

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
COUNCIL RESOLUTION CMA-14-20

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. All resolutions enacting new law or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 1005 (C) (10) and (11) and override by the Navajo Nation Council. 2 N.N.C. § 164 (A) (17).
- B. A vetoed resolution shall first be submitted to Naabik'íyáti' Committee before consideration by the Council. 2 N.N.C. § 164 (A) (17).
- C. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005(C) (11).

SECTION TWO. FINDINGS

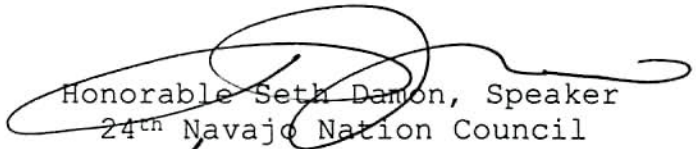
- A. The Navajo Nation approved Council Resolution CMA-14-20, "Requesting the Governor of the State of New Mexico to Activate the Naat'áanii Development Corporation - Molina Healthcare, Inc. Indian Managed Care Entity to Increase the Medical Resources Available to Navajo People During the COVID-19 State of Emergency, attached as **Exhibit 1**.
- B. The Navajo Nation President vetoed CMA-14-20 on March 26, 2020 and provided a memorandum, attached as **Exhibit 2**, to support his decision to veto the Council Resolution.

SECTION THREE. OVERRIDE

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CMA-14-20.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 16 in Favor, and 06 Opposed, on this 17th day of April 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council
April 23, 2020
DATE

Motion: Honorable Pernell Halona
Second: Honorable Edison J. Wauneka

Speaker Seth Damon not voting

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY; REQUESTING THE GOVERNOR OF NEW MEXICO TO ACTIVATE THE NAAT'AANII DEVELOPMENT CORPORATION - MOLINA HEALTHCARE, INC. INDIAN MANAGED CARE ENTITY TO INCREASE THE MEDICAL RESOURCES AVAILABLE TO NAVAJO PEOPLE DURING THE COVID-19 STATE OF EMERGENCY

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee is a Standing Committee of the Navajo Nation Council empowered to assist development of federal and state programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships; and to coordinate all federal, county and state programs with other branches of the Navajo Nation government to provide the most efficient delivery of services. 2 N.N.C. §§ 701 (4) and (7).
- C. Pursuant to 2 N.N.C. §164 (A) (16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
- D. On March 11, 2020 the President of the Navajo Nation declared a public health State of Emergency, attached as **Exhibit A**, for the entire Navajo Nation due to the outbreak of the COVID-19 Coronavirus.
- E. In this time of national crisis and legitimate fears and concerns about the spread of the COVID-19, it is imperative that Navajo Nation take advantage of all available resources to combat this pandemic and provide healthcare services to Navajo members and their communities.

F. On January 23, 2020, the Naabik'iyáti' Committee adopted Resolution NABIJA-06-20, attached as **Exhibit B** without exhibits, which resolved that:

1. The Navajo Nation hereby urges the Governor of the State of New Mexico and the New Mexico Human Services Department to collaborate with the Naat'aanii Development Corporation to expeditiously secure all necessary regulatory approvals, contracts and infrastructure for launching the Naat'aanii Development Corporation - Molina Healthcare, Inc. Indian Managed Care Entity and have it fully operational in New Mexico in the first quarter of 2020 and in Arizona and Utah thereafter; and
 2. The Navajo Nation hereby also urges the Governor of the State of New Mexico and the New Mexico Human Services Department to implement passive enrollment mechanisms that will ensure enrollment of the majority of the 81,000 American Indians and Alaska Natives residing within the Navajo Nation into the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program; and
 3. The Navajo Nation hereby further urges the Governor of the State of New Mexico and the New Mexico Human Services Department to take those steps necessary to ensure that healthcare decisions can be made collectively by a family unit and that non-American Indian and non-Alaska Natives family members of an eligible individual be allowed to enroll in the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program.
- G. Once the newly created Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program (Navajo MCC), the Navajo MCC members will have access to free testing and diagnostics for COVID-19; the Navajo MCC will also provide doctor and hospital visits with all necessary prescriptions, x-rays and laboratory services for members that require treatment against the virus.
- H. In this time of crisis, it is important that the Navajo Nation move quickly to implement the Navajo MCC so they can aid Navajo people during this pandemic crisis.

NOW, THEREFORE, BE IT RESOLVED:

As the governing body of the Navajo Nation, the Navajo Nation Council hereby approves and resolves that:

- A. The Navajo Nation hereby urges the Governor of the State of New Mexico and the New Mexico Human Services Department to collaborate with the Naat'aanii Development Corporation to expeditiously secure all necessary regulatory approvals, contracts and infrastructure for launching the Naat'aanii Development Corporation - Molina Healthcare, Inc. Indian Managed Care Entity and have it fully operational in New Mexico in the first quarter of 2020 and in Arizona and Utah thereafter; and
- B. The Navajo Nation hereby also urges the Governor of the State of New Mexico and the New Mexico Human Services Department to implement passive enrollment mechanisms that will ensure enrollment of the majority of the 81,000 American Indians and Alaska Natives residing within the Navajo Nation into the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program; and
- C. The Navajo Nation hereby further urges the Governor of the State of New Mexico and the New Mexico Human Services Department to take those steps necessary to ensure that healthcare decisions can be made collectively by a family unit and that non-American Indian and non-Alaska Natives family members of an eligible individual be allowed to enroll in the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 20th day of March 2020.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

3.23.2020
DATE

Motion: Honorable Raymond Smith, Jr.
Second: Honorable Carl R. Slater

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2020.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 27 day of March, 2020 for the reason(s) expressed in the attached letter to the Speaker.

J. Nez *Allyson R. Gier*
Jonathan Nez, President
Navajo Nation



EXECUTIVE ORDER NO. 001-20

**DECLARING A STATE OF EMERGENCY DUE TO THE CONFIRMATION OF
THE COVID-19 VIRUS IN REGIONAL AREAS SURROUNDING THE NAVAJO
NATION, CLOSING THE NAVAJO NATION GOVERNMENT OFFICES, AND
SUPPORTING THE CLOSURE OF ALL SCHOOLS AND EDUCATIONAL
FACILITIES ON THE NAVAJO NATION**

**NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT
MARCH 13, 2020**

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);
2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);
3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);
4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), See Emergency Management Commission resolution CEM 20-03-11;
5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).

THEREFORE:

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

1. With the support of the Emergency Management Commission, CEM-20-03-11, a public health state of emergency is declared affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in every state surrounding the Navajo Nation, *see* White House Proclamation, NM Governor Lujan Grisham statement, Utah Governor Herbert Executive Order, Arizona Governor Ducey Executive Order and Declaration of Emergency, as such:
 - a. The Navajo Department of Health Command Operations Center shall be staffed throughout the emergency condition under the direction of the Director, Dr. Jill Jim, Navajo Department of Health; and,
 - b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Department of Health Command Center; and,
 - c. All Navajo Nation Branches, Divisions, Departments, programs, offices, and Enterprises shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Department of Health as related to addressing COVID-19.
2. The Navajo Nation has issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the action of surrounding States by restricting large gatherings and closure of government offices has heightened the concern of the spread of the COVID-19, as such:
 - a. All Navajo Nation government offices shall close to minimize the spread of the COVID-19 virus beginning March 16 to April 3, 2020 and only essential personnel as determined by the Division Director shall report to their respective duty stations -- including Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Finance, Navajo Division of Social Services, and those determined by the Branch Chiefs; and,
 - b. All non-essential Navajo Nation government employees, including non-certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus; and,
 - c. The closure of Navajo Nation government offices may be extended beyond April 3, 2020 on the recommendation of the Navajo Department of Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.

3. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020, as such:
- a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools shall be closed from March 16 to April 3, 2020; and,
 - b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation shall be closed from March 16 to April 3, 2020; and,
 - c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district; and,
 - d. The Navajo Board of Education may recommend an extension of the closing of the schools and educational facilities beyond April 3, 2020.

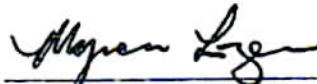
The Divisions, Departments and Enterprises are responsible for implementing and ensuring compliance with this order.

The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.

EXECUTED this 13th day of March 2020



Jonathan Nez, President
THE NAVAJO NATION



Myron Lizer, Vice-President
THE NAVAJO NATION

ATTEST:



Doreen N. McPaul, Attorney General

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



CEM-20-03-11

RESOLUTION OF THE COMMISSION ON EMERGENCY MANAGEMENT

DECLARING A PUBLIC HEALTH STATE OF EMERGENCY FOR THE NAVAJO NATION DUE TO THE CONFIRMATION OF THE CORONAVIRUS DISEASE ("COVID-19") IN REGIONAL AREAS SURROUNDING THE NAVAJO NATION.

WHEREAS:

1. Pursuant to 2 N.N.C., § 881 the Navajo Nation Council established the Commission on Emergency Management, authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation; and
2. Pursuant to 2 N.N.C., § 883 (A) and (C) the Commission is empowered to coordinate immediate emergency and disaster relief services with Navajo Nation and non-tribal entities in conjunction with the Department of Emergency Management to recommend and deploy appropriate resources regarding natural and man-made emergencies; and
3. Pursuant to 2 N.N.C., § 884 (B), (2) the Commission on Emergency Management may seek assistance from federal, state, other tribal governments, and local and private agencies to address emergency and disaster related situations; and
4. The nature of the Coronavirus Disease ("COVID-19") is such that it has spread and increased globally, as indicated by the Centers for Disease Control & Prevention ("CDC"), the World Health Organization ("WHO"), and other public health organizations within the U.S. and regionally; and
5. In the U.S. the number of positive and presumptive positive cases have grown, with the rise in COVID-19 confirmed cases in Arizona, New Mexico, Utah, Colorado; and
6. No confirmed COVID-19 cases have been verified on the Navajo Nation and area Public Health Services are closely monitoring the situation; and
7. The Navajo Nation, in collaboration with various entities such as the U.S. Public Health Services Area Offices (Albuquerque, Navajo, Phoenix), CDC, state departments of health, Navajo Nation 638 Tribal Health Organizations and various other multi-agency groups, have organized an Incident command approach to mitigate COVID-19 transmission on the Navajo Nation; and
8. In partial response to addressing the spread of COVID-19 on the Navajo Nation, a Navajo Department of Health ("NDOH") Command Operations Center has been established with an infrastructure to maintain situational awareness, conduct daily communication briefings among NDOH and key collaborative partners and, disseminate information to the public; and

9. The Navajo Department of Emergency Management (NDEM) Emergency Operation Center (EOC) shall be activated to support the Navajo Department of Health Command Center.
10. Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Navajo Nation Commission on Emergency Management hereby declares a Public Health State of Emergency for the Navajo Nation due to the confirmation of the Coronavirus Disease ("COVID-19") in regional areas surrounding the Navajo Nation.
2. To address increased concerns of potential public health impacts due to risk and exposure to the COVID-19, especially to our older population, the Navajo Nation must encourage independent responsibility and action by the Navajo People in practicing recommended preemptive measures to minimize, prevent and reduce risk of exposure to and from the COVID-19.
3. The Navajo Nation population receives timely, consistent and correct information needed on the COVID-19 on preventive measures against contracting and spread of the virus, signs, symptoms and contacting local hospitals and clinics for reporting.
4. In declaring the Public Health State of Emergency, all Navajo Nation Branches, programs, departments will comply with and adhere to directives, instructions, and/or policies forthcoming from the Navajo Department of Health as related to addressing COVID-19.
5. The needs of the Navajo Nation are to be addressed in a manner so as to provide the necessary resources required to address said Declared Public Health State of Emergency. This includes, but not limited to, resources of personnel, medical supplies and equipment, monetary funding, and other resources as may be required to protect the health, safety and welfare of citizens of the Navajo Nation.

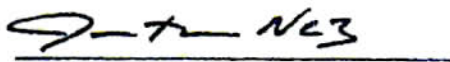
CERTIFICATION

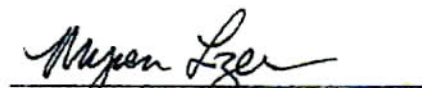
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called meeting at Window Rock, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 11th day of March 2020.


Herman Shorty, Chairperson
Commission on Emergency Management

Motion by: Dicky Bain
Second by: Ben Bennett

CONCURRENCE:


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION



The Navajo Nation
Office of the President and Vice President

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FOR IMMEDIATE RELEASE
March 17, 2020

Member of the Navajo Nation tests positive for COVID-19 coronavirus

WINDOW ROCK, Ariz. – On Tuesday, Navajo Nation President Jonathan Nez and Vice President Myron Lizer were informed by the Navajo Department of Health that a 46-year-old member of the Navajo Nation with recent travel history tested positive for the COVID-19 coronavirus, which is the first confirmed case involving a member of the Navajo Nation.

The Arizona Department of Health confirmed the positive test result from an individual from the community of Chilchinbeto, Ariz., who first reported their symptoms to the Kayenta Health Center in Kayenta, Ariz. The individual was taken to a hospital in Phoenix, Ariz. where the test was conducted by the state's Department of Health. Health and emergency officials are taking the proper precautions to screen and isolate the person's family members.

President Nez and Vice President Lizer will provide more information live at 5:00 p.m. (DST) on Wednesday on KTNN AM 660 and 101.5 FM.

"We have health and emergency experts who have been planning and preparing for this situation for several weeks. We call upon our Navajo people to do their best to remain calm and make good decisions by staying home to prevent the spread of the virus among our communities. We are in close contact with officials from the Kayenta Indian Health Service Unit, Arizona Department of Health, Navajo County, and Navajo Area Indian Health Service to take the proper measures to inform the public, take precautions, and remain proactive," said President Nez.

President Nez and Vice President Lizer also ask for the public to remain calm and to let the health and emergency experts do what they are trained to do in these situations.

"We need our people to remain vigilant and to isolate themselves as much as possible. The health command center has been in full activation in anticipation of this event. We are taking all proper actions at this time," added Vice President Lizer.

In order to provide more resources, President Nez and Vice President Lizer are calling on the 24th Navajo Nation Council to convene once again and appropriate funds for health and emergency professionals to address the COVID-19 coronavirus.

On Tuesday, President Nez and Vice President Lizer were also informed that Navajo Agricultural Products Industry is contributing \$1 million to help the Navajo Nation address the spread of the COVID-19 coronavirus.

Questions from the public may be directed to the Navajo Health Command Operations Center at (928) 871-7014. If a person has symptoms related to the COVID-19 virus, please contact your local health care center prior to your arrival:

Chinle Comprehensive Health Care Facility
(928) 674-7001/7688

Crownpoint Health Care Facility
(505) 786-5291/6381

Fort Defiance Indian Hospital Board, INC
(928) 729-8000

Gallup Indian Medical Center
(505) 722-1000

Sage Memorial
(928) 755-4500

Kayenta Health Center
(928) 697-4000

Northern Navajo Medical Center
(505) 368-6001

Tuba City Regional Health Care
(866) 976-5941

Utah Navajo Health System
(866) 976-5941

Winslow Indian Health Care Center
(928) 289-4646

Arizona Poison and Drug Information Center
(844) 542-8201

New Mexico Coronavirus Hotline
(855) 600-3453

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please visit <http://www.opvp.navajo-nsn.gov/> or find us on Facebook, Twitter, and Instagram.

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THAT THE GOVERNOR OF THE STATE OF NEW MEXICO AND NEW MEXICO HUMAN SERVICES DEPARTMENT COLLABORATE WITH THE NAAT'AANII DEVELOPMENT CORPORATION TO SECURE ALL NECESSARY APPROVALS FOR EXPEDITIOUSLY LAUNCHING THE NAAT'AANII DEVELOPMENT CORPORATION - MOLINA HEALTHCARE, INC. INDIAN MANAGED CARE ENTITY; SUPPORTING PASSIVE ENROLLMENT FOR THE NAAT'AANII DEVELOPMENT CORPORATION - MOLINA HEALTHCARE, INC. MANAGED CARE PROGRAM

WHEREAS:

- A. The Navajo Nation established the Health, Education, and Human Services Committee as a Navajo Nation Council standing committee and as such empowered the Health, Education, and Human Services Committee to establish Navajo Nation policy governing health and social services of the Navajo Nation and its tribal organizations, entities, and enterprises. 2 N.N.C. §§ 400, 401 (B)(1).
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to monitor the programs and activities of federal and state departments and to assist development of programs designed to serve the Navajo people through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. § 700 (A), see 2 N.N.C. § 701 (A)(7).
- C. The Navajo Nation has government-to-government relationships with the State of New Mexico and the United States and the sovereign right to establish managed health care services for its members.
- D. Medicaid is a health insurance program that serves low-income children and adults, individuals with disabilities, and seniors, including Native Americans and Alaska Natives in all

categories. Medicaid is jointly funded by the states and federal government, but administered by the states and within a framework established by federal statutes, regulations and guidance, states can choose how to design aspects of their Medicaid program. Under Section 1115 of the Social Security Act, states may apply for federal permission to implement and test new approaches to administering Medicaid programs.

- E. There are approximately 81,000 Medicaid eligible Navajos living in New Mexico who experience a heavier disease burden, including a thirty-one (31%) percent higher mortality rate, than the overall United States rate. This heavier disease burden is buoyed by the socio-economic hurdles Navajos face in accessing the healthcare system, especially physical and behavioral specialty providers, and further exacerbated by the reality that current Medicaid benefit packages do not integrate key components of Navajo culture. As a result, Navajos access care at lower rates and experience worse outcomes when compared to the average Medicaid population.
- F. In 2012, pursuant to the reauthorization of the Affordable Care Act and amendment of the Indian Health Care Improvement Act Reauthorization and Extension Act, the United States' Congress tasked the Centers for Medicare and Medicaid Services ("CMS") with assessing the feasibility of establishing a Navajo Medicaid Agency within the borders of the Navajo Nation for the express purpose of improving the provision of Medicaid benefits to American Indians and Alaska Natives and their families residing within the Navajo Nation. CMS's findings determined that such an approach would be feasible and could provide exponential benefits to underserved Navajos and their families.
- G. Recognizing the dire state of the Medicaid eligible Native American and Alaska Native population's access to healthcare in New Mexico, in 2017, the State's Medicaid program (Centennial Care 2.0) received a 42 CFR § 1115 Waiver approved by CMS authorizing Centennial Care to (1) collaborate with Indian Managed Care Entities ("IMCE"), including a pilot project with the Navajo Nation or a Navajo Nation entity; and (2) require American Indian and Alaska Native populations

within specific zip codes or zones to enroll in a managed care delivery system. 42 CFR § 1115, see also CMS' Indian Provisions in the Final Medicaid and Children's Health Insurance Program Managed Care Regulations attached as **Exhibit A**.

- H. A managed care organization ("MCO") is a health care organization that offers managed care health plans to eligible enrollees using a specific provider network and offering specific services and products. An IMCE (Indian Managed Care Entity) is an MCO that is controlled by a Tribe or Tribal Organization and offers health services and products specifically tailored to American Indians and Alaska Natives, as well as specific tribal populations. See **Exhibit A**, see also Naat'aanii Development Corporation, Passive Enrollment Preserves Diné Choice Navajo Indian Managed Care Entity attached as **Exhibit B**.
- I. The Naat'aanii Development Corporation ("NDC") is a federally-chartered for-profit corporation formed by the Navajo Nation under Section 17 of the Indian Reorganization Act; its Charter was approved by the Secretary of the Interior and ratified by the Navajo Nation Council under Resolution No. CO-69-17 to advance economic development programs and initiatives in markets on and off Navajo Nation lands. Resolution No. CO-69-17 attached as **Exhibit C**.
- J. NDC was the only respondent to the January, 2018 Request for Information commissioned by the State of New Mexico's Human Services Department ("HSD") soliciting proposals for how an IMCE could be established to address the healthcare needs of American Indians and Alaskan Natives residing within New Mexico's borders.
- K. NDC has subcontracted with Molina Healthcare Inc. to develop an ICME and ensure that the Navajo people are offered a Medicaid managed care program that (a) is dedicated to American Indians and Alaska Natives and their families residing within the Navajo Nation; (b) provides access to quality care; and (c) is tailored to American Indian, specifically Navajo, and Alaska Native health, cultural, and geographical needs.

- L. NDC will contract exclusively and directly with HSD as a Medicaid managed care provider, and in partnership with its subcontractor, Molina Healthcare Inc., will offer a culturally competent Medicaid program, compliant with all federal and state statutes, regulations and rules, to eligible Navajos and their families that is sensitive to Navajo, American Indian and Alaska Native healthcare needs.
- M. The managed care solution that the NDC-Molina IMCE will bring to eligible American Indians and Alaska Natives residing within the Navajo Nation will (1) better align healthcare value and quality through programs that improve outcomes, like care coordination and utilization management; (2) improve access to care for American Indians and Alaska Natives by emphasizing the role of primary care providers who identify and treat conditions and connect patients with specialists for more complex needs; (3) provide services in a culturally competent manner that are uniquely tailored to the Navajo Nation population and their family members.
- N. The NDC-Molina IMCE will first be geographically focused around the Northwest quadrant of New Mexico but will cover members wherever they travel throughout the Navajo Nation including the States of New Mexico, Arizona and Utah and will include all Centennial Care covered benefits including key tribal services currently provided under Centennial Care (traditional healing, tribal care coordinators within IHS facilities, tribal peer specialists, etc.), and will look to develop programs that address key social determinants of health (housing, employment, food insecurity and enhanced transportation) and support health improvement for American Indians and Alaska Natives residing within the Navajo Nation.
- O. The NDC-Molina IMCE will also give members access to a comprehensive statewide provider network first in New Mexico and then in Arizona and Utah including primary care providers, specialists, hospitals, core service agencies, and also enable American Indians and Alaska Natives to continue to have direct access to Indian Health Services facilities and providers for their healthcare needs.

- P. The access of American Indians and Alaska Natives residing within the Navajo Nation to all of the benefits of the NDC-Molina managed care program will be maximized if HSD implements passive enrollments mechanisms to ensure that the majority of the 81,000 American Indians and Alaska Natives residing within the New Mexico portion of the Navajo Nation are automatically enrolled in the NDC-Molina managed care program until they choose to opt out. See Naat'aanii Development Corporation and Molina Healthcare, New Mexico Indian Managed Care Entity: Potential Opportunities attached as Exhibit D.

NOW THEREFORE, BE IT RESOLVED:


- A. The Navajo Nation hereby urges the Governor of the State of New Mexico and the New Mexico Human Services Department to collaborate with the Naat'aanii Development Corporation to expeditiously secure all necessary regulatory approvals, contracts and infrastructure for launching the Naat'aanii Development Corporation - Molina Healthcare, Inc. Indian Managed Care Entity and have it fully operational in New Mexico in the first quarter of 2020 and in Arizona and Utah thereafter.
- B. The Navajo Nation hereby also urges the Governor of the State of New Mexico and the New Mexico Human Services Department to implement passive enrollment mechanisms that will ensure enrollment of the majority of the 81,000 American Indians and Alaska Natives residing within the Navajo Nation into the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program.
- C. The Navajo Nation hereby further urges the Governor of the State of New Mexico and the New Mexico Human Services Department to take those steps necessary to ensure that healthcare decisions can be made collectively by a family unit and that non-American Indian and non-Alaska Natives family members of an eligible individual be allowed to enroll in the Naat'aanii Development Corporation - Molina Healthcare, Inc. managed care program.

DIRECTIVES

- A. The Naat'aanii Development Corporation-Molina Healthcare Inc. Indian Managed Care Entity shall report quarterly to the Navajo Department of Health, Office of the President and Vice-President, Health Education Human Services Committee and the Naabik'iyáti' Committee on the operations of the Indian Managed Care Entity. The report shall be in a format and answer questions recommended by the Health Education Human Services Committee.
- B. The Naat'aanii Development Corporation-Molina Healthcare Inc. Indian Managed Care Entity shall share data with the Navajo Department of Health as requested by the Executive Director of the Department of Health, by the Health Education Human Services Committee, or by the Naabik'iyáti' Committee.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 23rd day of January 2020.


(Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

Motion: Honorable Vince James
Second: Honorable Jimmy Yellowhair

Chairman Seth Damon not voting

24th Navajo Nation Council

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Special Session

Date: Friday, March 20, 2020Consent Agenda: Legislations 0066-20, 0067-20, 0069-20, 0071-20Motion: Hon. Raymond Smith, Jr.

and 0072-20

Second: Hon. Carl Slater

	Delegates	Yea	Nay	Excused
1	Elmer Begay	✓		
2	Kee Allen Begay, Jr.	✓		
3	Paul Begay, Jr.	✓		
4	Nathaniel Brown	✓-T		
5	Eugenia Charles-Newton	✓		
6	Herman Daniels	✓		
7	Seth Damon			
8	Amber Kanazbah Crotty	✓-T		
9	Mark Freeland	✓		
10	Pernell Halona	✓		
11	Jamie Henio	✓-T		
12	Vince James	✓		
13	Rickie Nez	✓		
14	Carl Slater	✓		
15	Raymond Smith, Jr.	✓		
16	Wilson Stewart, Jr.	✓-T		
17	Charlaine Tso			
18	Daniel Tso	✓		
19	Eugene Tso	✓		
20	Otto Tso	✓		
21	Thomas Walker, Jr.	✓		
22	Edison Wauneka	✓		
23	Edmund Yazzie			
24	Jimmy Yellowhair	✓		
Total		21	0	

T- Telephonic

CERTIFICATION:


Honorable Seth Damon

24th Navajo Nation Council Speaker

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



March 26, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CMA-14-20, *An Action Relating to an Emergency; Requesting the Governor of New Mexico to Activate the Naat'aanii Development Corporation – Molina Healthcare, Inc. Indian Managed Care Entity to Increase the Medical Resources Available to Navajo People During the COVID-19 State of Emergency*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I veto CMA-14-20.

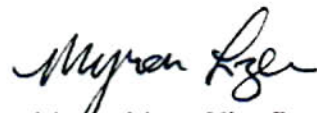
In the establishment of Naat'aanii Development Corporation it was never the intent of the Navajo Nation Council or the Navajo Nation President that the Corporation provide or manage healthcare; that is a responsibility that rests with the Indian Health Service and the 638 contract health care clinics. To introduce another entity, without proper vetting, will only promote confusion and chaos as hospitals and clinics were not consulted or advised on this matter. In addition, the introduction of Naat'aanii Development Corporation to managed care will not raise new dollars but, rather, cause competition for current health care dollars with current healthcare providers. The Navajo Nation has continuously taken the position that the Nation does not receive full funding for health care. Further, the Resolution was not properly vetted or debated to create the legislative record of why this matter is an emergency as outlined in Title Two; I find no reasoning that this Resolution is an emergency.

As a reminder, the Vice President and I have taken the position that active enrollment is the best option for our Navajo People and we stand by that position.

For these reasons I veto CMA-14-20.

Sincerely,


Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

NAVAJO NATION

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4/17/2020

Navajo Nation Council Special Session

01:24:14 PM

Amd# to Amd#	Legislation 0091-20: Overriding	PASSED
MOT Halona, P	the Navajo Nation President's	
SEC Wauneka, E	Veto of Navajo Nation Council	
	Resolution CMA-14-20	

Yeas : 16

Nays : 6

Excused : 0

Not Voting : 1

Yea : 16

Brown	Halona, P	Slater, C	Tso, C
Charles-Newton	Henio, J	Smith	Tso, D
Crotty	James, V	Stewart, W	Wauneka, E
Freeland, M	Nez, R	Tso	Yellowhair

Nay : 6

Begay, K	Daniels	Walker, T	Yazzie
Begay, P	Tso, E		

Excused : 0

Not Voting : 1

Begay, E

Presiding Speaker: Damon