

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Requesting Reimbursement to Sells Service Unit for Services Provided to
Non-Indians Brought to Unit facilities by the United States Border Patrol)**

RESOLUTION NO. 02-150

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), and is therefore required to adhere**
11 **to the 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-patients must be treated until stabilized or transferred**
14 **to another facility; and**

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

18 **WHEREAS, in the past year, the Sells Service Unit has incurred cost to provide service to non-**
19 **AI/AN brought to the Sells Service Unit by United States Border Patrol agents; and**

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

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

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
26 **requests support from the United States Congress to secure reimbursement to cover**
27 **the cost of health care provided to non-AI/AN.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 01ST Day of APRIL, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(1) & (c)(2) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Councilman Lopez for
Rita A. Martinez, Legislative Chairwoman

4th day of April, 2002

ATTEST:

Juliana Saraficio
Juliana Saraficio, Acting Legislative Secretary

01 day of April, 2002.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 4th day of April, 2002 at 4:25 o'clock, P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Councilman Lopez for
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 5 day of APR, 2002

DISAPPROVED

at 5:05 o'clock, P..M.

Edward D. Manuel
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 15th day of

April, 20 02, at 5:10 o'clock, P.M.

Machelle L. Johnson for
Julianna Saraficio, Acting Legislative Secretary

ACTION: REQUESTING REIMBURSEMENT TO SELLS SERVICE UNIT FOR SERVICES PROVIDED TO NON-INDIANS BROUGHT TO UNIT FACILITIES BY THE UNITED STATES BORDER PATROL

MOVED: COUNCILWOMAN MARY FLORES

SECOND: COUNCILWOMAN EVELYN JUAN

DATE: APRIL 01, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ** ()	80.35	X			
SAN XAVIER 184.7	1. (VACANT) ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			X
	2. EVELYN JUAN ()	208.05	X			
SIF ODAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	2,417.5	-0-	-0-	[04]

****PASSED VOTES**