

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
ADOPTING THE TERMS AND CONDITIONS FOR ENTITIES RECEIVING THE
DESIGNATION OF "TRIBAL ORGANIZATION" FOR PURPOSES OF PARTICIPATION
IN THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED)
SELF-GOVERNANCE FOR THE PROVISION OF HEALTH CARE SERVICES ON THE
NAVAJO NATION

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).
- C. The Health, Education and Human Services Committee exercises authority over the content of all monitoring and reporting requirements placed on all entities receiving the designation "Tribal Organization" for the purposes of participation in the Indian Self-Determination Act (P.L. 93-638, as amended) Self-Governance in order to provide health care services on the Navajo Nation. See Exhibit A, Navajo Nation Council Resolution CJY-33-10.

SECTION TWO. FINDINGS

- A. The Health, Education and Human Services Committee is responsible for monitoring and requiring reporting from all entities designated as "Tribal Organization" for the purposes of participation in the Indian Self-Determination Act (P.L. 93-638, as amended) Self-Governance in order to provide health care services on the Navajo Nation. See Navajo Nation Council Resolution CJY-33-10, Exhibit A.

- B. The current Terms and Conditions were adopted in 2010 and no longer accurately reflect the responsible Committees of the Navajo Council nor the present informational and monitoring needs of the Health, Education and Human Services Committee. See Exhibit A.
- C. The Health, Education and Human Services Committee finds it to be in the best interest of the Navajo Nation to revise and update the Terms and Conditions applicable to all future designations of "Tribal Organization" such designation being for the purposes of participation in the Indian Self-Determination Act (P.L. 93-638, as amended) Self-Governance in order to provide health care services on the Navajo Nation. See Exhibit B.

SECTION THREE. APPROVAL

The Health, Education and Human Services Committee of the Navajo Nation Council hereby adopts the amended Terms and Conditions applicable to all future designations of "Tribal Organization" such designation being for the purposes of participation in the Indian Self-Determination Act (P.L. 93-638, as amended) Self-Governance in order to provide health care services on the Navajo Nation as found in Exhibit B.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 23rd Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 25th day of June 2018.

Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee
23rd Navajo Nation Council

Motion: Honorable Jonathan L. Hale
Second: Honorable Amber Kanazbah Crotty



CJY-33-10

RESOLUTION OF THE
NAVAJO NATION COUNCIL

AN ACTION

RELATING TO HEALTH AND INTERGOVERNMENTAL RELATIONS; AUTHORIZING EXISTING AND FUTURE QUALIFYING TITLE I, INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTORS, TO ENTER INTO TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH CAPACITY BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2020, AND ESTABLISHING A PROCEDURE FOR ADDITIONAL TITLE I CONTRACTORS TO ENTER INTO TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED)

BE IT ENACTED:

1. The Navajo Nation Council hereby authorizes the Winslow Indian Health Care Center, Inc., the Tuba City Regional Health Care Corporation and the Utah Navajo Health Systems Inc., as tribal organizations for the purpose of managing and operating under Title V, the Indian Self-Determination Act (P.L. 93-638, as amended), all programs, functions, services and activities (PFSA's) for which those tribal organizations currently contract or are eligible, including planning, design and construction projects within each tribal organizations' service area, under Title I of the Indian Self-Determination Act (P.L. 93-638, as amended), beginning October 1, 2010 and ending September 30, 2020, provided, however, that the decision whether and when to enter Title V Self-Governance shall be within the sole discretion of each tribal organization's Board of Directors and nothing in this resolution shall affect the tribal organizations' existing authority to operate under Title I, the Indian Self-Determination Act (P.L. 93-638, as amended), contracts if they choose to continue under Title I. Nothing in this Resolution shall affect or amend Resolutions CAP-35-02 and CJN-35-05.

2. The Navajo Nation Council further conditions the revocable authorizations set forth herein and the revocable authorization, and authority for approval of participation in Title V, the Indian Self-Determination Act (P.L. 93-638, as amended), Self Governance, of additional tribal organizations as set forth herein upon the complete and continuing compliance of the tribal organizations with all conditions set forth in the form of Exhibit "A".

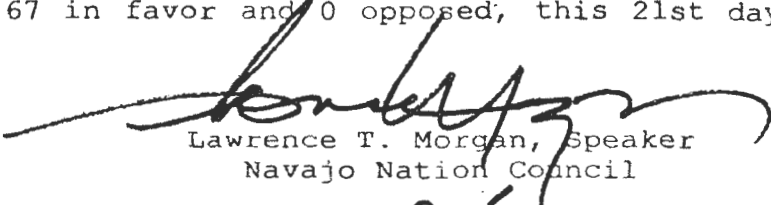
3. In authorizing Winslow Indian Health Care Center, Inc., Tuba City Regional Health Care Corporation, Inc., and Utah Navajo Health Systems, Inc. to participate in Title V Self-Governance, the Navajo Nation Council finds that each of these tribal organizations has satisfactorily completed a planning phase, which has included legal and budgetary research, internal tribal government planning and organizational preparation relating to the administration of the health care programs each tribal organizations operates.

4. The Navajo Nation Council hereby specifically delegates to the Intergovernmental Relations Committee, the authority to approve of additional tribal organizations' participation in Title V, the Indian Self-Determination Act (P.L. 93-638, as amended), upon a recommendation for approval by the Health and Social Services Committee, and each of the Navajo Nation Chapters which will be served under the Title V, Indian Self-Determination Act (P.L. 93-638, as amended), Compact and Funding Agreement; provided, that no additional tribal organizations shall be approved by the Intergovernmental Relations Committee, to operate under Title V in the absence of a recommendation for approval by the Health and Social Services Committee, and each of the Navajo Nation Chapters which will be served under the Title V agreement. The Navajo Nation Chapter Resolutions from the Chapters served by the Winslow Indian Health Care Center Inc., Tuba City Regional Health Care Corporation Inc., and Utah Navajo Health Systems Inc., are attached as Exhibit "B".

5. Nothing in this Resolution shall affect or amend Resolutions CAP-35-02 and CJN-35-05 in the form of Exhibit "C".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 67 in favor and 0 opposed, this 21st day of July, 2010.


Lawrence T. Morgan, Speaker
Navajo Nation Council

26 July 10
Date

Motion: GloJean Todacheene
Second: Amos Johnson

EXHIBIT "A"

**NAVAJO NATION CONDITIONS FOR HEALTH CARE
SELF-GOVERNANCE TRIBAL ORGANIZATIONS**

Navajo Nation Conditions for Health Care Self-Governance Tribal Organizations

The conditions set forth below are intended to be ongoing. Full compliance with the conditions set forth below is a pre-requisite for continuing authorization from the Navajo Nation for participation in Title V, The Indian Self-Determination Act (P.L. 93-638, as amended), Self-Governance. Notwithstanding the above, the Navajo Nation and the Health Care Self-Governance Tribal Organizations shall cooperate under the principles of Ke' to ensure that the health care needs of all Navajo citizens are fully met.

1. The Health Care Self-Governance Tribal Organization must qualify as a participant under the Indian Self-Determination Act (P.L. 93-638, as amended) by:
 - (A) completing, to the satisfaction 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 health care programs.
 - (B) requesting participation in Title V, Self-Governance, by resolution by the governing body of the Navajo Nation; and
 - (C) demonstrating financial stability and financial management capability for the 3 fiscal years immediately preceding the application for Title V, Self-Governance.
2. The Health Care Self-Governance Tribal Organization shall maintain its eligibility for third party payments under the Centers for Medicare and Medicaid Services (CMS).
3. The Health Care Self-Governance Tribal Organization shall maintain continued accreditation by a nationally recognized accreditation program.
4. The Health Care Self-Governance Tribal Organization shall operate and administer their Self-Governance Compact programs under the oversight of the Health and Social Services Committee and pursuant to the authority of the Navajo Nation. The Health Care Self-Governance Tribal Organization shall appear before and report to the Health and Social Services Committee and the Navajo Nation Council when requested to do so.
5. The Health Care Self-Governance Tribal Organization shall maintain compliance with all monitoring and reporting requirements duly established by the Health and Social Services Committee, including:

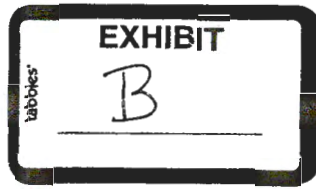
(A) The Health Care Self-Governance Tribal Organization shall submit copies of all final Federal Single Audit Act audit reports, including Audited Financial Statements, and final survey reports issued by its nationally recognized accreditation organization(s) and all associated corrective action plans to the Health and Social Services Committee with copies to the Navajo Nation Division of Health.

(B) The Health Care Self-Governance Tribal Organization shall provide copies of the Self-Governance Compact and all Annual Funding Agreements to the Navajo Nation Division of Health.

(C) The Health Care Self-Governance Tribal Organization shall provide copies of its Annual Report to the Health and Social Services Committee with copies to the Navajo Nation Division of Health. The format, criteria, and due date of the Annual Report shall be determined by the Health and Social Services Committee.

6. The Health Care Self-Governance 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.
7. The Health Care Self-Governance Tribal Organization shall maintain compliance with all applicable Navajo Nation health care policies and priorities duly adopted by the Health and Social Services Committee.
8. The Health Care Self-Governance Tribal Organization will consult and cooperate with the Navajo Nation Division of Health concerning the public health needs and programs of the Navajo Nation.
9. The Health Care Self-Governance Tribal Organizations and Navajo Nation Division of Health shall timely develop an on-going written policy for consultation on matters of public health and have such policy approved by the Health and Social Services Committee.
10. The Health Care Self-Governance Tribal Organizations and Navajo Nation Division of Health and Navajo Nation Department of Emergency Medical Service shall enter Memorandum of Understandings for the Navajo Nation's use and occupancy of Health Care Self-Governance Tribal Organization facilities as long as such use and occupancy does not interfere with direct care services.

11. The Health Care Self-Governance 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.
12. The Health Care Self-Governance Tribal Organization shall not directly charge any tribal member for health care 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 Navajo Nation Council.
13. The Health Care Self-Governance Tribal Organization shall provide direct patient care to all Native American eligible users unless otherwise authorized by the Navajo Nation Council.



NAVAJO NATION CONDITIONS FOR DESIGNATION AS
TRIBAL ORGANIZATION FOR HEALTH CARE PURSUANT TO
INDIAN SELF-DETERMINATION ACT
(P.L. 93-638 AS AMENDED)

**Navajo Nation Conditions for
Designation as Tribal Organization for Health Care 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 health care 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 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 health care 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
 5. The designated Tribal Organization shall appear before and report to the Health and Social Services Committee and the Naabik'yati 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 ~~Social~~ 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 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 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 health care.
9. The designated "Tribal Organization" will consult and cooperate with the Navajo Nation Department of Health concerning the public health 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 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's 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 health care 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 patient care to all Native American eligible users unless otherwise authorized by the Naabik'iyati' Committee of the Navajo Nation Council.

EXHIBIT "A"

NAVAJO NATION CONDITIONS FOR HEALTH CARE DESIGNATION AS

TRIBAL ORGANIZATION FOR HEALTH CARE PURSUANT TO

INDIAN SELF-DETERMINATION ACT

(P.L. 93-638 AS AMENDED)

SELF-GOVERNANCE TRIBAL ORGANIZATIONS

**Navajo Nation Conditions for ~~Health Care Self-Governance Tribal Organizations~~
Designation as Tribal Organization for Health Care Pursuant to the Indian Self-
Determination Act (P.L. 93-638, as amended)**

The conditions set forth below are intended to be ongoing. ~~Full compliance with the conditions set forth below is a pre-requisite for continuing authorization from the Navajo Nation for participation in Title V, The Indian Self-Determination Act (P.L. 93-638, as amended), Self-governance.~~

~~Notwithstanding the above, the~~ The Navajo Nation and the designated "Tribal Organizations" ~~Health Care Self-Governance Tribal Organizations~~ shall cooperate under the principles of Ké to ensure that the health care 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 terms and conditions as set forth below:

1. The ~~Health Care Self-Governance~~ designated "Tribal Organization" must qualify as a participant under the Indian Self Determination Act (P.L. 93-638, as amended) ~~by~~ 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 health care 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 ~~by the governing body of the Navajo Nation~~; 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 ~~Health Care Self-governance~~ Tribal Organization shall maintain its eligibility for third party payments under the Centers for Medicare and Medicaid Services (CMS).

3. The designated ~~Health Care Self-Governance~~ Tribal Organization shall maintain continued accreditation by a nationally recognized accreditation program.

4. The designated ~~Health Care Self-Governance~~ Tribal Organization shall operate and administer their Self-Governance Compact programs under the oversight of the Health, Education and Human and ~~Social~~ Services Committee ~~and pursuant to the authority of the Navajo Nation~~. The ~~Health Care Self-Governance Tribal Organization shall appear before and report to the Health and Social Services Committee and the Navajo Nation council when requested to do so.~~

5. The designated Tribal Organization shall appear before and report to the Health and Social Services Committee and the Naabik'iyati Committee of the Navajo Nation Council whenever requested to do so.

5. 6. The designated ~~Health Care Self-Governance~~ Tribal Organization shall maintain compliance with all monitoring and reporting requirements duly established by the Health, Education and Human ~~Social~~ Services Committee, including:

(A) Submission to the Health, Education and Human Services Committee ~~Care Self-Governance Tribal Organization shall submit~~ 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, ~~to the Health and Social Services Committee~~ with copies to the Navajo Nation ~~Division~~ Department of Health.

(B) ~~Submission of The Health Care Self-Governance Tribal Organization~~ shall provide copies of the Self-Governance Compact and all Annual Funding Agreements to the Navajo Nation ~~Division~~ Department of Health.

(C) ~~Submission of The Health Care Self-Governance Tribal Organization~~ shall provide copies of the designated "Tribal Organization's" its Annual Report, upon acceptance of same by the "Tribal Organization", to the Health, Education and Human ~~Social Services~~ Committee ~~with copies and~~ to the Navajo Nation ~~Division~~ Department of Health. The format, criteria and due date of the Annual report shall be determined by the Health, Education and ~~Social Human~~ Services Committee.

(D) Submission of a listing of the Board of Directors-identified by Chapter, description of method of selection of Board, length of term and by-laws.

6. ~~7.~~ The ~~designated Health Care Self-Governance~~ "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.
7. ~~8.~~ The ~~designated Health Care Self-Governance~~ "Tribal Organization" shall maintain compliance with all applicable Navajo Nation Health care 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 health care.
8. ~~9.~~ The ~~designated Health Care Self-Governance~~ "Tribal Organization" will consult and cooperate with the Navajo Nation ~~Division~~ Department of Health concerning the public health needs and programs of the Navajo Nation.
9. ~~10.~~ The ~~designated Health Care Self-Governance~~ "Tribal Organizations" and Navajo Nation ~~Division~~ Department of Health shall timely develop and on-going

written policy for consultation on matters of public health and have such policy approved by the Health, Education and Human Social Services Committee.

10. 11. The designated Health Care Self-Governance "Tribal Organizations" and Navajo Nation ~~Division~~ 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 health Care Self-Governance Tribal Organization's facilities as long as such use and occupancy does not interfere with direct care services.
11. 12. The designated Health Care Self-Governance "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.
12. 13. The designated Health Care Self-Governance "Tribal Organization" shall not directly charge any tribal member for health care 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.
13. 14. The designated Health Care Self-Governance "Tribal Organization" shall provide direct patient care to all Native American eligible users unless otherwise authorized by the Naabik'iyati' Committee of the Navajo Nation Council.