

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Permitting GAMBRO Healthcare to Provide End-Stage Renal Disease dialysis  
services on the Tohono O'odham Nation)**

**RESOLUTION NO. 98-273**

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4 **WHEREAS, Gambro Healthcare, (GAMBRO), a privately held corporation,**  
5 **currently provides End-stage Renal Disease (ESRD) dialysis services on**  
6 **the Tohono O'odham Nation at the Sells Hospital through a contract**  
7 **with Indian Health Services; and**

8 **WHEREAS, the current contract between Indian Health Service and GAMBRO will**  
9 **expire October 1, 1998; and**

10 **WHEREAS, the Indian Health Service is presently soliciting bids for a new service**  
11 **contract; and**

12 **WHEREAS, GAMBRO has been providing ESRD dialysis services on the Nation**  
13 **since 1976; and**

14 **WHEREAS, GAMBRO is operating at capacity with about 80 patients, 15 stations**  
15 **and three shifts each work day; and**

16 **WHEREAS, the Indian Health Service indicates it cannot expand existing space or**  
17 **services; and**

18 **WHEREAS, for the safety interests of the patient, it is not feasible for GAMBRO to**  
19 **accommodate more than 85 patients at its present facility; and**

20 **WHEREAS, the Nation's Health and Human Services Department and GAMBRO**  
21 **are exploring the possibility of utilizing available space at the Human**  
22 **Services Complex for setting up a temporary dialysis facility; and**

23 **WHEREAS, the Nation cannot provide any ESRD dialysis services to its members**  
24 **and does not expect to do so for at least several years; and**

25 **WHEREAS, each GAMBRO patient requires ESRD dialysis services 3 times per**  
26 **week, and each treatment lasts at least four hours; and**  
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3 **WHEREAS, GAMBRO and its staff have established a trusting relationship with its**  
4 **patients who have expressed a preference to continue with GAMBRO**  
5 **as their ESRD dialysis service provider as evidenced by the attached**  
6 **petition of its patients; and**

7 **WHEREAS, the health and well being of GAMBRO's patients could be**  
8 **compromised if the Indian Health Services contracts with a company**  
9 **other than GAMBRO to provide ESRD dialysis services; and**

10 **WHEREAS, the patients could suffer with the possibilities of having to deal with**  
11 **inferior technology, adapting to different technology and providers**  
12 **with whom the patients will have no relationship if the Indian Health**  
13 **Service selects another ESRD dialysis service provider; and**

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15 **WHEREAS, the Nation finds that in order to maintain the highest possible level of**  
16 **health and well being and to acknowledge the preference of the**  
17 **patients, it is imperative that the Indian Health Services renew the**  
18 **ESRD dialysis service contract with GAMBRO.**

19 **NOW, THEREFORE, BE IT RESOLVED THAT:**

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1. **The Tohono O'odham Legislative Council grants GAMBRO permission to provide high quality and state of the art ESRD dialysis services within the Nation.**
  2. **Upon enactment of this resolution, no entity without the Nation's express approval, except the Nation and the federal government, is permitted to provide ESRD dialysis services within the Nation.**
  3. **Permission is conditioned upon GAMBRO's compliance with all laws of the Nation as well as applicable federal and state law, and**

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2 full cooperation with the Nation and the Indian Health Service.

3 4. The Nation reserves the right to rescind this resolution for any  
4 reason.

5 5. The Chairman of the Nation, or his authorized representative, is  
6 authorized to explore long term solutions to provide future ESRD  
7 dialysis services within the Nation and to enter into contracts with  
8 GAMBRO for ESRD dialysis services.  
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10 The foregoing Resolution was passed by the Tohono O'odham Council on the 06TH  
11 day of JULY, 1998 at a meeting at which a quorum was present with a vote of 1,856.0  
12 FOR; 71.0 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers  
13 vested in the Council by Section 1 (c)(2) of Article VI of the Constitution of the Tohono  
14 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).

15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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18 \_\_\_\_\_  
Dennis Ramon, Legislative Chairman

19 8<sup>th</sup> day of July, 19 98

20 ATTEST:

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22 \_\_\_\_\_  
Julianna Saraficio, Acting Legislative Secretary

23 6<sup>th</sup> day of July, 19 98.  
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25 Said Resolution was submitted for approval to the office of the Chairman of the  
Tohono O'Odham Nation on the 8<sup>th</sup> day of July, 19 98 at  
26 4:37 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the  
27 Constitution and will become effective upon his approval or upon his failure to  
28 either approve or disapprove it within 48 hours of submittal.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
**Dennis Ramon, Legislative Chairman**

**APPROVED**

on the 8<sup>th</sup> day of July, 1998

**DISAPPROVED**

at 5:00 o'clock, P.M.



**EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 8<sup>th</sup> day of

July, 1998, at 5:05 o'clock, P.M.

  
**Julianna Saraficio, Acting Legislative Secretary**

ACTION: PERMITTING GAMBRO HEALTHCARE TO PROVIDE END-STAGE RENAL DISEASE DIALYSIS SERVICES ON THE TOHONO O'ODHAM NATION.

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILMAN ALEX RAMON

DATE: JULY 06, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ( )	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			X
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0		X		
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. ** (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ( )	69.5	X			
	2. JOHNSON JOSE ( )	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ( )	95.0	X			
	2. ALEX J. RAMON ( )	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ( )	73.0	X			X
	2. DENNIS RAMON ( )	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ( )	161.0	X			
	2. EVELYN JUAN ( )	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,856.0</b>	<b>71.0</b>	<b>-0-</b>	<b>[02]</b>

\*\*PASSED VOTES