

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Request support from the National Congress of American Indians to assist Sells
Service Unit in receiving reimbursement for services provided to non-members
brought forth by the United States Border Patrol)**

RESOLUTION NO. 2000-539

1 **WHEREAS, the Indian Health Service operates the Sells Service Unit on the Tohono O'odham**
2 **Reservation which is located in Southern Arizona and has 65 miles of international**
3 **border with Mexico; and**

4 **WHEREAS, the Sells Service Unit is intended to provide medical care to federally recognized**
5 **American Indians/Alaska Natives (AI/AN) and specifically to the members of the**
6 **Tohono O'odham Nation; and**

7 **WHEREAS, the Indian Health Service is funded by Congressional Appropriation and is not funded**
8 **at a level of need required by the Tohono O'odham members; and**

9 **WHEREAS, the Sells Service Unit is an accredited facility of the Joint Commission on the**
10 **Accreditation of Hospitals Organization (JCAHO), therefore required to adhere to the**
11 **Emergency Treatment and Active Labor Act (EMTALA); and**

12 **WHEREAS, the EMTALA dictates that anyone in need of emergency care cannot be refused care**
13 **regardless of ability to pay, patient must be treated until stabilized or transfer occurs**
14 **to another facility; and**

15 **WHEREAS, the Sells Service Unit has in the past three years, increased medical services provided**
16 **to non AI/AN in need of emergency care that are brought to the Sells Service Unit by**
17 **the United States Border Patrol; and**

18 **WHEREAS, in the past year, the Sells Service Unit has incurred cost exceeding \$250,000 to provide**
19 **service to non AI/AN brought to the Sells Service Unit by United States Border Patrol**
20 **agents and the Sells Service Unit is eligible for \$55,000 in reimbursement and not yet**
21 **reimbursed; and**

22 **WHEREAS, medical care cost expended on non AI/AN is at the expense of Tohono O'odham**
23 **members; and**

24 **WHEREAS, the Tohono O'odham members are currently funded below their level of need and**
25 **therefore are affected adversely when non AI/AN are served and services are not**
26 **reimbursed; and**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 2 **1. Request support from the National Congress of American Indians to secure**
3 **reimbursement to cover cost of health care expended on non AI/AN.**
- 4 **2. Request Support from the National Congress of American Indians to promote**
5 **discussion and consultation with the United States Department of Justice and the**
6 **Immigration and Naturalization Department to result in increased**
7 **reimbursement for services rendered at the Sells Service Unit.**

8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH. Day**
9 **of NOVEMBER, 2000 at a meeting at which a quorum was present with a vote of 1,999.6 FOR; -0-**
10 **AGAINST; -0- NOT VOTING; and 165.9 [07] ABSENT, pursuant to the powers vested in the Council by**
11 **Section 1 (c)(2) & (l) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
12 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
13 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
14 **18, 1934 (48 Stat. 984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Dennis Ramon, Legislative Chairman**

20
21 9th day of November, 2000

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23 **ATTEST:**

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26 **Julianna Saraficio, Acting Legislative Secretary**

27
28 9 day of November, 2000.

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30 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
31 **Nation on the 9th day of November, 2000 at 7:19 o'clock, P.M.,**
32 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
33 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
34 **submittal.**

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36 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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39 **Dennis Ramon, Legislative Chairman**

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APPROVED

on the 9th day of November, 2000

DISAPPROVED

at 7:30 o'clock, P.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 9 day of

November, 2000, at 7:49 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUEST SUPPORT FROM THE NATIONAL CONGRESS OF AMERICAN INDIANS TO ASSIST SELLS SERVICE UNIT IN RECEIVING REIMBURSEMENT FOR SERVICES PROVIDED TO NON-MEMBERS BROUGHT FORTH BY THE UNITED STATES BORDER PATROL

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN ALBERT MANUEL, JR.

DATE: NOVEMBER 09, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			
	2. AMBROSE ENCINAS ** ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95				X
	2. DENNIS RAMON ()	82.95				X
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			X
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. SHIRLEY MOLINA ()	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	1,999.6	-0-	-0-	165.9 [07]

****PASSED VOTES**