

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Memorandum of Agreement between the Tohono O'odham Nation
and the Arizona Department of Health Services and the Arizona Health Care
Cost Containment System)

RESOLUTION NO. 14-508

1 **WHEREAS, the Tohono O'odham Nation approved the operation of a non-IHS/non-638**
2 **behavioral health facility, known as Intermountain, in Sells, Arizona, in 2001; and**

3 **WHEREAS, the United States Department of Health and Human Services, Centers for**
4 **Medicare & Medicaid Services has changed its longstanding policy of allowing the**
5 **State of Arizona to accept attestations from the Tohono O'odham Nation that**
6 **private health care facilities meet Arizona's health care institution licensure**
7 **requirements for the purpose of participating as a Medicaid/AHCCCS provider,**
8 **and now requires Arizona licensure; and**

9 **WHEREAS, the federal requirement that all private health care facilities operating on Tohono**
10 **O'odham lands must obtain Arizona health care institution licensure could have a**
11 **negative impact on members' access to health care unless the State of Arizona,**
12 **through its agencies, and the Tohono O'odham Nation agree upon a process**
13 **whereby private health care facilities on O'odham lands can continue to**
14 **participate as Medicaid/AHCCCS providers; and**

15 **WHEREAS, a courtesy survey process has been created whereby the Nation will invite the**
16 **State of Arizona to perform annual courtesy surveys of private health care**
17 **facilities located on O'odham lands for the purpose of issuing a statement of**
18 **substantial compliance with the State of Arizona's health care institution**
19 **licensure requirements, thereby retaining a private health care facility's ability to**
20 **participate as a Medicaid/AHCCCS provider; and**

21 **WHEREAS, the Health and Human Services Committee has reviewed the proposed**
22 **Memorandum of Agreement and recommends Legislative Council approval.**

23 **NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council does hereby**
24 **approve the Memorandum of Agreement between the Tohono O'odham Nation**
25 **and the Arizona Department of Health Services and the Arizona Health Care Cost**
26 **Containment System substantially in the form attached hereto, and authorizes**
27 **the Chairman of the Nation to execute it.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST**
29 **day of NOVEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**
30 **~~0~~ AGAINST; ~~0~~ NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
31 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
32 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
33 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
34 **June 18, 1934 (48 Stat.984).**

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RESOLUTION NO. 14-508

**(Approving the Memorandum of Agreement between the Tohono O'odham Nation and the Arizona Department of Health Services and the Arizona Health Care Cost Containment System)
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman
25 day of November, 2014

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
24 day of November, 2014

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 25 day of November, 2014 at 9:15 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
Timothy Joaquin, Legislative Chairman

APPROVED

on the 25 day of November, 2014

DISAPPROVED

at 11:37 o'clock, A.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25 day of
November, 2014, at 11:45 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE ARIZONA DEPARTMENT OF HEALTH SERVICES AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

MOVED: COUNCILMAN ARTHUR WILSON

SECOND: COUNCILMAN CHESTER ANTONE

DATE: NOVEMBER 21, 2014

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			X
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			X
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			X
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[03]