



# Pawnee Nation of Oklahoma

RESOLUTION #21-48  
AUGUST 7, 2021

## RESOLUTION

- Whereas,** the Pawnee Business Council is the Supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Tribal Constitution; and
- Whereas,** the Pawnee Business Council met in a virtual Quarterly Meeting on August 7, 2021, on Pawnee Nation Microsoft TEAMS, duly authorized, with a quorum present; and
- Whereas,** the Pawnee Business Council wishes to enact the Pawnee Nation provision of Health Services to Non-Eligible Individuals in Compliance with Section 813 of the Indian Health Care Improvement Act (IHCIA), as amended at 25 U.S.C. § 1680c(c)(2); and
- Whereas,** the Pawnee Nation has in place a Contract and Annual Funding Agreement negotiated with the Indian Health Service (IHS) under Title I of the Indian Self-Determination Education and Assistance Act (ISDEAA), and is in the process of moving into the ISDEAA Self-Governance program and thus expects to have in place a Compact and Funding Agreement (FA) with the IHS under Title V of the ISDEAA; and
- Whereas,** the Pawnee Nation may provide services to non-eligible individuals provided it complies with Section 813 of the Indian Health Care Improvement Act (IHCIA), as amended at 25 U.S.C. § 1680c(c)(2). Section 813 provides that a tribe or tribal organization which operates a health facility under an ISDEAA agreement may, as long as certain circumstances are present, make its own determination whether to provide health services to persons not otherwise eligible (i.e., non-beneficiaries) to receive IHS-funded health services; and
- Whereas,** one of the considerations relevant to and circumstances that must be present in order to satisfy the requirements of Section 813 for the provision of services to non-beneficiaries is that doing so will not result in a denial or diminution of services to eligible beneficiaries; and
- Whereas,** the Pawnee Business Council has determined that the provision of services to both eligible beneficiaries and non-beneficiaries will not result in a denial or diminution of health services to eligible beneficiaries, and that services will be provided on a fee-for-service basis resulting in reimbursement in an amount not less than the actual cost of providing such services as required by federal law.

**NOW THEREFORE BE IT RESOLVED,** that the Pawnee Business Council met and finds that provision of services to eligible beneficiaries and to non-beneficiaries alike will not result in denial or diminution of health services to beneficiaries; and

**BE IT FURTHER RESOLVED,** the Pawnee Business Council directs that any services made available to non-beneficiaries shall be made on a fee-for-service basis calculated in an amount not less than the actual costs of providing such services; and

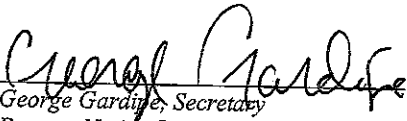
**BE IT FURTHER RESOLVED,** the Pawnee Business Council finds and directs that if in the future any significant evidence is presented that the provision of particular services to non-beneficiaries has resulted in a denial or diminution of health services to eligible beneficiaries, the Pawnee Nation will suspend the delivery of services to non-beneficiaries until a full determination is made of that impact.

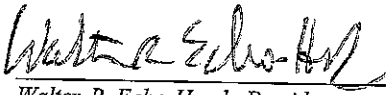
## CERTIFICATION

I, George Gardipe, Secretary of the Pawnee Business Council, certify that a Quarterly Meeting of the Pawnee Business Council was held on the 7<sup>th</sup> day of August 2021 and that the Pawnee Business Council is composed of eight members, of whom 8 were present, 0 absent, compromising a quorum, and the foregoing resolution was duly adopted by a vote of 7 for, 0 against, 0 abstaining, and 1 not voting.

*Signed this 7<sup>th</sup> day of August 2021*

ATTEST:

  
George Gardipe, Secretary  
Pawnee Nation Business Council

  
Walter R. Echo-Hawk, President  
Pawnee Nation Business Council