

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting "Historical Data" Approach for Providing 100% Federal Medical Assistance
Percentages Reimbursements to the Indian Health Service Tucson Area Office and
Public Law 93-638 Facilities and Programs)**

RESOLUTION NO. 12-133

1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative Council to**
2 **"promote, protect and provide for public health, peace, morals education and general**
3 **welfare of the Tohono O'odham Nation and its members" and to "consult with . . .**
4 **appropriate federal agencies regarding federal activities that affect the Tohono**
5 **O'odham Nation" (Constitution, Article VI, Section 1(c)(2), and Section 1(j)); and**

6 **WHEREAS, the Arizona Health Care Cost Containment System ("AHCCCS") is a Medicaid**
7 **"demonstration project" under Section 1115 of the Social Security Act (42 U.S.C. §1315);**
8 **and**

9 **WHEREAS, on March 31, 2011, Arizona Governor Janice K. Brewer requested a new Section 1115**
10 **Research and Demonstration Waiver ("Demonstration Waiver") from the Centers for**
11 **Medicare and Medicaid Services ("CMS") for October 1, 2011 to September 30, 2016; and**

12 **WHEREAS, several proposals in the Demonstration Waiver benefitted the Nation and its members**
13 **but other proposals negatively impacted the Nation and its members; and**

14 **WHEREAS, by Resolution No. 11-278, the Tohono O'odham Nation expressed its official position**
15 **on Arizona's March 31, 2011 Demonstration Waiver, including support for**
16 **reimbursing Indian Health Service ("IHS") and Public Law 93-638 facilities and**
17 **programs at 100% Federal Medical Assistance Percentages ("FMAP"), but opposing the**
18 **proposal to eliminate eligibility for childless, non-disabled adults; and**

19 **WHEREAS, in an October 21, 2011 letter from the CMS administrator to the AHCCCS director, CMS**
20 **approved certain proposals in the Demonstration Waiver, denied other proposals, but**
21 **stated that CMS, AHCCCS, and Arizona tribes would continue to work together in order**
22 **to address the "State's request for authority to exempt American Indian/Alaskan**
23 **Natives (AI/AN) from recent benefit and eligibility changes. . ."; and**

24 **WHEREAS, after a series of meetings and discussions between the CMS, AHCCCS, and Arizona**
25 **tribes, on February 17, 2012 the CMS issued an "agreement in principle" letter "to**
26 **provide the State authority to receive Federal financial participation for specified**
27 **types of care furnished by participating facilities that receive 100 percent Federal**
28 **reimbursement, which include IHS and tribal 638 facilities, to Medicaid-eligible**
29 **individuals, and other individuals with family income at or below 100 percent of the**
30 **Federal poverty level."; and**

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1 WHEREAS, on April 6, 2012, the CMS approved an amended Demonstration Waiver which included
2 the 100% FMAP reimbursement to IHS and Public Law 93-638 facilities and programs;
3 and

4 WHEREAS, the AHCCCS administration has offered two options, "Encounter Based" or "Historical
5 Data" approaches, for providing 100% FMAP reimbursement to IHS and Public Law 93-
6 638 facilities and programs; and

7 WHEREAS, the Tucson Area Indian Health Service and the Nation's Department of Health and
8 Human Services prefer the "Historical Data" approach; and

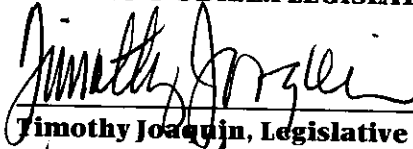
9 WHEREAS, the Health and Human Services Committee recommends supporting the "Historical
10 Data" approach.

11 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it supports
12 the "Historical Data" approach for providing 100% FMAP reimbursement to the IHS
13 Tucson Area Office and Public Law 93-638 facilities and programs.

14 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby authorizes the
15 Nation's Chairperson or official designee to express the Nation's support of the
16 "Historical Data" approach to CMS and AHCCCS as the Nation's official position.

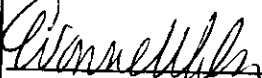
17 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13th Day
18 of APRIL, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
19 AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
20 Article VI, Section 1 (c)(2) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the
21 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
22 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
23 18, 1934 (48 Stat. 984).

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25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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28 Timothy Joaquin, Legislative Chairman

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30 19 day of April, 2012

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35 ATTEST:

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38 Evonne Wilson, Legislative Secretary

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40 18 day of April, 2012.

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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 19 day of April, 2012 at 2:50 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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7 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 Timothy Joaquin, Legislative Chairman

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16 APPROVED

on the 23 day of April, 2012

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18 DISAPPROVED

at 10:54 o'clock, a.M.

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21 NED NORRIS, JR., CHAIRMAN
22 TOHONO O'ODHAM NATION
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28 Returned to the Legislative Secretary on the 23 day of

29
30 April, 2012, at 11:03 o'clock, a.M.

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34 Evonne Wilson, Legislative Secretary
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ACTION: SUPPORTING "HISTORICAL DATA" APPROACH FOR PROVIDING 100% FEDERAL MEDICAL ASSISTANCE PERCENTAGES REIMBURSEMENTS TO THE INDIAN HEALTH SERVICE TUCSON AREA OFFICE AND PUBLIC LAW 93-638 FACILITIES AND PROGRAMS

MOVED: COUNCILMAN CHESTER ANTONE

SECOND: COUNCILWOMAN CYNTHIA E. MANUEL

DATE: APRIL 13, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
CHUKUT KUK 302.2	1. ETHEL GARCIA (<i>Absent</i>) (Sara Mae Williams) (<i>Present</i>)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Roselda Lewis) (<i>Present</i>)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X		X	
SCHUK TOAK 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			X
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	[01]	[03]