

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting Arizona Legislative Native American Caucus' Opposition to SB 1092
Medicaid Waiver Request)

RESOLUTION NO. 15-233

1 **WHEREAS,** the Nation's Constitution vests the Legislative Council with the authority to
2 "promote, protect and provide for public health, peace, morals, education and
3 general welfare of the Tohono O'odham Nation and its members" and to
4 "consult with the Congress of the United States and appropriate federal agencies
5 regarding federal activities that affect the Tohono O'odham Nation and all
6 federal appropriation estimates and projects for the benefit of the Tohono
7 O'odham Nation. . ." (Constitution, Article VI, Section 1(c)(2) and Article VI,
8 Section 1(j)); and

9 **WHEREAS,** the State of Arizona's Medicaid system, the Arizona Health Care Cost
10 Containment System ("AHCCCS") is a "demonstration project," which allows the
11 United States Secretary of Health and Human Services to waive certain statutory
12 requirements that would normally apply to state Medicaid plans (42 U.S.C.
13 §1315, Section 1115); and

14 **WHEREAS,** after the national economic downturn in 2008, the Arizona State Legislature
15 devised ways to drastically reduce costs associated with AHCCCS, which included
16 submitting a March 31, 2011 demonstration waiver to the Secretary of Health
17 and Human Services that eliminated enrollment of childless adults, charged
18 fees for missed appointments, and ended adult wellness exam visits; and

19 **WHEREAS,** in 2011, the majority of tribes in Arizona, including the Tohono O'odham Nation,
20 opposed the March 31, 2011 demonstration waiver, recognizing that the waiver
21 requests would disproportionately and negatively affect Arizona's tribal citizens
22 and severely impact the Indian Health Service's reimbursements from Medicaid
23 (Resolution No. 11-278); and

24 **WHEREAS,** the Arizona State Legislature recently approved Senate Bill 1092 "AHCCCS;
25 annual waiver submittals," which requires the Arizona Department of Health
26 Services Director to submit on an annual basis a waiver or amendment request
27 to the Secretary of Health and Human Services to implement a work
28 requirement for all "able-bodied" adults receiving Medicaid services and to
29 limit to five years the total number of years an "able-bodied" adult may qualify
30 for Medicaid services; and

RESOLUTION NO. 15-233

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Page 2 of 3

1 **WHEREAS, while the waiver requests found under SB 1092 aim at reducing the overall costs**
2 **of Medicaid, the measures negatively affect Arizona's tribal citizens who may**
3 **live in remote areas with few employment opportunities and lack of access to**
4 **reliable transportation; and**

5 **WHEREAS, as with the Nation's official position on the March 2011 demonstration waiver**
6 **request, the Nation opposes "cost-saving" measures that in reality only reduce**
7 **services and drastically affect overall health outcomes for Arizona's tribal**
8 **citizens, including the Nation's members; and**

9 **WHEREAS, on April 28, 2015, the Arizona Legislative Native American Caucus submitted a**
10 **letter to Secretary of Health and Human Services Sylvia Burwell urging her to**
11 **deny Arizona's waiver request; and**

12 **WHEREAS, the Legislative Health and Human Services Committee recommends supporting**
13 **the Arizona Legislative Native American Caucus' position opposing SB 1092.**

14 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
15 **supports the Arizona Legislative Native American Caucus' position opposing SB**
16 **1092.**

17 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it urges Secretary**
18 **of Health and Human Services Sylvia Burwell to deny Arizona's annual waiver**
19 **request, if it includes the provisions listed in SB 1092.**

20 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's**
21 **chairperson is authorized and directed to advocate for the Nation's official**
22 **position pursuant to this resolution.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH**
24 **day of JUNE, 2015 at a meeting at which a quorum was present with a vote of 3,015.3 FOR; -0-**
25 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
26 **Article VI, Section 1(c)(2) and Article VI, Section 1(j) of the Constitution of the Tohono O'odham**
27 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**
28 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
29 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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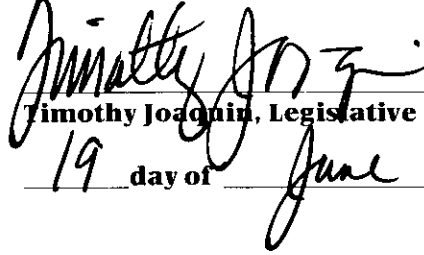
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Page 3 of 3

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

19 day of June, 2015

ATTEST:


Evonne Wilson, Legislative Secretary

18 day of June, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of June, 2015 at 8:20 o'clock, a.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

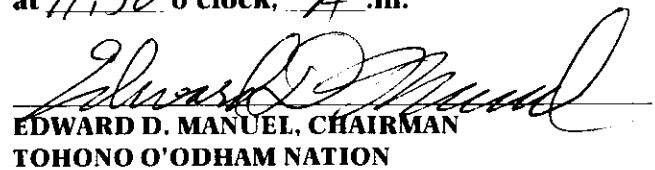

Timothy Joaquin, Legislative Chairman

on the 22 day of June, 2015

at 11:50 o'clock, A.m.

APPROVED

DISAPPROVED


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

June, 2015, at 3:21 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: SUPPORTING ARIZONA LEGISLATIVE NATIVE AMERICAN CAUCUS' OPPOSITION TO SB 1092 MEDICAID WAIVER REQUEST

Moved: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILMAN ARTHUR WILSON

DATE: JUNE 15, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.1	1. FRANCES MIGUEL (Roberta E. Harvey)	183.55	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.55	X			
CHUKUT KUK 331.9	1. ETHEL GARCIA (Marlakay K. Henry)	165.95	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	165.95	X			
GUACHI 265.1	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.55	X			
	2. LORETTA LEWIS ()	132.55	X			
GU VO 249.6	1. GRACE MANUEL (Dallas Lewis)	124.8	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	124.8	X			
HICKIWAN 204.9	1. LOUIS R. LOPEZ (Shirley Molina)	102.45	X			
	2. SANDRA ORTEGA ()	102.45	X			
PISINEMO 220.0	1. CHESTER ANTONE (Tony Murrietta)	110.0	X			
	2. VACANT ()	110.0	X			X
SAN LUCY 222.9	1. DIANA MANUEL ()	111.45	X			
	2. JANA MONTANA (Gloria Ramirez)	111.45	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.1	1. ARTHUR WILSON (Beverly Rivas)	256.55	X			
	2. BARBARA HAVIER ()	256.55	X			
SIF OIDAK 231.5	1. LUCINDA ALLEN (Nicholas Jose)	115.75	X			
	2. MARY LOPEZ ()	115.75	X			
TOTAL		3,015.3	3,015.3	-0-	-0-	[01]