

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval of Tohono O'odham Department of Health and Human Services and Tucson Area Indian Health Service Electronic Records Project Charter and Provider Agreement with National Indian Health Board Regional Extension Center for Technical Support)

RESOLUTION NO. 13-078

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **authority 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 “consult,**
4 **negotiate and conclude agreements and contracts on behalf of the Tohono O'odham**
5 **Nation with ...organizations on all matters within the authority of the Tohono**
6 **O'odham Council” (Constitution, Article VI, Section 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 Federal**
9 **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, by Resolution No. 07-100, the Tohono O'odham Nation designated the Tohono**
12 **O'odham Department of Health and Human Services (“TODHHS”) as its public health**
13 **authority and “affirm[ed] that TODHHS is eligible to receive protected health**
14 **information and otherwise perform all functions of a public health authority in**
15 **accordance with applicable law”; and**

16 **WHEREAS, the Tohono O'odham Nation was instrumental in developing Indian Health Service’s**
17 **(“IHS”) health management systems via the Sells Service Unit Health Program Systems**
18 **Center established by Resolution No. 14-68 on April 1968, which came to be known as**
19 **Operating Systems Analysis Module (“OPSAM”); and**

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

23 **WHEREAS, the Tucson Area Indian Health Service (“TAIHS”) agrees to assist the TODHHS to adopt**
24 **electronic records for TODHHS, as outlined in the Project Charter and Project**
25 **Management Plan utilizing IHS’s electronic health record (EHR) packages; and**

26 **WHEREAS, the purpose of electronic records is to provide TODHHS with the capacity to use**
27 **computerized or electronic records between the Sells Service Unit (“SSU”) and Tohono**

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1 **O'odham Nation utilizing IHS's existing Registered Patient Management System**
2 **("RPMS"); and**

3 **WHEREAS, the goal of utilizing the RPMS EHR will facilitate improved client/patient coordination**
4 **and outcomes between SSU and TODHHS as well as across divisions within TODHHS,**
5 **which may include the sharing of sensitive client/patient information by authorized**
6 **users under the strictest protection; and**

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

14 **WHEREAS, TODHHS currently uses IHS's RPMS and its component applications to chronicle,**
15 **catalog, and exchange patient information and the SSU has a solid foundation to**
16 **support TODHHS Electronic Records; and**

17 **WHEREAS, SSU will fortify its network and disaster recovery system, maintain operable computer**
18 **and RPMS systems, facilitate network and security access, and provide sufficient**
19 **initial training to TODHHS on computer, HIPAA, and software utilization; and**

20 **WHEREAS, TODHHS will establish and maintain a robust computer and networking environment**
21 **to support SSU Electronic Record requirements, attain and maintain SSU approved**
22 **software to access RPMS, facilitate network and security access, and develop and**
23 **maintain a continuous RPMS training program; and**

24 **WHEREAS, the TODHHS and Tucson Area Indian Health Service Electronic Records Project**
25 **Charter, which is incorporated by this reference, provides a framework for the**
26 **electronic records project, but also outlines areas that will require additional review**
27 **and approval, including memorandums of agreement with the IHS; and**

28 **WHEREAS, the National Indian Health Board ("NIHB"), a nonprofit organization which provides**
29 **a variety of health and advocacy services to Indian tribes, received funds in 2011 from**

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1 **the American Recovery and Reinvestment Act (ARRA) to assist healthcare providers**
2 **nationwide to attain "meaningful use" of certified electronic records; and**

3 **WHEREAS, the NIBH's Regional Extension Center ("REC") provides technical resources to support**
4 **implementation and use of electronic health records and related health information**
5 **technology to achieve meaningful use, but requires tribes needing assistance to first**
6 **execute a Provider Agreement; and**

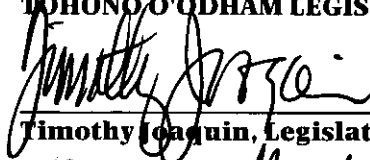
7 **WHEREAS, the Health and Human Services Committee and Domestic Affairs Committee have**
8 **reviewed and recommend approval of the TODHHS and Tucson Area Indian Health**
9 **Service Electronic Records Project Charter and Provider Agreement with NIHB's REC.**

10 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
11 **the TODHHS and Tucson Area Indian Health Service Electronic Records Project**
12 **Charter and Provider Agreement with NIHB's REC, provided that any amendments to**
13 **the Project Charter or Provider Agreement, and subsequent memorandum of**
14 **agreements outlined in the Project Charter shall be submitted for review and prior**
15 **approval by the Tohono O'odham Legislative Council.**

16 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the**
17 **Nation's Chairperson to execute the Project Charter and Provider Agreement.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH Day**
19 **of MARCH, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**
20 **AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article**
21 **VI, Section 1 (c)(2) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
22 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
23 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
24 **Stat. 984).**

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27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**

32 19 day of March, 2013

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1 **ATTEST:**

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5 **Evonne Wilson, Legislative Secretary**

6 19 day of March, 2013.

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9 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
10 **Nation on the 19 day of March, 2013 at 1:20 o'clock, P.M.,**
11 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
12 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
13 **submittal.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Timothy Joaquin, Legislative Chairman**

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24 **APPROVED**

on the 20 day of March, 2013

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26 **DISAPPROVED**

at 9:28 o'clock, A.M.

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29 **NED NORRIS, JR., CHAIRMAN**
30 **TOHONO O'ODHAM NATION**

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36 **Returned to the Legislative Secretary on the 20 day of**

37 March, 2013, at 10:12 o'clock, A.M.

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42 **Evonne Wilson, Legislative Secretary**

ACTION: APPROVAL OF TOHONO O'ODHAM DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TUCSON AREA INDIAN HEALTH SERVICE ELECTRONIC RECORDS PROJECT CHARTER AND PROVIDER AGREEMENT WITH NATIONAL INDIAN HEALTH BOARD REGIONAL EXTENSION CENTER FOR TECHNICAL SUPPORT

Moved: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN CYNTHIA E. MANUEL

DATE: MARCH 13, 2013

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			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	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 ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	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 (<i>Absent</i>) (Diana Manuel) (<i>Present</i>)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (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. MARIA ACKERMAN ()	237.85	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-	-0-	-0-