C.F.R. § 900.65</p>	<p>Annual single agency audit as required by the Single Agency Audit Act of 1984 and Health Status Reports.</p> <p>25 U.S.C. §§ 458aaa-5(c) & 458aaa-6(a)(1) 42 C.F.R. §§ 137.165—173 & 137.200—207</p>
Grants	<p>Grants cannot be added to Title I Contracts or AFAs.</p> <p>No citation.</p>	<p>Statutorily mandated grants may be included in FAs.</p> <p>25 U.S.C. § 458aaa-4(b) 42 C.F.R. §§ 137.75-77</p>
Retrocession	<p>A Tribe or Tribal Organization may choose to retrocede individual PFSA's or the entire Contract award to the IHS.</p> <p>25 U.S.C. § 450j(e) 25 C.F.R. §§ 900.240-245</p>	<p>A Tribe or Tribal Organization may choose to partially or fully retrocede to the IHS any PSFA, or portion thereof, included in the FA.</p> <p>25 U.S.C. § 458aaa-5(f) 42 C.F.R. § 137.185</p>
Reassumption by the IHS	<p>The IHS may rescind a Contract, in whole or in part, and take control of the PFSA involved if there is: (1) a violation of rights or endangerment of the health, safety, or welfare of any persons, or (2) gross negligence or mismanagement in the handling or use of Contract funds.</p> <p>25 U.S.C. § 450m 25 C.F.R. §§ 900.246-256</p>	<p>The IHS may reassume operation of a PSFA and its associated funding if there is a specific finding of: (1) imminent endangerment of the public health caused by an act or omission of the Tribe or Tribal Organization and arising out of a failure to carry out the Compact or FA, or (2) gross mismanagement of the funds transferred to the Tribe or Tribal Organization by the Compact and FA.</p> <p>25 U.S.C. § 458aaa-6(a)(2) 42 C.F.R. §§ 137.255-265</p>
Funding Available for Planning and Negotiation	<p>Tribal Management Grants are available for planning purposes. They cannot be added to Title I Contracts or AFAs and may not be used for Title V planning or negotiation activities.</p> <p>25 U.S.C. §§ 450h(a) & (b)</p>	<p>Cooperative Agreements are available for Title V planning and negotiation activities. Receipt of a Cooperative Agreement is not required to participate in Title V.</p> <p>25 U.S.C. § 458aaa-2(e) 42 C.F.R. §§ 137.24-26</p>

NAVAJOLAND NURSING HOME, INC

PL93-638 APPLICATION

**638 U.S. CODES & CFR'S
FOR**

**ASSISTED LIVING & LONG TERM CARE
FUNDING QUALIFICATION**

PL93-638

Title ONE

PL-638 Contracting

Navajoland Nursing Home Board Meeting

Hon. Michael C. Nelson (Retired)

April 11, 2018

What is a 638 Contract?

The Indian Self-Determination and Education Assistance Act of 1975, Public Law 93-638, 25 U.S.C. 450 *et seq.*, authorized contracting by Indian tribes and tribal organizations of federally-delivered services to Indians. The Act was part of the Self-Determination movement of the 190's and 1970's.

Does PL-638 cover nursing home services, like those offered by Navajoland Nursing Home?

The Secretary, acting through the Services, Indian tribes, and tribal organizations, may provide funding under this Act for the following services:

- Assisted living services
- Section 1602
- Hospice Care
- Long-term care services

**Section 7702B(C) of Title 26
25 U.S.C. Section 1621d**

Home and Community-Based Service

1. Homemaker/home health aide services
2. Chore services
3. Personal care services
4. Nursing care services provided by, or under the supervision of, a registered nurse.
5. Respite care
6. Training for family members in managing the individual.
7. Adult day care.
8. In the case of an individual with chronic mental illness, day treatment or other partial hospitalization, psychosocial rehabilitation services, and clinic services (whether or not furnished in a facility.)
9. Such other home and community-based services (other than room and board) as the Secretary may approve.

Hospice Care

- A.) Nursing care provided by or under the supervision of a registered professional nurse,
- B.) Physical or occupational therapy, or speech-language pathology services,
- C.) Medical social services under the direction of a physician,
- D.) (i) services of a home health aide who has successfully completed a training program approved by the Secretary and (ii) homemaker services,
- E.) Medical supplies (including drugs and biologicals and the use of medical appliances, while under such a plan,
- F.) Physicians' services

- G.) Short-term inpatient care (including both respite care and procedures necessary for pain control and acute chronic symptom management) in an inpatient facility meeting such conditions as the Secretary determines to be appropriate to provide such care, but such respite care may be provided only on an intermittent, nonroutine, and occasional basis and may not be provided consecutively over longer than five days,
- H.) counseling (including dietary counseling) with respect to care of the terminally ill individual and adjustment to his death,
- I.) For a Hospice program carried out under the IHCA, "such other services as an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of that care." 25 U.S.C. §1621d (a) (3)(B).

Long Term Care Services

These “qualified long-term care services” are defined as necessary diagnostic, preventive, therapeutic, curing, treating, mitigating, and rehabilitative services, and maintenance or personal care services, which-

- (A) Are required by a chronically ill individual, and

- (B) Are provided pursuant to plan of care prescribed by a licensed health care practitioner.

26 U.S.C. Section 7702B(c)

Is Navajoland Nursing Home eligible for PL-638 contracting? YES

PL-638 contracting is available to tribes or tribal organizations.

“Tribal Organization” means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities:

Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be prerequisite to the letting or making of such contract or grant.

Is Navajoland Nursing Home a “tribal organization”?

The Navajo Nation makes the initial determination. That is evidenced by a resolution of the Health, Education and Human Services Committee of the Navajo Nation Council.

Are our clients eligible for PL-638 contracted services?

Client Eligibility

- Individuals...unable to perform a certain number of activities of daily living without assistance.
- Individuals with a mental impairment such dementia, Alzheimer's disease, or another disabling mental illness who may be able to perform activities of daily living under supervision.
- Such other individuals as an applicable tribal health program determines to be appropriate.

What is the process to apply for a PL-638 contract?

There is a substantial application required, then review and approval by the Navajo Nation and review and approval by the Health Services.

An initial contract proposal must contain (among others) the following information:

...

(b) If the tribal organization is not an Indian tribe, the proposal must also include:

(1) A copy of the tribal organization's organizational documents (e.g., charter, articles of incorporation, by-laws, etc.)...

(d) A copy of the authorizing resolution from the Indian tribes(s) to be served.

(g) A brief statement of the programs, functions, services, or activities that the tribal organization proposes to perform, including...

(4) A description of the proposed program standards;

(5) An identification of the program reports, data and financial reports that the Indian tribe or tribal organization will provide, including their frequency...

(8) A statement that the Indian tribe or tribal organization will meet the minimum procurement, property and financial management standards set forth in subpart F, subject to any waiver that may have been granted under subpart K.

(h) The amount of funds requested, including:....

(2) An identification of the amount of direct contract support costs, including one-time start-up or pre-award costs under section 106(a)(2) and related provisions of the Act, presented by major categories such as:

(i) Personnel (differentiating between salary and fringe benefits);

(ii) Equipment;

(iii) Materials and supplies;

(iv) Travels;

(v) Subcontractors.

What are our obligations under the 638 contract?

Financial Management Systems

25CFR § 900.43 General financial management systems standards

A tribal organization shall expend and account for contract funds in accordance with the procedures of the tribal organization.

25 CFR § 900.44 Minimum general standards

The fiscal control and accounting procedures of an Indian tribe or tribal organization shall be sufficient to:

- (a) Permit preparation of reports required by a self-determination contract and the Act; and
- (b) Permit the tracing of contract funds to a level of expenditure adequate to establish that they have not been used in violation of any restrictions or prohibitions contained in any statute that applies to the self-determination contract.

25 CFR §900.45 Specific minimum requirements

An Indian tribe or tribal organization's financial management system shall include provisions for the following seven elements.

- (a) *Financial reports* (b) *Accounting records*. (c) *Internal controls* (d) *Budget controls* (e) *Allowable costs* (f) *Source documentation* (g) *Cash management*

Basic Procurement Standards

25FR § 900.48

(a)The Indian tribe or tribal organization shall ensure that its vendors and/or subcontractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.

(b)The Indian tribe or tribal organization shall maintain written standards of conduct governing the performance of its employees who award and administer contracts.

(1)No employee, officer, elected official or agent of the Indian tribe or tribal organization shall participate in the selection, award, or administration of a procurement supported by Federal funds if a conflict of interest, real or apparent, would be involved.

(2)An employee, officer, elected official, or agent of an Indian tribe or tribal organization, or of a subcontractor of the Indian tribe or tribal organization, is not allowed to solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

(3)These standards shall also provide for penalties, sanctions, or other disciplinary actions for violations of the standards.

(c)The Indian tribe or tribal organization shall review proposed procurements to avoid buying unnecessary or duplicative items or ensure the reasonableness of the price.

(d) The Indian tribe or tribal organization shall conduct all major procurement transactions by providing full and open competition...

(2) As provided in section 7 (b) and (c) of the Act, Indian preference and tribal preferences shall be applied in any procurement award.

(e) The Indian tribe or tribal organization shall make procurement awards only to responsible entities who have the ability to perform successfully under the terms and conditions of the proposed procurement.

(f) The Indian tribe or tribal organization shall maintain records on the significant history of all major procurement transactions.

(g) The Indian tribe or tribal organization is solely responsible, using good administrative practice and sound business judgement, for processing and settling all contractual and administrative issues arising out of a procurement. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

(1) The settlement of any protest, dispute, or claim shall not relieve the Indian tribe or tribal organization of any obligations under a self-determination contract.

(2) Violations of law shall be referred to the tribal or Federal authority having proper jurisdiction.

Property Management

25 CFR § 900.51 Property Management System

An Indian tribe or tribal organization's property management system shall account for all property furnished or transferred by the Secretary for use under a self-determination contract or acquired with contract funds. The property management system shall contain requirements for the use, care, maintenance, and disposition of Federally-owned and other property as follows:

- (a) Where title vests in the Indian tribe, in accordance with tribal law and procedures; or
- (b) In case of a tribal organization, according to the internal property procedures of the tribal organization.

25 CFR § 900.52 Property to be tracked

The property management systems of the Indian tribe or tribal organization shall track:

- (a) Personal property with an acquisition value in excess of \$5,000 per item;
- (b) Sensitive personal property, which is all personal property that is subject to theft and pilferage, as defined by the Indian tribe or tribal organization. All firearms shall be considered sensitive personal property; and
- (c) Real property provided by the Secretary for use under the contract.

25 CFR § 900.53 Property Management System Records

The property management system shall maintain records that accurately describe the property, including any serial number or other identification number. These records should contain information such as the source, titleholder, acquisition date, cost, share of Federal participation in the cost, location, use and condition of the property, and the date of disposal and sale price, if any.

Divide of Health and Indian Health Services.

Programmatic Reports and Data

25 CFR § 900.65

Unless required by statute, there are no mandatory reporting requirements.

Each Indian tribe or tribal organization shall negotiate with the Secretary the type and frequency of program narrative and program data report(s) which respond to the needs of the contracting parties and that are appropriate for the purposes of the contract.

Other applicable contract provisions

Long-Term Care

... the Secretary, acting through the Services, is authorized to provide directly, or enter into compacts under the ISDEAA.....for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians.

Inclusions

Shall provide for the sharing of staff or other services between the Services or a tribal health program and a long-term care or related facility owned and operated (ISDEAA) by the Indian tribe or tribal organization.

Contents of Agreements

May...delegate to the Indian tribe or tribal organization...supervision and control over Service employees...

Shall provide that expenses...relating to services that are shared....be allocated proportionately....

May authorize....to construct, renovate, or expand a long-term care or other similar facility (including....attached to a Service facility);

Other Assistance

The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section

- Stating of changing –Group-State
- Stating of changing -Group-Navajo Nation.

Use of Existing or Underused Facilities

The Secretary shall encourage the use of existing facilities that are underused, or allow the use of swing beds for long-term or similar care.

25 U.S.C. Section 1680(I)

Minimum requirement

Any nursing facility provided for under this section shall meet the requirements...under section 1919 of the Social Security Act (**42 U.S.C.1396r**) (70page statute)



Chinle Nursing Home

P.O. Box 910
Chinle, Arizona 86503



RESOLUTION OF THE NAVAJOLAND NURSING HOME, INC., BOARD OF DIRECTORS

NNHI-2018-001

APPROVING AND AUTHORIZING THE NAVAJOLAND NURSING HOME, INC.'s P.L. 93-638 APPLICATION AND CONTRACTING AUTHORIZATION AND URGING APPROVAL OF THE SAME; AND RELATED ACTIONS

WHEREAS:

1. The Navajoland Nursing Home, Inc., is a non-profit corporation is duly established and operating pursuant to the laws of the State of Arizona; and
2. The NNH Board of Directors is the governing body of the NNH, Inc., and has the power and authority over all matters that affecting the NNH; and
3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home, (NNH) is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are require 24-hours/7-days a week care and services; and
4. The NNH is the only residential care nursing home facility on the Navajo Nation that provides 24-hours 7-days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States government and channeled through and distributed by the Department of Family Services, under the Navajo Nation Social Services program; and
7. There are constant delays of getting funds to NNH in a timely manner which cause uncertainty in the continuation of care and services that need to be delivered and has caused the NNH to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
8. At the disapproval of NNH, NNH received Rural Rate reimbursement funds from AHCCC & CMS while the rest of the Nursing Homes in the State of Arizona receives the Urban Rate which is much higher; and

8. The stated purpose of P. L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and

9. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve NNH's P.L. 93-638 application and to authorize NNH as 93-638 contracting entity, 2 N.N.C. § 401 (B) (4) (b), Navajo Nation Council Resolution CAP-10-11; and

10. The P.L. 93-638 application is in best interest of NNH and residents of the Navajo Nation who utilize the care services provided by NNH. The NNH's application is attached hereto and incorporated herein as Exhibit A.

11. The NNH's application and request for approval of the application is supported by various Navajo Nation Chapters. The Chapters' supporting resolutions are attached hereto and incorporated herein as Exhibits B's.

WHEREFORE

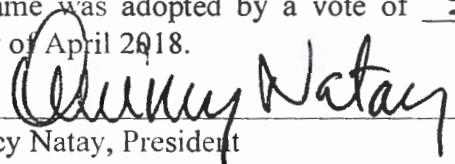
A. The Navajoland Nursing Home, Inc., Board of Directors hereby approves and authorizes the Navajoland Nursing Home, Inc's, P.L. 93-638 application and contracting authorization, attached Exhibit A.

B. The Navajoland Nursing Home, Inc., Board of Directors further urges the Health Education and Human Services Committee of the Navajo Nation Council to approve the Navajoland Nursing Home, Inc's. P.L. 93-638 application and grant the Navajoland Nursing Home, Inc., P.L. 93-638 contracting authority.

C. The Navajoland Nursing Home, Inc., Board of Directors further authorizes and directs the President of the Board of Directors, the Chief Executive Officer, and the Navajoland Nursing Home's attorney to do any and all things necessary and proper to carry out the intent and purpose of this Resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was duly considered by the Navajoland Nursing Home, Inc., Board of Directors at a duly called meeting held in Laughlin, Nevada, at which a quorum was present, and the same was adopted by a vote of 5 in favor, 0 opposed and 0 abstention, this 12th day of April 2018.


Quincy Natay, President
Board of Directors
Navajoland Nursing Home, Inc.

MOTION:

Victor Joe

SECOND:

Shirley Stoner



Chinle Nursing Home

P.O. Box 910

Chinle, Arizona 86503

RESOLUTION

BOARD OF DIRECTORS

NAVAJOLAND NURSING HOME, INC.

NNHI-2018-007

**AUTHORIZED THE NAVAJOLAND NURSING HOME, INC., (NNHI) TO CONTINUE
USING THE HIPPA PRIVACY REFERENCE MANUAL: A GUIDE FOR NURSING
FACILITIES & ASSISTED LIVING REGULATIONS (EXHIBIT "A") ONCE APPROVED BY
THE NAVAJO NATION COUNCIL AND THE PRESIDENT OF THE NAVAJO NATION
FOR PL93-638 FUNDING AUTHORIZATION**

WHEREAS:

1. The Navajoland Nursing Home, Inc., (NNHI) is a not-for-profit corporation organized under the laws of the State of Arizona and the Navajo Nation; and
2. The NNHI Board of Directors is the governing body of the Nursing Home, hereinafter "NNHI", and has the authority and power to oversee and supervise the operation of the NNHI and its employees; and
3. The NNHI was established for the sole purpose of providing adult care services to 80 Navajo Elders and Disabled Adults who would otherwise be placed in an off reservation private facilities to receive nursing care services; and
4. The NNHI is presently, certified under the State of Arizona Department of Health and Human Services for Medicare/Medicaid of the Federal Title XVIII (Medicare) and Federal Title XIX (Medicare/Medicaid/ AHCCCS) programs; and receive its funding through reimbursement from AHCCCS; and
5. The NNHI, under 25 U.S. Code 162d & 7702B(c) of Title 26 is applying for PL93-638 Self Determination and Education Assistance Act (25 U.S.C 450 et. seq.) funding for Level I, 11 & 111 level of care; and
6. Pursuant to PL93-638 25 U.S. Code 1621d-Other authority for provision of services.
(b) Long Term services. The term "long term care services" has the meaning given the term

"qualified long-term care services" in Section 7702B(c) of Title 26. (b) Funding Authorized the Secretary, acting through the Service Indian Tribes, and organizations, may provide funding under this chapter to meet the objectives set forth in Section 1602 of this Title through health care-related services and programs not otherwise described in this chapter for the following services: Hospice, Assisted Living Services, Long-Term Services, Home- and Community based services.

IT IS THEREFORE RESOLVED THAT:

1. Authorized NNHI, to continue using the HIPPA Privacy Reference Manual: A guide for Nursing facilities & Assisted Living Regulations (Exhibit "A") once approved by the Navajo Nation Council and The President of the Navajo Nation for PL93-638 funding authorization.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the NNHI Board of Directors at the scheduled Meeting, at which a quorum was present, and the same was passed by a vote of 4 in favor, 0 opposed, and — abstention, at 10³⁰ AM, this 17th day of July 2018.

Shirley R. Stoner
for Quincy Natay, President

Wallace Hanley
Wallace Hanley, Secretary

Victor Joe, Jr.
Victor Joe, Jr. Member

Shirley R. Stoner
Shirley R. Stoner, Vice –President

Alice White
Alice White, Member

STATE OF ARIZONA



Office of the CORPORATION COMMISSION

CERTIFICATE OF GOOD STANDING

To all to whom these presents shall come, greeting:

I, Jodi A. Jerich, Executive Director of the Arizona Corporation Commission, do hereby certify that

NAVAJOLAND NURSING HOMES, INC.

a domestic nonprofit corporation organized under the laws of the State of Arizona, did incorporate on February 18 1982.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said corporation is not administratively dissolved for failure to comply with the provisions of the Arizona Nonprofit Corporation Act; and that its most recent Annual Report, subject to the provisions of A.R.S. sections 10-3122, 10-3123, 10-3125, & 10-11622, has been delivered to the Arizona Corporation Commission for filing; and that the said corporation has not filed Articles of Dissolution as of the date of this certificate.

This certificate relates only to the legal existence of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 24th day of October, 2016, A. D.




Jodi A. Jerich, Executive Director

By: _____ 1528289

AZ CORPORATION COMMISSION
FILED

JUL 31 2009

AZ Corp. Commission
02855985

FILE NO. 01450670

FIRST AMENDMENT

ARTICLES OF INCORPORATION

OF

NAVAJOLAND NURSING HOMES, INC.

The undersigned, acting as an incorporator of a corporation under the Arizona Nonprofit Corporation Act, adopts the following Articles of Incorporation for the corporation:

ARTICLE I

Its corporate name will be Navajoland Nursing Homes, Inc.,

ARTICLE II

Its period of duration will be perpetual

ARTICLE III

It is organized and will be operated exclusively for charitable purposes, and will not carry on any activity not permitted to be carried on by, or which would jeopardize the tax exempt status of, an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as they now or hereafter exist, or by an organization

AZ CORPORATION COMMISSION
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MAR 25 2009

FILE NO. 01450670

AZ CORPORATION COMMISSION
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MAY 18 2009

FILE NO. 01450670

contributions to which are deductible under Section 170 (c) (2) of such Code and Regulations. No substantial part of the activities of the corporation will be carrying on of propaganda or otherwise attempting to influence legislation, and the corporation will not participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

ARTICLE IV

The character of the affairs which it intends actually to conduct is the operation of nursing homes and other health care facilities.

ARTICLE V

The address of the statutory office and the name of its statutory agent at such address are: Victor Joe, Jr., President, N-191 West Hospital Road, Chinle, Arizona 86503 or P.O. Box 910, Chinle, Arizona 86503.

ARTICLE VI

The number of directors constituting the board of directors is 5 directors, and the name and addresses of the persons who are to serve as the directors until the first annual meeting of directors or until their successors are elected and qualify are:

ARTICLE VII

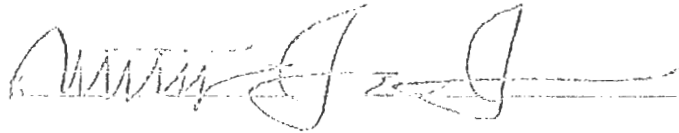
It may exercise only those powers which are in furtherance of its tax exempt purposes and activities, and which may be exercised by an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its regulations, as they now or hereafter exist, or by an organization contributions to which are deductible under Section 170 (c) (2) of such Code and Regulations.

ARTICLE VIII

It does not afford pecuniary gain, incidentally or otherwise, to its members. No part of the income, profit, or net earnings of the corporation will inure to the benefit of, or be distributable to, the members, directors, or officers of the corporation, or other private persons, except that the corporation may pay reasonable compensation for services rendered, and may make distributions in furtherance of its corporate-purposes either directly, or by contributing to organizations then exempt under Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as they now or hereafter exist. Upon dissolution, the corporate assets will be distributed first in payment of all liabilities of the corporation and then exclusively for the purposes of the corporation or to

charitable, scientific or educational organizations then exempt under
Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as
they now or hereafter exist.

DATED: July 28, 2009, 2009

A handwritten signature in cursive script, appearing to read "M. J. [unclear]", written over a horizontal line.

STATUTORY AGENT

ACCEPTANCE OF APPOINTMENT

AS STATUTORY AGENT

The undersigned, being duly sworn, accepts appointment as Statutory Agent pursuant to the Nonprofit Corporation Act for Navajoland Nursing Homes, Inc., an Arizona nonprofit corporation.

[Handwritten Signature]

STATE OF ARIZONA)
) ss.
COUNTY OF APACHE)

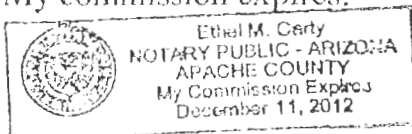
Subscribed and sworn to before me

on July 28, 2009.

Ethel M. Carty

Notary Public

My commission expires:



12/11/2012



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF GOOD STANDING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, the Director of the Business Regulatory Department, DO HEREBY
CERTIFY that ***NAVAJOLAND NURSING HOMES, INC.***
File Number: 100092

a Corporation organized under the laws of the Navajo Nation Corporation Act,
did incorporate on January 30, 1991

I FURTHER CERTIFY that this corporation has filed all affidavits and
annual reports and has paid all annual filing fees required to date and, therefore,
is in good standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the official seal
of the Navajo Nation Corporation Code.
Done at Window Rock, the Capital of the
the Navajo Nation, this 25th
day of April, 2018 A.D.


Beverly J. Coho
Director, Business Regulatory
Division of Economic Development



RESOLUTION OF THE
CHINLE AGENCY COUNCIL
Resolution No: CAC-07/18-03

THE CHINLE AGENCY COUNCIL SUPPORT NAVAJOLAND NURSING HOME, INC. (NNHI), APPLICATION FOR PUBLIC LAW 93-638 UNDER THE 25 U.S. CODE 162d & 7702B(c) OF TITLE 26 SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (25 U.S.C. 250 et. Seq.) FUNDING FOR LONG TERM CARE AND ASSISTED LIVING LEVEL I, II & III HEALTH CARE

WHEREAS:

1. The Chinle Agency Council is the governing body as designated in the Navajo Nation Laws; and
2. The Chinle Agency Council was established for the sole purpose helping/assisting local chapter members, organization and community; and
3. The Chinle Agency Council is certified under the Navajo Nation government; and
4. The Chinle Agency Council Acknowledged the Arizona AHCCCS has limited reimbursement funds for Operation/ Maintenance and no Capital funds to improve NNHI facility; and
5. The Chinle Agency Council realized Public Law 93-638 grants and funds availability (PL 93-638 25 U.S. Code 1621d-Other authority for provision of services. (b) Long term services. The term "long term care services" has the meaning given the term "qualified long-term care services" in Section 7702B(c) of Title 26. Funding Authorized by the Secretary, acting through the Service Indian Tribes, and organization, may provide funding under this chapter to meet objectives set fourth in Section 1602 of this Title, etc.) to improve health care for NN elders on the NN; and


NOW, THEREFORE BE IT RESOLVES THAT:

The Chinle Agency Council support NNHI application for PL 96-638 under the 25 U.S. Code 162d & 770B(c) of Title 26 Self-Determination & Education Assistant Act (25 U.S.C. 405 et. Seq.) funding for Long Term Care & Assisted Living Level I, II & III health care

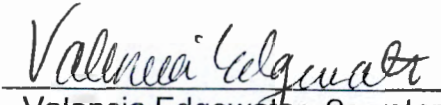
The Ft. Defiance Agency Council support NNHI application for PL 93-638 under the 25 U.S. Code 162d & 7702B(c) of Title 26 Self-Determination & Education Assistance Act (25 U.S.C. 450 et. Seq.) funding for Long Term Care & Assisted Living Level I, II & III health care

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called Chinle Agency Council meeting at the Nazlini Chapter in Nazlini, Navajo Nation, Arizona at which a quorum was present and the same time passed by a vote of 27 in favor 0 opposed and 1 abstained on this 14th day of July, 2018.


Zane James, President

Timothy Johnson, Vice-President


Valencia Edgewater, Secretary

GANADO CHAPTER

Willie Tracey Jr., Manager

Kandra Nelson, Administrative Assistant

Larry Tesic, Projects Manager

Erin Kirk, Office Assistant



Vince R. James, President

Walter Jones, Vice-President

Richie Nez, Sr., Secretary/Treasurer

Alton J. Shepherd, Council Delegate

VACANT, Grazing Official

Post Office Box 188 Ganado, Arizona 86505

Telephone: (928) 755-5920

Facsimile: (928) 755-5927

Email: ganado@navajochapters.org

RESOLUTION No. GAN-071-2018

RESOLUTION OF THE GANADO CHAPTER

Respectfully Supporting and Recommending the Approval of the Navajoland Nursing Home, Inc., P.L. 93-638 Application and Authorization; Related Action

WHEREAS;

1. The Ganado Chapter is a duly certified local governing entity recognized by the Navajo Nation Council through 11 N.N.C. § 10(A), to advocate and address the needs and development of the local people to interact with other departments of the Navajo Nation, federal and local agencies which serve and affect the Navajo Nation; and

2. The Ganado Chapter is a Governance Certified Chapter of the Navajo Nation vested authority under 26 N.N.C. § 101 et. seq; and

3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are required 24-hour / 7-days a week care and services; and

4. Care of and services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and

5. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home, Inc. receive are funds made available by the United States government and channeled through and distributed by the Navajo Nation Family Services program; and

6. There are constant delays of getting funds to Navajoland Nursing Home Inc. in a timely manner, delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home Inc. to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and

RESOLUTION GAN-071-2018

Page 2

7. P.L. 93-638 is for Indian Nations and Indian people to assume control and administration of programs and funds that the federal government has administered and controlled, but care of our elders and dependent members of our communities must always be within our control and administration; and

8. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 of Navajoland Nursing Home Inc. and authorize contracting entity, 2 N.N.C. § 401 (B) (4) (b), as amended; and

9. It is in the best interest of Ganado Chapter to support the Navajoland Nursing Home Inc. application and authorization and recommend the approval of the same by all governmental authorities.

NOW, THEREFORE BE IT RESOLVED THAT;

1. Ganado Chapter is respectfully hereby supports and recommends the approval of the Navajoland Nursing Home Inc., P.L. 93-638 application and authorization; and

2. The Ganado Chapter further urges the Navajo Nation and the United States government to grant Navajoland Nursing Home Inc., P.L. 93-638 contracting authority; and

3. The Ganado Chapter further details it's representation on the Navajo Nation Council to ensure intent and purpose of this resolution is hereon carried out,

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Ganado Chapter at a duly called meeting at Ganado, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 37 in favor, 0 opposed and 1 abstained on this 8th day of March, 2018.

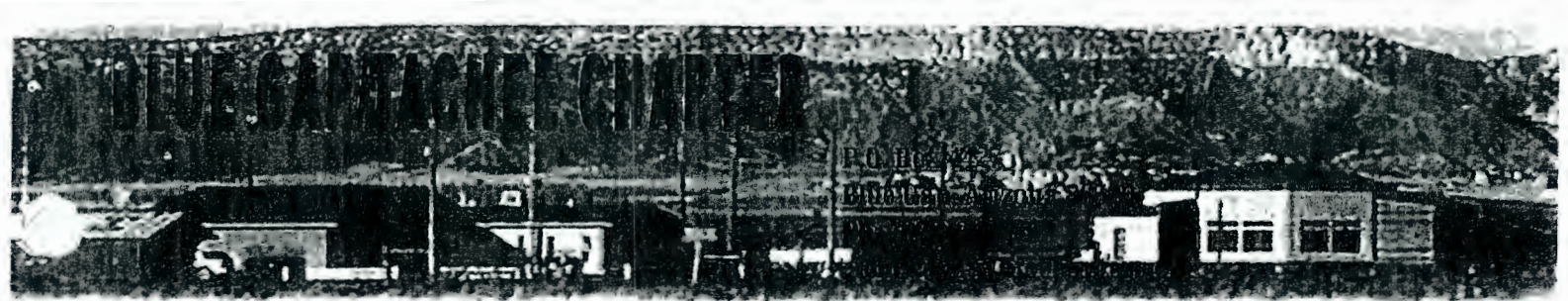
MOTION by: Cyndi Taylor

SECOND by: Wanda Begay

Vince James
Vince James, Chapter President
GANADO CHAPTER

ATTEST:

Richie Nez Sr.
Richie Nez Sr., Secretary/Treasurer
GANADO CHAPTER



KEE ALLEN BEGAY, JR., COUNCIL DELEGATE

VACANT, COMMUNITY SERVICES COORDINATOR

BGCH18-03-007

RESOLUTION OF THE BLUE GAP/TACHEE CHAPTER OF THE NAVAJO NATION
SUPPORTING AND RECOMMENDING THE APPROVAL OF THE NAVAJOLAND
NURSING HOME, INC's P.L. 93-638 APPLICATION AND AUTHORIZATION; AND
RELATED ACTIONS

WHEREAS:

1. The Blue Gap/ Tachee Chapter is duly established and recognized/certified local unit governmental of the Navajo Nation government, 26 N.N.C § 3; and
2. Pursuant to 26 N.N.C. § 103, as amended, the Blue Gap/Tachee Chapter has the power and authority to recommend budgetary and other matters that affect the Chapter; and
3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home, is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are require 24-hours/7days a week care and services; and
4. The Navajo Nation Home, Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24-hours 7-days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United State government and channeled through and distributed by the Navajo Nation Family Services program; and
7. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
8. The delays cause uncertainly in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider termination services to Navajo elders whose care and services are funded by these funds; and

9. The stated purpose of P.L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and
10. Care of our elders and dependent members of our communities should always be within our control and our administration; and
11. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 application of Navajoland Nursing Home and authorize Navajoland Nursing Home as 93-638 contracting entity, 2 N.N.C. § 401 (B) (4) (b), as amended; and
12. It is in the best interest of the Blue Gap/Tachee Chapter that it supports the Navajoland Nursing Home's application and authorization and recommends the approval of the same by all governmental authorities.


THEREFORE, BE IT RESOLVED THAT:

- A. The Blue Gap/ Tachee Chapter hereby support and recommend the approval of the Navajoland Nursing Home, Inc's P.L. 93-638 application and authorization.
- B. The Blue Gap/Tachee Chapter further urges the Navajo Nation and the United States government to grant Navajoland Nursing Home, Inc., P.L. 93-638 contracting authority.
- C. The Blue Gap/Tachee Chapter authorizes and directs the Blue Gap/Tachee Chapter officials and the Navajo Nation Council delegate representing Blue Gap/ Tachee Chapter t do any and all things necessary and proper to carry out the intent and purpose of this resolution.

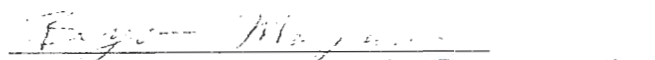
Certification

I hereby certify that the foregoing resolution was duly by the Blue Gap/ Tachee Chapter at a duly called meeting held in Blue Gap, Arizona, at which a quorum was present, and the same was adopted by vote of 33 in Favor, 02 opposed and 07 abstention, this 09 day of March 2018.


Aaron P. Yazzie, Chapter President


Marcus Tulley, Chapter Vice-President


Betty V. Askie, Chapter Secretary/Treasurer


Benjamin Manycows, Grazing Representative

MOTION: Jackie Barkunk

SECOND: Johnny Nize

RESOLUTION OF THE
LOW MOUNTAIN CHAPTE OF THE NAVAJO NATION

LMC:

SUPPORTING AND RECOMENDING THE APPROVAL OF THE NAVAJOLAND NURSING HOME, INC's P.L. 93-638
APPLICATION AND AUTHORIZATION; AND RELATED ACTIONS

WHEREAS:

1. The Low Mountain Chapter is duly established and recognized/certified local unit governmental of the Navajo Nation government, 26 N.N. C. s 3; and
2. Pursuant to 26 N.N. C. s 103, as amended, the Low Mountain Chapter has the power and authority to recommend budgetary and other matters that affect the Chapter; and
3. The Navajoland Nursing Home, Inc, aka Clinic Nursing Home, is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are require 24-hours/7-days a week care and services; and
4. The Navajoland Nursing Home, Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24-hours 7-days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services, and
5. Care of the services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive, and funds made available by the United States government and channeled through and distributed by the Navajo Nation Family Services programs; and
7. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
8. The delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by the funds; and
9. The stated purpose of P.L.93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and
10. Care of our elders and dependent members of our communities should always be within our control and our administration; and
11. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 application of Navajoland Nursing Home and authorize Navajoland Nursing Home as 93-638 contracting entity, 2 N.N.C. s 401 (B) (4) (b) , as amended; and

12. It is in best interest of the Low Mountain Chapter that is support the Navajoland Nursing Home's application and authorization and recommend the approval of the same by all governmental authorities.

WHEREFORE,

- A. The Low Mountain Chapter hereby supports and recommends the approval of the Navajoland Nursing Home Inc's P.L. 93-638 application and authorization.
- B. The Low Mountain Chapter further urges the Navajo Nation and the United States government to grant Navajoland Nursing Home Inc., P.L. 93-638 contracting authority
- C. The Low Mountain Chapter authorizes and directs the Low Mountain Chapter Officials and the Navajo Nation Council delegate representing Low Mountain Chapter to do any and all things necessary and proper to carry out the intent and purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Low Mountain Chapter at a duly called meeting held in Low Mountain, Arizona , at which a quorum was present, and the same was adopted by a vote of 22 in favor, 00 opposed, and 05 abstention, this 14th day of March, 2018.


Samson Begay, Chapter President



MANY FARMS CHAPTER GOVERNMENT
P.O. BOX 185
MANY FARMS, ARIZONA 86538
PHONE: (928) 781-3605 FAX: (928) 781-3608
Email: manyfarms@navajochapter.org

Kee Allen Begay Jr., Council Delegate

Katherine O. Arthur, President
Aljerino Tsedah, Vice President
Jacqueline I. Begaye, Secretary/Treasurer

Vacant, CSC
Lewanda A. Ben, Acct. Maint. Spec.
Roland Tso, Grazing Representative

**Resolution of the
Many Farms Chapter**

MANY-20-03-12

TO SUPPORT AND APPROVE THE NAVAJOLAND NURSING HOME, INC'S CONTRACT APPLICATION
WITH INDIAN HEALTH SERVICE UNDER P.L. 93-638 APPLICATION

WHEREAS:

1. Pursuant to CMY-23-79, the Many Farms Chapter is a certified chapter of the Navajo nation vested with authority and responsibilities to provide and enact on all matters affecting the community; and
2. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) that allows Many Farms Chapter to make decisions over local matters; and
3. The Navajoland Nursing Home Inc. (aka Chinle Nursing Home) is pursuing Navajo Nation and federal government IHS's authorization to be designated as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who require 24 hours/7 days a week care and services; and
4. The Navajoland Nursing Home Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24 hours a day/7 days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and services to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States government and channeled through and distributed by the Navajo Nation Family Services program; and
7. Constant delays of getting funds to Navajoland Nursing in a timely manner causes uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
8. The stated purpose of P.L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled should be within local control and administration; and
9. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 application of Navajoland Nursing Home and authorize Navajoland Nursing Home as 93-638 contracting entity, 2 N.N.C§401 (B) (4) (b), as amended; and

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Many Farms Chapter hereby supports and approves the Navajoland Nursing Home, Inc.'s contract application with Indian Health Service under P.L. 93-638 Application.

CERTIFICATION

We, hereby certify that the foregoing resolution was considered by Many Farms Chapter at a duly called meeting in Many Farms, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 18 in favor, 0 opposed, and 3 abstained this 12th day of March 2018.

Motion: Joe Sam, Sr.

Second: Arnold Dan

Katherine O. Arthur
Katherine O. Arthur, Chapter President

Aljerino Tsedah
Aljerino Tsedah, Vice President

Jacqueline Begay
Jacqueline Begay, Secretary/Treasurer

Kee Allen Begay, Jr.
Kee Allen Begay, Jr., Council Delegate

Roland Tso
Roland Tso, Grazing Committee



RESOLUTION OF NAZLINI CHAPTER
NAZL-MAR-18-017



NAZLINI CHAPTER GOVERNMENT

LEE VINCENT BIGWATER

• PRESIDENT

JOSEPH DEDMAN, JR.

• VICE PRESIDENT

JOANN DEDMAN

• SECRETARY/TREASURER

KEE ALLEN BEGAY JR.

COUNCIL DELEGATE

IRVIN SHIRLEY

GRADING REPRESENTATIVE

DANNY HALWOOD

CLIPPER MANAGER

SUPPORTING AND RECOMMENDING THE APPROVAL OF THE NAVAJOLAND
NURSING HOME, INC'S P.L. 93-638 APPLICATION AND AUTHORIZATION; AND
RELATED ACTIONS

WHEREAS:

1. The Nazlini Chapter is duly established and recognized/certified local unit governmental of the Navajo Nation Government, 26 N.N.C § 3; and
2. Pursuant to 26 N.N.C. § 103, as amended, the Nazlini Chapter has the power and authority to recommend budgetary and other matters that affect the Chapter; and
3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home, is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are required 24-hours/7-days a week care and services; and
4. The Navajoland Nursing Home, Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24-hours/7 days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential services that they Navajo Nation Government and the Navajo people must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States Government and channeled and distributed by the Navajo Nation Family Services program; and
7. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
8. The delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
9. The stated purpose of P.L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and

10. Care of our elders and dependent members of our communities should always be written our control and our administration; and
11. The Health, Education, and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 contracting entity, 2 N.N.C. §401 (B) (4) (b), as amended; and
12. It is the best interest of the Nazlini Chapter that it supports the Navajoland Nursing Home's application and authorization and recommends the approval of the same by all governmental authorities.

NOW, THEREFORE BE IT RESOLVED THAT:

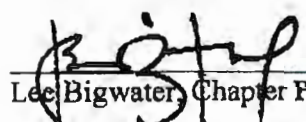
- A. The Nazlini Chapter hereby supports and recommends the approval of the Navajoland Nursing Home, Inc's, P.L. 93-638 application and authorization.
- B. The Nazlini Chapter further urges the Navajo Nation and the United States Government to grant Navajoland Nursing Home, Inc., P.L. 93-638 contracting authority
- C. The Nazlini Chapter authorizes and directs the Nazlini Chapter officials and the Navajo Nation Council delegate representing Nazlini Chapter to do any and all things necessary and proper to carry out the intent and purpose of this resolution.

CERTIFICATION

We, hereby certify the foregoing resolution was duly considered by the Nazlini Chapter at the duly called Chapter Meeting at Nazlini, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 30 in favor, 0 opposed, 3 abstained, this 15th day of March 2018.

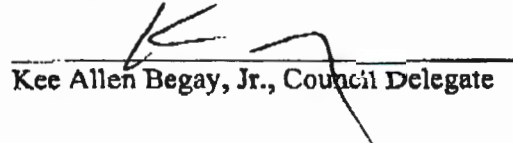
Motion by: Minnie Wauneka

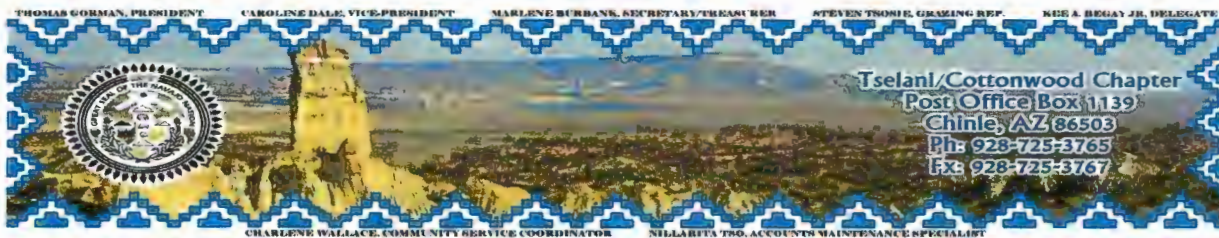
Seconded by: Patralina Begay


Lee Bigwater, Chapter President


Joseph Dedman Jr., Vice President


JoAnn Dedman, Secretary/Treasurer


Kee Allen Begay, Jr., Council Delegate



RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-18-461

SUPPORTING AND RECOMMENDING THE APPROVAL OF THE NAVAJOLAND NURSING HOME, INC'S P.L. 93-638 APPLICATION AND AUTHORIZATION AND RELATED ACTIONS

WHEREAS:

1. The Tselani-Cottonwood Chapter is governed the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over the local matters that are consistent with existing Navajo Laws including tradition; and
2. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home, is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are require 24-hour/7 days a week care and services; and
3. The Navajoland Nursing Home, Inc., is the only residential are nursing home facility on the Navajo Nation that provides 24-hour 7-days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
4. Care of and services to our elders and out vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
5. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States governments and channeled through and distributed by the Navajo Nation Family Services program; and
6. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
7. The delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
8. The stated purpose of P.L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and
9. Care of our elders and dependent members of our communities should always be within our control and administration; and

10. The Health, Education and Human Service Committee of the Navajo Nation Council has final authority to approve the 93-638 application of Navajoland Nursing Home and authorize Navajoland Nursing Home as 93-638 contracting entity, 2 N.N.C. § 401 (B) (4) (b), as amended; and
11. It is in best interest of the Tselani/Cottonwood Chapter that it support the Navajoland Nursing Home's application and authorization and recommend the approval of the same by all governmental authorities.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Tselani-Cottonwood Chapter Supports and Recommends the Approval of the Navajoland Nursing Home, Inc.'s P.L. 93-683 Application and Authorization and Related Actions.

CERTIFICATION

I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that same was passed by a vote of 15 in favor, 00 opposed and 20 abstained on this 22th day of July, 2018.

Motioned by

Steven Gorman

Thomas Gorman, Chapter President

Marlene Burbank, Sec/Treasurer

Seconded by

Sharon George

Caroline Dale
Caroline Dale, Vice-President

Kee Allen Begay, Jr., Council Delegate

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin
PRESIDENT

David Yazzie, Jr.
VICE PRESIDENT

Cynthia Hunter
SECRETARY / TREASURER

Leonard H. Pete
COUNCIL DELEGATE

Eugene Tso
GRAZING COMMITTEE MEMBER

RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-APR-18-024

SUPPORTING AND RECOMMENDING THE APPROVAL OF THE NAVAJOLAND NURSING HOMES, INC.'S P.L. 93-638 APPLICATION AND AUTHORIZATION AND RELATED ACTIONS

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. Pursuant to 26 NNC 103, as amended the Chinle Chapter has the power and authority to recommend budgetary and other matters that affect the Chapter; and
3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who require 24 hours/7 days a week care and services; and
4. The Navajoland Nursing Home, Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24-hours 7 days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential service that the Navajo Nation government and the Navajo people must provide daily without delay and as on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States Government and channeled through and distributed by the Navajo Nation Family Services program; and
7. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
8. The delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
9. The stated purpose of P.O. 93-638 is for Indian Nations and Indian people to assume control and administration of programs and funds that the federal government has administered and controlled; and
10. Care of our elders and dependent members of our communities should always be within or control and our administration; and
11. The Health, Education and Human Services Committee of the Navajo Nation Council has final authority to approve the 93-638 application of Navajo land Nursing Home and authorize Navajoland Nursing Home as 93-638 contracting entity, 2 N.N.C 401 (B) (4) (b), as amended; and

Sincerely,



Chinle Nursing Home

CHINLE PR-18-024
Claw, CEO
Chinle Nursing Home

SUPPORTING AND RECOMMENDING THE APPROVAL OF THE
NAVAJOLAND NURSING HOMES, INC.'S P.L. 93-638 APPLICATION
AND AUTHORIZATION AND RELATED ACTIONS

PAGE TWO

Cc. Q. Natay, President, CNH BOC
CNH Board of Directors

G. Atcitty, CNH CFO

12. It is in the best interest of the Chinle Chapter that it support the Navajoland Nursing Home's application and authorization and recommend the approval of the same by all governmental authorities.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby supports and recommends the approval of the Navajoland Nursing Home, Inc.'s, P.L. 93-638 application and authorization.
2. The Chinle Chapter further urges the Navajo Nation and United States Government to grant Navajoland Nursing Home, Inc., P.L. 93-638 contracting authority.
3. The Chinle Chapter authorizes and direct the Chinle Chapter officials and the Navajo Nation Council delegate representing Chinle Chapter to do any and all things necessary and proper to carry out the intent and purpose of this resolution.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 23 in favor, 0 opposed, and 4 abstained, this 16th day of April 2018.

Motioned
by:

Thompson Billy

Second by:

Dwayne Billsie

Myron McLaughlin

Myron McLaughlin, President

David Yazzie

David Yazzie, Vice President

Cynthia Hunter

Cynthia Hunter, Secretary / Treasurer



CHILCHINBETO CHAPTER

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

P. O. BOX 1681, KAYENTA, AZ 86033. EAST HIGHWAY 160 NAVAJO RTE. 59
PHONE: (928) 697-5680/5681 • FAX (928) 697-5691 chilchinbeto@navajochapter.org

President: Thomas Bradley Vice-President: Eugene Badonic Chapter Sec./Treas. Rita Zonnie
Council Delegate: Nathaniel Brown Chapter Manager: Evelyn Cleveland-Gray
Administrative Assistant: Rose Gillis



RESOLUTION OF THE CHILCHINBETO CHAPTER OF THE NAVAJO NATION RESOLUTION NO.: CCH #03-18-2018G

SUPPORTING AND RECOMMENDING THE APPROVAL OF THE NAVAJOLAND NURSING HOME, INC'S P.L. 93-638 APPLICATION AND AUTHORIZATION; AND RELATED ACTIONS.

WHEREAS:

1. The Chilchinbeto Chapter is duly established and recognized/certified local unit governmental of the Navajo Nation government, 26 N.N.C § 3; and
2. Pursuant to 26 N.N.C § 103, as amended, the Chilchinbeto Chapter has the power and authority to recommend budgetary and other matters that affect the Chapter; and
3. The Navajoland Nursing Home, Inc., aka Chinle Nursing Home, is pursuing Navajo Nation and federal government's authorization and designation as a P.L. 93-638 contractor of funds appropriated for and made available for delivery of residential care services to elderly Navajos and physically impaired adult Navajos who are require 24-hours/7-days a week care and services; and
4. The Navajoland Nursing Home, Inc., is the only residential care nursing home facility on the Navajo Nation that provides 24-hours 7-days a week care and services to elderly Navajos and physically impaired adult Navajos who require such care and services; and
5. Care of and services to our elders and our vulnerable population are essential services that the Navajo Nation government and the Navajo People must provide daily without delay and as an on-going priority; and
6. Funds appropriated for care and service to our elders and our dependent members that Navajoland Nursing Home receive are funds made available by the United States government and channeled through and distributed by the Navajo Nation Family Services program; and
7. There are constant delays of getting funds to Navajoland Nursing Home in a timely manner; and
8. The delays cause uncertainty in the continuation of care and services that need to be delivered and has caused the Navajoland Nursing Home to cut back services, lay-off employees, and seriously consider terminating services to Navajo elders whose care and services are funded by these funds; and
9. The stated purpose of P.L. 93-638 is for Indian nations and Indian people to assume control and administration of programs and funds that the federal government has administer and controlled; and



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12. The Chilchinbeto Community reports rape and prostitution, and

13. Reports of Sandstone Housing residents hiking toward the Mesa at all hours, creating confusion and apprehension, and littering.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chilchinbeto Chapter hereby approves a "Coalition" to address and prevent on-going community illegal drug and alcohol activities.
2. The "Coalition" will work Navajo Nation Public Safety, Navajo County Sheriff Department, Apache County Sheriff Department, the Navajo nation President and Vice-President, the Navajo Nation council, Navajo Nation Elected Officials, the Navajo Nation Chapters and all concern public.

CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called meeting at Chilchinbeto Chapter, Navajo Nation, at which a quorum was present and that the same was passed by a vote of 27 in favor, 00 opposed, and 00 abstention, this 18th day of March, 2018.

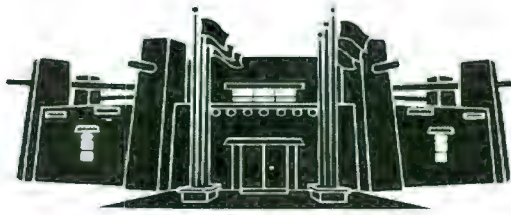
Motioned By: Christina Nephew-Tsosie

Seconded By: Roddy Nephew

Thomas Bradley Chapter President


Eugene Badonie Chapter Vice-President

Rita M. Zonnie, Sec/Treas.
Rita M. Zonnie, Chapter Secretary/Treasurer



MEMORANDUM

TO: Honorable Jonathan Hale
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: August 21, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE DESIGNATION OF THE NAVAJOLAND NURSING HOME, INC. AS A NAVAJO NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT TO NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION OF "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0285-18_

SPONSOR: Jonathan L. Hale

TITLE: An Action Relating To Health, Education and Human Services Committee; Recommending For Approval Of The NAABIK'YATI' Committee The Designation Of The Navajoland Nursing Home, Inc. As A Navajo Nation "Tribal Organization" For The Purposes Of Contracting With The United States Indian Health Service And Authorizing It To Negotiate And Enter Into Title I, Indian Self- Determination Act (P.L. 93-638, As Amended) Contracts And Title V Self Governance Compacts Pursuant To The Indian Self- Determination Act (P.L. 93-638, As Amended), Such Designation Of "Tribal Organization" Being Revocable And Contingent On Compliance With All Terms And Conditions As Required

Date posted: August 22, 2018 at 2:38 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0285-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Health, Education and Human Services Committee; Recommending For Approval Of The NAABIK'YATI' Committee The Designation Of The Navajoland Nursing Home, Inc. As A Navajo Nation "Tribal Organization" For The Purposes Of Contracting With The United States Indian Health Service And Authorizing It To Negotiate And Enter Into Title I, Indian Self- Determination Act (P.L. 93-638, As Amended) Contracts And Title V Self Governance Compacts Pursuant To The Indian Self-Determination Act (P.L. 93-638, As Amended), Such Designation Of "Tribal Organization" Being Revocable And Contingent On Compliance With All Terms And Conditions As Required

Posted: August 22, 2018 at 2:38 PM

5 DAY Comment Period Ended: August 27, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

8/28/2018 8:38am

Date/Time