TITLE: An Action Relating To The Health, Education And Human Services And The NAABIK’IYATI’ Committees; Rescinding NABIO-59-18 “Accepting The Recommendation Of The Health, Education And Human Services Committee And Granting The Designation Of “Tribal Organization” To The Four Corners Regional Health Center, Inc. For A Period Of Fifteen (15) Years, For The Purposes Of Contracting With The United States Indian Health Service And Authorizing The Four Corners Regional Health Center, Inc. To Negotiate And Enter Into Title I, Indian Self-Determination Act (P.L. 93-638, As Amended) Contracts And Title V Self Governance Compacts Pursuant To The Indian Self-Determination Act (P.L. 93-638, As Amended), Such Designation Of “Tribal Organization” Being Revocable And Contingent In Continuing Compliance With All Terms And Conditions As Approved By The Health, Education And Human Services Committee Of The Navajo Nation Council” For Failure To Comply With The Agreed Upon Terms And Conditions Governing The Revocable Designation Of “Tribal Organization”

Date posted: October 15, 2019 at 4:04 PM

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Office of Legislative Services
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TITLE: An Action Relating To The Health, Education And Human Services And The NAABIK’IYATI’ Committees; Rescinding NABIO-59-18 “Accepting The Recommendation Of The Health, Education And Human Services Committee And Granting The Designation Of “Tribal Organization” To The Four Corners Regional Health Center, Inc. For A Period Of Fifteen (15) Years, For The Purposes Of Contracting With The United States Indian Health Service And Authorizing The Four Corners Regional Health Center, Inc. To Negotiate And Enter Into Title I, Indian Self-Determination Act (P.L. 93-638, As Amended) Contracts And Title V Self Governance Compacts Pursuant To The Indian Self-Determination Act (P.L. 93-638, As Amended), Such Designation Of “Tribal Organization” Being Revocable And Contingent In Continuing Compliance With All Terms And Conditions As Approved By The Health, Education And Human Services Committee Of The Navajo Nation Council” For Failure To Comply With The Agreed Upon Terms And Conditions Governing The Revocable Designation Of “Tribal Organization”

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DATE: October 7, 2019


PURPOSE: Rescinding NABIO-59-18, revoking designation of “Tribal Organization” for Four Corners Regional Health Care Center, Inc.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 0316-19

AN ACTION

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND THE NABIK' IYAT'I COMMITTEES: RESCINDING NABIO-59-18 "ACCEPTING THE RECOMMENDATION OF THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND GRANTING THE DESIGNATION OF "TRIBAL ORGANIZATION" TO THE FOUR CORNERS REGIONAL HEALTH CENTER, INC. FOR A PERIOD OF FIFTEEN (15) YEARS, FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING THE FOUR CORNERS REGIONAL HEALTH CENTER, INC. TO NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION OF "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON CONTINUING COMPLIANCE WITH ALL TERMS AND CONDITIONS AS APPROVED BY THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL" FOR FAILURE TO COMPLY WITH THE AGREED UPON TERMS AND CONDITIONS GOVERNING THE REVOCABLE DESIGNATION OF "TRIBAL ORGANIZATION"
BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to Navajo Nation Council Resolution CJY-33-10 and the Navajo Nation Code at 2 N.N.C. Section Five (5) “References to previous Standing Committees” which states in part “References in the Navajo Nation Code...to Government Services and Intergovernmental Relations Committees shall mean the Naabik’íyáti’ Committee…” the Naabik’íyáti’ Committee of the Navajo Nation Council exercises the authority to authorize and approve additional tribal organizations that have received the recommendation and approval of the Health, Education and Human Services Committee of the Navajo Nation Council. See Exhibit A.

SECTION TWO. FINDINGS

A. The Four Corners Regional Health Center, Inc. requested to the revocable designation of “tribal organization” for a period of fifteen (15) years, for the purposes of contracting with the United States Indian Health Service and to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance Compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended). As found within Exhibit B.

B. The Health, Education and Human Services Committee of the Navajo Nation Council through Resolution HE1ISCJY-19-18, and the Naabik’íyáti’ Committee through Resolution NABIO-59-18 approved the Four Corners Regional Health Center, Inc. being given the revocable designation of “Tribal Organization” for a period of five (5) years for the purposes of contracting with the United States Indian Health Service and to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance Compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended), subject to continuing compliance with specific Terms and Conditions within the legislation. See Exhibit C.

C. Said Terms and Conditions included “...continuing compliance with the requirement that management shall be all internal and not contracted out to any other entity...”
See Exhibit B, Section Three. Approval.

D. The Four Corners Regional Health Center, Inc. has a consulting contract with Razaghi Healthcare Four Corners Health Center LLC commencing November 30, 2018 and continuing until September 30, 2022 with automatic renewal for two years additional unless one of the contracting parties declares otherwise no later than 180 days prior to September 30, 2020. See Exhibit D.

E. The Health, Education and Human Services Committee of the Navajo Nation Council asked the Office of Legislative Counsel to conduct a legal review of the consulting contract to determine if the contract exceeds the scope of the conditional approval granted by the Naabikʼiyátiʼ Committee of the Navajo Nation Council in Resolution NABIO-59-18.

F. The consulting contract between Four Corners Regional Health Center, Inc. and Razaghi Healthcare Four Corners Health Center LLC assigns to Razaghi Healthcare Four Corners Health Center LLC. functions associated with internal management and has been determined by the Office of Legislative Counsel to be in violation of the requirement of “...continuing compliance with the requirement that management shall be all internal and not contracted out to any other entity.” as cited in paragraph C of this legislation and found above. See Exhibit D, Section 3, Scope of Services B-2.

G. The Four Corners Regional Health Center, Inc. as well as the Office of Indian Self-Determination, Navajo Area Indian Health Service on June 10 and June 13, 2019 respectively, have been notified by the Chair of the Health, Education and Human Services Committee of the finding of the contract being in violation of the Terms and Conditions of approval. See Exhibit F.

H. The Naabikʼiyátiʼ Committee finds it to be in the best interest of the Navajo Nation to exercise its authority to revoke the designation of “Tribal Organization” as granted to the Four Corners Regional Health Center, Inc. for failing to comply with the stated and agreed upon requirement that “...management shall all be internal and not contracted out to any other entity...” and to rescind NABIO-59-18 accordingly.

Section Three. Approval
The Naabik’iyati Committee of the Navajo Nation Council hereby rescinds NABIO-59-18 and thereby revokes the designation of “Tribal Organization” as it applies to the Four Corners Regional Health Center, Inc. for failing to comply with the stated and agreed upon requirement that “...management shall all be internal and not contracted out to any other entity....”