

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Designating Tohono O'odham Department of Health and Human Services as the
Nation's Public Health Authority)**

RESOLUTION NO. 07-100

1 **WHEREAS, the Legislative Council is vested with the authority to provide “laws, ordinances, and**
2 **resolutions . . . to promote, protect, and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O’odham Nation and its members” and**
4 **to consult with “federal agencies regarding federal activities that affect the Tohono**
5 **O’odham Nation” (Constitution of the Tohono O’odham Nation, Article VI, Section**
6 **1(c)(2) and (j)); and**

7 **WHEREAS, as the United States Congress has recognized, “Federal health services to maintain**
8 **and improve the health of the Indians are consonant with and required by the**
9 **Federal Government's historical and unique legal relationship with, and resulting**
10 **responsibility to, the American Indian people.” (25 U.S.C. Section 1601(a)); and**

11 **WHEREAS, although “the unmet health needs of the American Indian people are severe and the**
12 **health status of the Indians is far below that of the general population of the United**
13 **States,” the United States, in the fulfillment of its trust obligation to Indian people,**
14 **has made it a goal “to provide the quantity and quality of health services which will**
15 **permit the health status of Indians to be raised to the highest possible level and to**
16 **encourage the maximum participation of Indians in the planning and management**
17 **of those services.” (25 U.S.C. Section 1601(d) and (b)); and**

18 **WHEREAS, in order to address the unmet health care needs of the Tohono O’odham and**
19 **participate in the planning and management of such services, the Nation has**
20 **established, funds, and staffs the Tohono O’odham Department of Health and**
21 **Human Services (“TODHHS”), which provides critical health services for dialysis,**
22 **family assistance, food distribution, tuberculosis, diabetes, infectious diseases,**
23 **senior services, child welfare, special needs, health transportation, social services,**
24 **adult care, children’s home, and family preservation (Tohono O’odham Executive**
25 **Branch 2004 Administrative Plan, as adopted by Resolution No. 03-567); and**

26 **WHEREAS, it is essential for the TODHHS to obtain timely health-related information from all**
27 **available sources in order to adequately address public health issues of the Nation’s**
28 **members; and**

29 **WHEREAS, although the Indian Health Service (“IHS”) receives and discloses information**
30 **concerning sexually transmitted diseases contracted by Nation’s members to**
31 **Arizona governmental agencies, the IHS has recently declined to share such**

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1 information with the TODHHS, which employs infectious disease staff, and has
2 questioned whether the Nation or TODHHS is a "public health authority" eligible to
3 receive such information under the Health Insurance Portability and Accountability
4 Act of 1996, P.L. 104-191 ("HIPAA"); and

5 WHEREAS, the HIPAA authorizes disclosures of protected health information to a public health
6 authority, which is defined as "an agency or authority of . . . an Indian tribe, or a
7 person or entity acting under a grant of authority from or contract with such public
8 agency, including the employees or agents of such public agency or its contractors
9 or persons or entities to whom it has granted authority, that is responsible for public
10 health matters as part of its official mandate" (45 C.F.R. § 164.501); and

11 WHEREAS, while the Nation had funded and operated the TODHHS and its component programs
12 as its public health authority for many years, it is in the Nation's best interest to
13 formally designate the TODHHS as the Nation's public health authority.

14 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby
15 (1) designates the TODHHS, which is responsible for public health matters as part of
16 its official mandate, as the Nation's public health authority and (2) affirms that the
17 TODHHS is eligible to receive protected health information and otherwise perform
18 all functions of a public health authority in accordance with applicable law.

19 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day
20 of FEBRUARY, 2007 at a meeting at which a quorum was present with a vote of 1,653.0 FOR; 93.35
21 AGAINST; 694.45 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
22 Section 1 (c)(2)&(j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
23 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
24 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
25 18, 1934 (48 Stat. 984).

26 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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28 
29 _____
30 Verlon M. Jose, Legislative Chairman

31
32 15 day of February, 2007

34 ATTEST:

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37 _____
38 Lucille Lopez, Acting Legislative Secretary

39
40 09 day of January, 2007.

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Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 15 day of February, 2007 at 12:05 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

APPROVED

on the 20 day of February, 2007

DISAPPROVED

at 9:40 o'clock, a.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

February, 2007, at 10:10 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: DESIGNATING TOHONO O'ODHAM DEPARTMENT OF HEALTH AND HUMAN SERVICES AS THE NATION'S PUBLIC HEALTH AUTHORITY

Moved: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: FEBRUARY 09, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			X
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80			X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80			X	X
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50			X	
	2. GLORIA RAMIREZ ()	84.50			X	
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50			X	
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35			X	
	2. DARLENE ANDREW (Rita Wilson)	93.35		X		
TOTAL		2,440.80	1,653.0	93.35	694.45	[02]

****PASSED VOTES**