



## United South and Eastern Tribes, Inc.

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**USET Resolution No. 2012:007****RESPECTFULLY REQUEST THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE DIRECTOR TO RESPOND TO UNITED SOUTH AND EASTERN TRIBES, INC. MEMBER TRIBE REQUEST REGARDING "LIABILITY OF PAYMENT LETTER"**

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the USET Board of Directors are working for the best interest of their Tribal Nations and their citizens, to protect, promote, and enhance opportunities for their people; and
- WHEREAS,** USET member Tribes have always maintained that a government-to-government relationship exists between the Federal Government and federally recognized Indian Tribes; and
- WHEREAS,** this unique relationship requires the Administration and its Operating Divisions to consult with Indian Tribes on any policy and/or legislative matters that impact or may potentially impact Tribal communities; and
- WHEREAS,** the Affordable Care Act of 2010 included the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA); and
- WHEREAS,** a provision within the IHCIA, Liability for Payment (Section 222) states that "A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such service"; and
- WHEREAS,** the USET member Tribes, during the Indian Health Service (IHS) Director's presentation to the USET Board of Directors at the FY 2011 Impact Week Meeting held on February 7-10, 2011, identified the difficulty Tribes were having trying to explain the new law to contract health providers; and
- WHEREAS,** during this discussion, USET member Tribes suggested that a letter signed by the IHS Director would hold more weight with the contract health providers, as the individual Tribal letters explaining the new law had little to no effect; and
- WHEREAS,** several USET member Tribes provided tragic examples of how this has negatively impacted their Tribal members and his/her families, creating both financial and personal hardships; and
- WHEREAS,** on March 3, 2011, Mr. Brian Patterson, President, USET Board of Directors, respectfully requested the IHS Director develop a "Patient Liability Letter" that would clearly explain the intent of Section 222 of the IHCIA and could be attached to all authorized contract health services; and
- WHEREAS,** the IHS Director released a Contract Health template letter on July 6, 2011 in an attempt to fulfill President Patterson's request; however, this letter was not signed by the IHS Director and was designed for the Individual Tribes to sign; and

- WHEREAS,** USET member Tribes were discouraged that after five months of waiting for this letter, it wasn't what the Tribes had anticipated; and
- WHEREAS,** after discussion with Tribal Health Personnel, USET Executive Director, Mr. Kitcki Carroll, submitted a follow up letter dated July 15, 2011, stating that the contract health letter template was not what USET member Tribes expected and clarified the original ask; and
- WHEREAS,** USET member Tribes today are still struggling with contract health providers regarding the liability of payment and the IHS Director has yet to respond to USET's request identified in the July 15, 2011 letter; and
- WHEREAS,** during the 2011 USET Annual Meeting that was held November 7-10, 2011 at Choctaw, MS, the IHS Director proposed that the Agency draft a letter to be sent to Tribal Contract Health Service providers to clarify and explain the Tribal self-governance and determination roles Indian Tribes assume when entering into an Indian Self Determination Education Assistance Act (ISDEAA) Title I contract or Title V compact with the Department of Health and Human Services IHS; and
- WHEREAS,** USET member Tribes agree that further outreach and education be conducted with the Tribal Contract Health providers; therefore, be it
- RESOLVED** the USET Board of Directors respectfully requests that the Indian Health Service Director respond to USET's initial requests as identified in the March 3 and July 15, 2011 letters; and, be it further
- RESOLVED** the USET Board of Directors urges the Indian Health Service Director to develop a letter under her signature that would explain the "Liability for Payment" for approved contract health care services and could be included in all approved services that are referred to contract health providers; and, be it further
- RESOLVED** the USET Board of Directors further requests that the Indian Health Service Director develop an additional letter that would clarify and explain the intent of Tribal self-governance and determination roles of Indian Tribes.

#### CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, on Thursday, November 10, 2011.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

*"Because there is strength in Unity"*