

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting Continued Support for Requesting Reimbursement to Indian
Health Service Unit for Cost of Treating Non-Native Individuals)**

RESOLUTION NO. 01-207

1 **WHEREAS, the National Congress of American Indians through Resolution No. STP-00-051**
2 **supported the Tohono O'odham Nation in requesting reimbursement to the Indian**
3 **Health Service Unit for cost of treating non-Native individuals; and**

4 **WHEREAS, the Indian Health Services (IHS) operates service units throughout the United States**
5 **in Indian Country and these service units are intended to provide medical care to**
6 **federally recognized American Indians and Alaska Natives; and**

7 **WHEREAS, these units are accredited by the Joint Commission on the Accreditation of Hospitals**
8 **Organizations (JCAHO) and are therefore required to adhere to the Emergency**
9 **Medical Treatment and Active Labor Act (EMTALA); and**

10 **WHEREAS, the EMTALA dictates that anyone in need of emergency care cannot be refused care**
11 **regardless of ability to pay and that patients must be treated until stabilized or**
12 **transferred to another facility; and**

13 **WHEREAS, IHS service units have increasingly provided medical services to non-American**
14 **Indians and Alaska Natives in need of emergency care including many thousands of**
15 **individuals that are brought to these service units by the United States Border Patrol;**
16 **and**

17 **WHEREAS, the Indian Health Service is funded by Congressional appropriation but is not funded**
18 **at a level of need required by American Indians and Alaska Natives; and**

19 **WHEREAS, IHS service units have incurred substantial costs from treating non-American Indian**
20 **and Alaska Natives patients brought to these units by the United States Border Patrol**
21 **and are therefore eligible for reimbursement which has not yet been provided; and**

22 **WHEREAS, the failure to reimburse IHS service units for these medical care costs at a time when**
23 **American Indians and Alaska Native patients are funded below their level of need**
24 **substantially reduces the available resources for American Indians and Alaska**
25 **Natives patients.**

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1 **NOW THEREFORE BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
2 **urge the National Congress of American Indians to address the expense associated**
3 **with treatment of non-American Indians or Alaska Natives patients.**

4 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council does hereby request**
5 **that the United States Department of Justice and the Immigration and Naturalization**
6 **Service consult with Federally recognized tribes in an effort to increase reimburse-**
7 **ment for services provided to non-Natives at the Indian Health Service.**

8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day**
9 **of MAY, 2001 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0- AGAINST;**
10 **-0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) of**
11 **Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
12 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
13 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Dennis Ramon, Legislative Chairman**

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20 10th day of May, 20 01

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23 **ATTEST:**

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26 **Julianna Saraficio, Acting Legislative Secretary**

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28 08 day of May, 20 01.

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31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
32 **Nation on the 10th day of May, 20 01 at 4:11 o'clock, P.M.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
34 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
35 **submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Dennis Ramon, Legislative Chairman**

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APPROVED on the 10TH day of MAY, 20 01

DISAPPROVED at 4:30 o'clock, P.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10 day of
May, 20 01, at 4:35 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING CONTINUED SUPPORT FOR REQUESTING REIMBURSEMENT TO INDIAN HEALTH SERVICE UNITS FOR COST OF TREATING NON-NATIVE INDIVIDUALS

MOVED: COUNCILWOMAN MARY FLORES

SECOND: COUNCILMAN TONY BURRELL

DATE: MAY 08, 2001

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	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			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ ()	104.8	X			
	2. ALEX J. RAMON ()	104.8	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			X
GU VO 160.0	1. FERN SALCIDO ()	80.0	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			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	2,165.5	-0-	-0-	[01]

**PASSED VOTES