

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0107-21

**DATE:** June 30, 2021

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REAFFIRMING THE REQUEST TO THE GOVERNOR OF NEW MEXICO TO ACTIVATE THE NAAT'AANI 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

**PURPOSE:** This resolution, if approved, will reaffirm the Navajo Nation's request to the Governor of New Mexico to Activate the Naat'aani Development Corporation - Molina Healthcare, Inc., Indian Managed Care Entity.

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

5-DAY BILL HOLD PERIOD: 4/3/21  
Website Posting Time/Date: 4:37pm, 07-02-21  
Posting End Date: 07-07-21  
Eligible for Action: 07-08-21

Health Education & Human Services Committee

Thence

Resources & Development Committee

Thence

Naabik'iyati' Committee

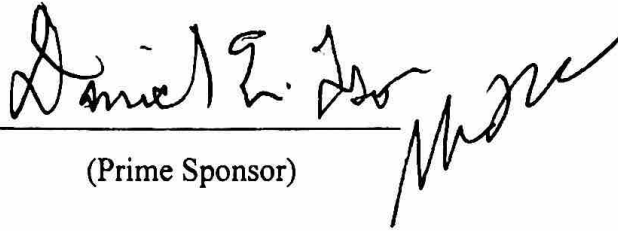
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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0107-21

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND  
DEVELOPMENT, AND NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO  
NATION COUNCIL; REAFFIRMING THE REQUEST TO THE GOVERNOR OF  
NEW MEXICO TO ACTIVATE THE NAAT'AANI 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

BE IT ENACTED

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a Standing Committee of the Navajo Nation Council with the delegated authority to ensure compliance and implementation of laws and policies of the Navajo Nation relating to health, social services, education, general government services and human services. 2 N.N.C. §§ 400, 401(B)(2), 401(B)(6)(A)-(B), and 401(B)(7)(A).
- B. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council with the delegated authority to periodically receive reports and review the

1 operations of the Navajo Nation enterprises, authorities, and industries. 2 N.N.C. §§ 500  
2 and 501(B)(4)(e).

3 C. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council  
4 with the delegated authority to assist development of federal and state programs  
5 designed to serve the Navajo People and the Navajo Nation through  
6 intergovernmental relationships; and to coordinate all federal, county and State  
7 programs with other branches of the Navajo Nation government to provide the most  
8 efficient delivery of services. 2 N. N. C. §§ 700 and 701 (4) and (7). In addition, a  
9 proposed resolution that requires final action by the Navajo Nation Council [must] be  
10 assigned to standing committee(s) having authority over the subject matter at issue  
11 and the Naabik'iyati' Committee. 2 N.N.C. § 164(A)(9).

12 D. The Navajo Nation Council is the governing body of the Navajo Nation empowered  
13 to state policy and enact laws of the Navajo Nation. 2 N.N.C. §§ 102 (A) and 164  
14 (A).

## 15 16 SECTION TWO. FINDINGS

17 A. COVID-19 is a dangerous and extremely contagious respiratory virus; as of June 22,  
18 2021, the Navajo Nation has reported 30,972 cases of COVID-19 and 1,347 related  
19 deaths. The virus has not been completely eradicated and variants continue to emerge.

20 B. The Navajo Nation Commission on Emergency Management with the concurrence of  
21 the Navajo Nation President declared a Public Health State of Emergency on March  
22 11, 2020 to address the COVID-19 pandemic and mitigate spread of the virus. *See*  
23 CEM-20-03-11.

24 C. In time of national crisis and legitimate fears and concerns about the spread of the  
25 COVID-19, it is imperative that the Navajo Nation take advantage of all available  
26 resources to combat this pandemic and provide healthcare services to Navajo  
27 members and their communities.

28 D. On January 23, 2020, the Naabik'iyati' Committee adopted Resolution NABIJA-06-  
29 20, attached as **Exhibit A** without exhibits, urging the Governor of the State of New  
30 Mexico and the New Mexico Human Services Department to, among other things,

1 collaborate with the Naat'aanii Development Corporation ("NDC") to expeditiously  
2 secure all necessary regulatory approvals, contracts and infrastructure for launching  
3 the Naat'aanii Development Corporation Molina Healthcare, Inc. Indian Managed  
4 Care Entity ("IMCE") and have it fully operational in New Mexico in the first quarter  
5 of 2020 and in Arizona and Utah thereafter.

6 E. On March 20, 2020, the Navajo Nation Council adopted Resolution CMA-14-20,  
7 attached as **Exhibit B** without exhibits, which resolved that:

8 1. The Navajo Nation hereby urges the Governor of the State of New Mexico and  
9 the New Mexico Human Services Department to collaborate with the Naat'aanii  
10 Development Corporation to expeditiously secure all necessary regulatory  
11 approvals, contracts and infrastructure for launching the Naat'aanii Development  
12 Corporation Molina Healthcare, Inc. Indian Managed Care Entity and have it fully  
13 operational in New Mexico in the first quarter of 2020 and in Arizona and Utah  
14 thereafter; and

15 2. The Navajo Nation hereby also urges the Governor of the State of New Mexico  
16 and the New Mexico Human Services Department to implement passive  
17 enrollment mechanisms that will ensure enrollment of the majority of the 81,000  
18 American Indians and Alaska Natives residing within the Navajo Nation into the  
19 Naat'aanii Development Corporation - Molina healthcare, Inc. managed care  
20 program; and

21 3. The Navajo Nation hereby further urges the Governor of the State of New Mexico  
22 and the New Mexico Human Services Department to take those steps necessary to  
23 ensure that healthcare decisions can be made collectively by a family unit and that  
24 non- American Indian and non - Alaska Natives family members of an eligible  
25 individual be allowed to enroll in the Naat'aanii Development Corporation -  
26 Molina Healthcare, Inc. managed care program.

27 F. On March 27, 2020, Jonathan Nez, Navajo Nation President, vetoed Navajo Nation  
28 Council resolution number CMA-14-20 stating, among other reasons for his veto, that  
29 he supports active enrollment and not passive enrollment as the Council stated in  
30 CMA-14-20.

- 1 G. On April 17, 2020, the Navajo Nation Council by resolution number CAP-23-20,  
2 attached as **Exhibit C** without exhibits, over-rode President Nez' veto by a vote of 16  
3 in favor and 6 opposed making Navajo Nation Council resolution numbers CMA-14-  
4 20 and CAP-23-20 final law of the Navajo Nation on the matter.
- 5 H. Since April 17, 2020, the New Mexico Governor and the New Mexico Human  
6 Services Department held a number of meetings and completed negotiations on a  
7 draft contract with Naat'aanii Development Corporation - Molina Healthcare, Inc. to  
8 create the IMCE but the New Mexico Governor ceased all meetings and  
9 communications in January 2021 regarding the IMCE establishment. There has been  
10 no progress on the IMCE since then.
- 11 I. The State of New Mexico has refused to execute the completed draft IMCE  
12 Agreement based on the excuse that the governor requires the Navajo Nation to waive  
13 its sovereign immunity and that the Navajo Nation president must also sign the  
14 Agreement.
- 15 J. However, NDC has previously informed the Human Services Department that NDC  
16 can waive its sovereign immunity for enforcement of the IMCE in state judicial and  
17 administrative agencies and additional waiver of the Navajo Nation's sovereign  
18 immunity is not required. In addition, on January 7, 2021, the Navajo Nation  
19 Attorney General, in response to a request from the Human Services Department,  
20 opined that the Navajo Nation does not need to be a party signatory to the IMCE  
21 contract.
- 22 K. The Navajo Nation Council is willing to support active enrollment in the IMCE on  
23 the condition that the President execute a joint letter from the Council to the governor  
24 supporting the immediate establishment of the IMCE.
- 25 L. The Navajo Nation Council believes that it is in the best interest of the Navajo Nation  
26 and the Navajo people to complete the establishment of Naat'aanii Development  
27 Corporation - Molina Healthcare, Inc. as the managed care program (Navajo MCO)  
28 so that Navajo MCO members will have access to free testing and diagnostics for  
29 COVID-19; the Navajo MCO will also provide doctor and hospital visits with all  
30

1 necessary prescriptions, x-rays and laboratory services for members that require  
2 treatment against the virus.

3 M. Naat'áanii Development Corporation's Board of Directors and Management have  
4 extensive background and experiences managing, leading, and growing multi-billion  
5 dollar companies. The IMCE will provide additional revenue to the Indian Health  
6 Service (I.H.S.) and Navajo Nation Pub. L. 19-638 healthcare facilities. The IMCE's  
7 source of funds are separate from I.H.S. and Navajo Nation Pub. L. 19-638 healthcare  
8 funds and will not compete for IHS/Navajo funding.

9 N. In this time of crisis, it is imperative that the Navajo Nation and the State of New Mexico  
10 move quickly to complete implementation of the Navajo MCO so it can aid Navajo  
11 people during this pandemic crisis and beyond.

### 12 13 **SECTION THREE. SUPPORTING IMCE THROUGH ACTIVE ENROLLMENT**

14 The Navajo Nation Council hereby approves and resolves that:

15 A. The Navajo Nation hereby reaffirms its prior position with the addition that  
16 enrollment may occur through active enrollment provided the President co-signs a  
17 letter to the governor supporting immediate establishment of the IMCE.

18 B. The Navajo Nation hereby re-urges the Governor of the State of New Mexico and the  
19 New Mexico Human Services Department to collaborate with the Naat'áanii  
20 Development Corporation and to expeditiously secure all necessary regulatory  
21 approvals, contracts and infrastructure for launching the Naat'áanii Development  
22 Corporation Molina Healthcare, Inc. Indian Managed Care Entity and have it fully  
23 operational in New Mexico in 2021 and in Arizona and Utah thereafter.

24 C. The Navajo Nation hereby also re-urges the Governor of the State of New Mexico and  
25 the New Mexico Human Services Department to implement active enrollment  
26 mechanisms that will ensure enrollment of the majority of the 81,000 American  
27 Indians and Alaska Natives residing within the Navajo Nation into the Naat'áanii  
28 Development Corporation - Molina Healthcare, Inc. managed care program.

29 D. The Navajo Nation hereby further re-urges the Governor of the State of New Mexico  
30 and the New Mexico Human Services Department to take those steps necessary to

1 ensure that healthcare decisions can be made collectively by a family unit and that  
2 non-American Indian and non-Alaska Natives family members of an eligible  
3 individual be allowed to enroll in the Naat'aanii Development Corporation - Molina  
4 Healthcare, Inc. managed care program.

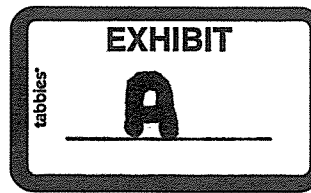
5 E. The Navajo Nation hereby urges the Governor of the State of New Mexico and the  
6 New Mexico Human Services Department to respect and honor the sovereign will of  
7 the Navajo Nation by moving forward with the full implementation of the Indian  
8 Managed Care Entity with Naat'aanii Development Corporation as the official  
9 designated entity on behalf of the Navajo Nation.

#### 10 11 **SECTION FOUR. EFFECTIVE DATE**

12 The legislation enacted herein shall be effective pursuant to 2 N.N.C. § 221 (B).  
13

#### 14 **SECTION FIVE. SAVINGS CLAUSE**

15 Should any provision of this legislation be determined invalid by the Navajo Nation  
16 Supreme Court or the District Courts of the Navajo Nation, without appeal to the  
17 Navajo Nation Supreme Court, those provisions that are not determined invalid shall  
18 remain the law of the Nation.  
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NABIJA-06-20

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
24<sup>th</sup> 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'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' 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 24<sup>th</sup> 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 23<sup>rd</sup> day of January 2020.

  
Honorable Seth Damon, Chairman  
Naabik'iyáti' Committee

Motion: Honorable Vince James  
Second: Honorable Jimmy Yellowhair

Chairman Seth Damon not voting



RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> 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'iyáti' 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 MCO), the Navajo MCO members will have access to free testing and diagnostics for COVID-19; the Navajo MCO 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 MCO 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 24<sup>th</sup> 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 20<sup>th</sup> day of March 2020.

  
 Honorable Seth Damon, Speaker  
 24<sup>th</sup> Navajo Nation Council

3.23.2020  
 DATE

Motion: Honorable Raymond Smith, Jr.

Second: Honorable Carl R. Slater

Speaker Seth Damon not voting



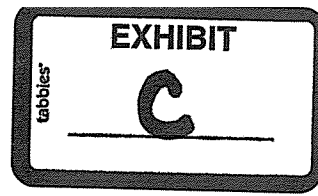
ACTION BY THE NAVAJO NATION PRESIDENT:

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* *Algebra*  
Jonathan Nez, President  
Navajo Nation



RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> 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 24<sup>th</sup> 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 17<sup>th</sup> day of April 2020.

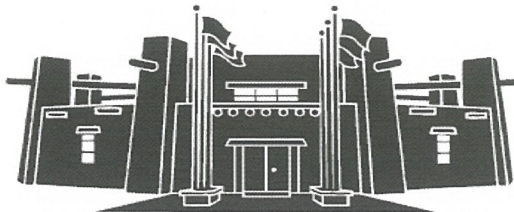


Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

April 23, 2020  
DATE

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

Speaker Seth Damon not voting



## MEMORANDUM

TO: Honorable Daniel Tso  
24<sup>th</sup> Navajo Nation Council

FROM:

Dana L. Bobroff, Chief Legislative Counsel  
Office of Legislative Counsel

DATE: June 30, 2021

SUBJECT: **AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REAFFIRMING THE REQUEST TO THE GOVERNOR OF NEW MEXICO TO ACTIVATE THE NAAT'AANI 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**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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 ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0107-21\_

SPONSOR: Daniel E. Tso

**TITLE: An Action Relating to Health, Education and Human Services, Resources and Development, and Naabik'iyáti' Committees and the Navajo Nation Council; Reaffirming the Request to the Governor of New Mexico to Activate the Naat'aani 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**

**Date posted: July 02, 2021 at 4:37PM**

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.: 0107-21

SPONSOR: Honorable Daniel E. Tso

**TITLE: An Action Relating to Health, Education and Human Services, Resources and Development, and Naabik'iyáti' Committees and the Navajo Nation Council; Reaffirming the Request to the Governor of New Mexico to Activate the Naat'aani 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**

Posted: July 02, 2021 at 4:37 PM

5 DAY Comment Period Ended: July 07, 2021

Digital Comments received:

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

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

07/08/21 8:25Am  
\_\_\_\_\_  
Date/Time

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**THIRD YEAR 2021**

**COMMITTEE REPORT**

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

**Legislation #0107-21:** An Action Relating to Health, Education and Human Services, Resources and Development, and Naabik'iyáti' Committees and the Navajo Nation Council; Reaffirming the Request to the Governor of New Mexico to Activate the Naat'aani 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

*Sponsor: Daniel E. Tso, Council Delegate*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thence referred to the Resources and Development Committee.

Respectfully submitted,

  
\_\_\_\_\_  
Carl R. Slater, Vice-Chairman  
Health, Education and Human Services Committee  
24<sup>th</sup> Navajo Nation Council

Date: July 12, 2021

**Main Motion:**

Motion : Honorable Pernell Halona  
Second : Honorable Edison J. Wauneka  
Vote : 4-0-0

**Suspend the Floor Rules and Recall Legislation #0107-21 (As recommended by  
Legislative Counsel.)**

**Motion : Honorable Edison J. Wauneka**  
**Second : Honorable Paul Begay, Jr.**  
**Vote : 5-0-0**

**Second Motioning Vote:**

**Motion : Honorable Pernell Halona**  
**Second : Honorable Edison J. Wauneka**  
**Vote : 4-0-0**



**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**  
**Special Meeting**  
**July 12, 2021**

**Legislation #0107-21:** An Action Relating to Health, Education and Human Services, Resources and Development, and Naabik'iyáti' Committees and the Navajo Nation Council; Reaffirming the Request to the Governor of New Mexico to Activate the Naat'aani 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

*Sponsor: Daniel E. Tso, Council Delegate*

**VOTE TALLY SHEET:**

Main Motion:

Motion : Honorable Pernell Halona  
Second : Honorable Edison J. Wauneka  
Yea : Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Edison J. Wauneka  
Nay : None  
Not Voting : Carl R. Slater (Presiding Vice-Chair)  
Excused : Daniel E. Tso  
Absent :  
Vote : 4-0-0 Action by HEHSC taken per direction of Legislative Counsel.

Suspend the Floor Rules and Recall Legislation #0107-21 (As recommended by Legislative Counsel.)

Motion : Honorable Edison J. Wauneka  
Second : Honorable Paul Begay, Jr.  
Yea : Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Daniel E. Tso; Edison J. Wauneka  
Nay : None  
Not Voting : Carl R. Slater (Presiding Vice-Chair)  
Excused :  
Absent :  
Vote : 5-0-0

Second Motioning Vote:

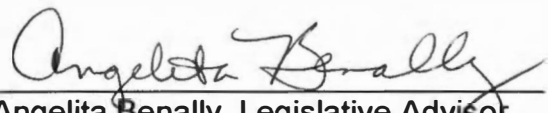
Motion : Honorable Pernell Halona  
Second : Honorable Edison J. Wauneka  
Yea : Paul Begay, Jr.; Pernell Halona; Daniel Tso; Edison J. Wauneka  
Nay : None  
Not Voting : Carl R. Slater (Presiding Chair)

Excused : Charlaine Tso  
Absent :  
Vote : 4-0-0



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Carl R. Slater, Vice-Chairman  
Health, Education and Human Services Committee  
24<sup>th</sup> Navajo Nation Council



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Angelita Benally, Legislative Advisor  
Health, Education and Human Services Committee  
Office of Legislative Services

**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**THIRD YEAR 2021**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION # 0107-21:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'IYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REAFFIRMING THE REQUEST TO THE GOVERNOR OF NEW MEXICO TO ACTIVATE THE NAAT'AANI 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. *Sponsor: Honorable Daniel E. Tso Co-Sponsor: Mark A. Freeland*

Has had it under consideration and reports a DO PASS with no amendments

And thereafter the legislation was referred to Naabik'Iyati Committee.

Respectfully submitted,



Rickie Nez, Chairperson  
Resources and Development Committee of  
the 24th Navajo Nation Council

Date: July 28, 2021 –Regular Meeting (Teleconference)  
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

**Main Motion:**

**Motion:** Wilson C. Stewart, Jr. S: Mark A. Freeland V: 4-0-1 (CNV)  
**In Favor:** Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay Jr., and Herman M. Daniels  
**Excuse:** Thomas Walker, Jr.  
**Not Voting:** Presiding Chairperson Rickie Nez

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE**  
**24<sup>th</sup> Navajo Nation Council**

**THIRD YEAR 2021**

**ROLL CALL**  
**VOTE TALLY SHEET**

**LEGISLATION # 0107-21:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'YATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; REAFFIRMING THE REQUEST TO THE GOVERNOR OF NEW MEXICO TO ACTIVATE THE NAAT'AANI 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. *Sponsor: Honorable Daniel E. Tso Co-Sponsor: Mark A. Freeland*

Date: July 28, 2021 –Regular Meeting (Teleconference)  
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

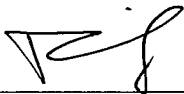
**Main Motion:**

**Motion:** Wilson C. Stewart, Jr. S: Mark A. Freeland V: 4-0-1 (CNV)

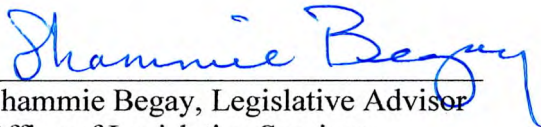
**In Favor:** Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay Jr., and Herman M. Daniels

**Excuse:** Thomas Walker, Jr.

**Not Voting:** Presiding Chairperson Rickie Nez



Honorable Rickie Nez, Presiding Chairperson  
Resources and Development Committee



Shammie Begay, Legislative Advisor  
Office of Legislative Services

# **24<sup>th</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Third Year 2021**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

## **NAVAJO LEGISLATIVE BILL #0107-21**

An Action Relating to Health, Education and Human Services, Resources and Development, and Naabik'íyáti' Committees and the Navajo Nation Council; Reaffirming the Request to the Governor of New Mexico to Activate the Naat'aani 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

*Sponsored by: Honorable Daniel E. Tso*

*Co-Sponsored by: Honorable Mark A. Freeland*

Has had it under consideration and reports the same that the legislation **WAS PASSED AND IS REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Seth Damon, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**12 August 2021**

### **MAIN MOTION**

*Motioned by: Honorable Eugenia Charles-Newton*

*Seconded by: Honorable Otto Tso*

*Vote: 18 in Favor, 00 Opposed (Chairman Damon Not Voting)*

# NAVAJO NATION

1033

8/12/2021

Naa'bik'iyati' Committee Regular Meeting

11:20:53 AM

Amd# to Amd#	Consent Agenda: Legislations	PASSED
MOT Charles-Newton	0117-21; 0118-21; 0121-21;	
SEC Tso, O	0122-21 and 0107-21	

**Yeas : 18**

**Nays : 0**

**Excused : 3**

**Not Voting : 2**

**Yea : 18**

Begay, K	Daniels	Smith	Tso, O
Begay, P	Freeland, M	Tso, C	Wauneka, E
Brown	Henio, J	Tso, D	Yazzie
Charles-Newton	Nez, R	Tso, E	Yellowhair
Crotty	Slater, C		

**Nay : 0**

**Excused : 3**

Walker, T	Stewart, W	Halona, P
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**Not Voting : 2**

James, V	Begay, E
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**Presiding Speaker: Damon**