

Planning for Self-Governance

Hankie P. Ortiz, Esq.
Director, Office of Tribal Self-Governance, IHS

Max Tahsuda
Agency Lead Negotiator, Oklahoma City Area
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Administration at the IHS

- Office of Tribal Self Governance
 - National Level
 - Rockville, MD
- Area Office –Tribal Office
 - Local Level

Title I vs. Title V (Differences)

Title I

- 25 U.S.C. Sec. 450
- 25 C.F.R. Sec. 900
- Eligible for contracting upon request of Tribe by resolution

Title V

- 25 U.S.C. Sec. 458aaa
- 42 C.F.R. 137
- Three eligibility requirements

Title I v. Title V (cont.)

Title I

- Model contract and AFA
 - ISDEAA Section 108
- Redesign with IHS approval
- Contract and AFA submitted for IHS review

Title V

- No Model-only two required clauses
 - reassumption
 - Health Status Reports
- Redesign at Tribe's discretion
- Compact and FA developed for government to government negotiations

Title I v. Title V (cont.)

Title I

- Grants: cannot be added
- Retrocession possible
 - All or part
- Reassumption possible
 - Violation of rights or endangerment of health, safety, or welfare or gross negligence or mismanagement

Title V

- Grants: statutorily mandated grants may be included
- Retrocession possible
 - All or part
- Reassumption possible
 - Imminent endangerment of public health caused by an act or omission of the Tribe or gross mismanagement of funds

Title I v. Title V (cont.)

Title I

- Declination of proposals
90 days
 - Five Statutory Criteria
- Appeal Options:
 - Informal conference
 - Formal hearing
 - Federal District Court

Title V

- Issue specific “Final Offer”
 - Four Statutory Criteria
- Appeal Options
 - Informal conference
 - Formal hearing
 - Federal District Court

Eligibility

- ❑ (1) Complete Planning Phase
- ❑
- ❑ (2) Submit Official Request for Participation
- ❑ (3) Demonstrate Three Years of Financial Stability and Financial Management Capability

(1) Planning

- ❑ 42 C.F.R. Sec. 137.20--The planning phase must be conducted to the satisfaction of the Indian Tribe and must include:
 - ❑ a. Legal and budgetary research; and
 - ❑ b. Internal Tribal Government planning and organization preparation relating to the administration of health programs.

Internal Planning and Reorganization

“The planning process used by self-governance tribes allows them to envision desired results and determine what needs to be done to achieve the desired results. . . . The major benefit of the tribal self-governance demonstration project was the significant increase in the involvement and participation of tribal members in tribal government activities, including the setting of tribal priorities and policy directions”

~~Reinfeld

Planning (cont.)

- Extremely important!
- Determine whether to compact or not
- Determine which Programs, Functions, Services, and Activities (PFSA) to assume

(2) REQUEST FOR PARTICIPATION

- Must be requested by resolution or other official action by the governing body of each Tribe to be served.
- Individual Tribe or Nation:
 - Tribal Resolution
- Inter-Tribal Organization:
 - support by Tribal resolutions

(3) Financial Stability & Management Capability

- Single Agency Audit Act /Cost Principles under OMB circular A-133.
- 42 C.F.R. 137.21-for 3 years prior to SG no uncorrected significant and material audit exceptions in the required annual audit

ACCESSING ADMINISTRATIVE and PROGRAM SYSTEMS FOR MANAGEMENT OF HEALTH SYSTEM

- Budget at local service units
- Area Office Tribal Shares
- Human Resource information at local level
- Administrative Support functions
- Program Information documents

Contract Support Costs

Don't forget Contract Support/ISD

- Pre-Award
- Start up
- Indirect Requirements
- Direct Requirements

Keys to Planning

- Information gathering
- Analysis of information gathered
- Informed decision making

Where to Get More Information

Indian Health Service
Office of Tribal Self-Governance
801 Thompson Ave., Suite 240
Rockville, MD 20852

Tel. 301.443.7821 Fax. 301.443.1050
www.ihs.gov/SelfGovernance