

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Establishing Tohono O'odham Nation Health Care Governing Body and
Appointing Interim Members)

RESOLUTION NO. 16-308

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power to enact laws
2 "to promote, protect and provide for public health, peace, morals, education
3 and general welfare of the Tohono O'odham Nation and its members" and to
4 "provide for, appoint, or provide for the appointment of, and prescribe the
5 duties and powers of committees, boards, officers and agents" (Constitution of
6 the Tohono O'odham Nation, Article VI, Section 1(c)(2) and 1(b)); and

7 **WHEREAS,** by Resolution No. 16-261 and pursuant to the Indian Self-Determination and
8 Education Assistance Act of 1975 (Public Law 93-638, 25 U.S.C. § 450), the
9 Legislative Council approved a self-governance compact between the Tohono
10 O'odham Nation and the United States Department of Health and Human
11 Services, Indian Health Service for the assumption of certain health-related
12 federal programs, functions, services, and activities on the Tohono O'odham
13 Nation, including the operation and management of the Sells Hospital and other
14 health care facilities; and

15 **WHEREAS,** pursuant to 42 CFR § 482.12 Condition of participation: Governing body, a
16 hospital participating in Medicare must have "an effective governing body that
17 is legally responsible for the conduct of the hospital" or, "[i]f a hospital does not
18 have an organized governing body, the persons legally responsible for the
19 conduct of the hospital must carry out the functions specified in this part that
20 pertain to the governing body."; and

21 **WHEREAS,** prior to the Nation's assumption of authority for the Sells Hospital, the IHS Sells
22 Service Unit maintained a governing body subject to the IHS chain of command,
23 and it is in the Nation's interests to appoint a Tohono O'odham Health Care
24 Governing Body reflecting the Nation's responsibility for the conduct of the
25 Tohono O'odham Nation Health Care which includes the Sells Hospital and its
26 satellite health centers; and

27 **WHEREAS,** in order to ensure the continuity of patient care and to satisfy the requirements
28 of applicable federal regulations, the Nation's Department of Health and Human
29 Services, in coordination with the Legislative Health and Human Services
30 Committee, recommends that the Legislative Council establish the Tohono

RESOLUTION NO. 16-308

(Establishing Tohono O'odham Nation Health Care Governing Body and Appointing Interim Members)

Page 2 of 4

1 **O'odham Health Care Governing Body and appoint interim members pending**
2 **the Legislative Council's adoption of the Governing Body's bylaws.**

3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council establishes**
4 **the Tohono O'odham Nation Health Care Governing Body, which is empowered**
5 **and legally responsible for the conduct of the Tohono O'odham Nation Health**
6 **Care and shall carry out the functions specified 42 CFR Part 482 that pertain to**
7 **the Governing Body.**

8 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council appoints the**
9 **following members to the Tohono O'odham Health Care Governing Body, who**
10 **shall serve pending the Legislative Council's adoption of the Governing Body's**
11 **bylaws; provided that the appointments made by this resolution shall be exempt**
12 **from the requirements of the Tohono O'odham Nation Board Appointment**
13 **Guidelines:**

- 14 • **Tohono O'odham Department of Health and Human Services Executive**
15 **Director**
- 16 • **Tohono O'odham Nation Health Care Chief Medical Officer**
- 17 • **Tohono O'odham Nation Health Care Director of Facilities Engineering**
- 18 • **Tohono O'odham Nation Health Care Chief Executive Officer**
- 19 • **Tohono O'odham Nation Health Care Director of Clinical Services**
- 20 • **Tohono O'odham Nation Health Care Administrative Officer**
- 21 • **Tohono O'odham Nation Health Care Nurse Executive**
- 22 • **Tohono O'odham Nation Health Care Preventive and Public Health Services**
23 **Director**
- 24 • **Tohono O'odham Nation Health Care Quality Management Director**

25 **Ex Officio, Non-Voting Members (not counted toward quorum):**

- 26 • **Members of Patient Advisory Council, one member appointed by district**
27 **council resolution from each district**
- 28 • **Chairman or Vice Chairman of the Tohono O'odham Nation**
- 29 • **Legislative Council Health and Human Services Committee members**
30 **Assistant Attorney General (Health), Office of the Attorney General**

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RESOLUTION NO. 16-308

(Establishing Tohono O'odham Nation Health Care Governing Body and Appointing Interim Members)

Page 3 of 4

1 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the
2 **Tohono O'odham Health Care Governing Body** to use the former Governing
3 **Body's Bylaws** as a temporary operating guide to the extent that those Bylaws are
4 **not inconsistent with tribal law, including this resolution and the Nation's Self-**
5 **Governance Compact.**

6 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council that the Tohono
7 **O'odham Department of Health and Human Services and the Legislative Health**
8 **and Human Services Committee** are directed to draft for the Legislative
9 **Council's review and approval bylaws for the Tohono O'odham Health Care**
10 **Governing Body within 90 days of the effective date of this resolution.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
12 **day of JULY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
13 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
14 **Article VI, Section 1(c)(2) and 1(b) of the Constitution of the Tohono O'odham Nation, adopted**
15 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
16 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
17 **Act of June 18, 1934 (48 Stat.984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Timothy Joaquin, Legislative Chairman** FOR

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25 14TH day of July, 2016

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28 **ATTEST:**

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31 **Evonne Wilson, Legislative Secretary**

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33 14 day of July, 2016

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35 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
36 **O'odham Nation on the 14 day of July, 2016 at 4:17 o'clock, p .m.,**
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
38 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
39 **hours of submittal.**

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Timothy Joaquin, Legislative Chairman** FOR

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RESOLUTION NO. 16-308

(Establishing Tohono O'odham Nation Health Care Governing Body and Appointing Interim Members)

Page 4 of 4

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APPROVED

on the 18 day of July, 2016

DISAPPROVED

at 2:44 o'clock, P.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

July, 2016, at 3:00 o'clock, P.m.



Evonne Wilson, Legislative Secretary