

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0090-21_

SPONSOR: Daniel Tso

TITLE: An Action Relating to Health, Education and Human Services Committee; Recommending for Approval of the Naabik'iyáti Committee the Designation of the NavajoLand Nursing Home, Inc. as a Navajo Nation "Tribal Organization" for the Purposes of Contracting with the United States Indian Health Service and Authorizing it 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 Compliance with all Terms and Conditions as Required

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0090-21

DATE: June 3, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE DESIGNATION OF THE NAVAJOLAND NURSING HOME, INC. AS A NAVAJO NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT 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 COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

PURPOSE: To recommend for approval of the Naabik'iyati' Committee the designation of the Navajoland Nursing Home, Inc. (NNHI) as a Navajo Nation "tribal organization" for the purposes of contracting with the United States Indian Health Service, and authorizing the NNHI 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 compliance with all terms and conditions required.

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD Spreadhouse
Website Posting Time/Date _____
Posting End Date: June 13, 2021
Eligible for Action: June 14, 2021

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- Third Year, 2021

INTRODUCED BY

Daniel E. Ior
(Prime Sponsor) E. J. Damm

TRACKING NO. 0090-21

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE
DESIGNATION OF THE NAVAJOLAND NURSING HOME, INC. AS A NAVAJO
NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF CONTRACTING
WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT 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 COMPLIANCE WITH ALL TERMS AND
CONDITIONS AS REQUIRED

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee exercises oversight responsibility over all matters related to health on the Navajo Nation. 2 N.N.C. §400 (C)(1)
- B. The Health, Education and Human Services Committee exercises authority to review and recommend the authorization and designation of a for-profit or non-profit health or social services organization as a tribal organization for the purposes of contracting or

1 compacting under the Indian Self-Determination and Education Assistance Act. 2
2 N.N.C. § 401 (6)(e)

3 C. Navajo Nation Council Resolution CJY-33-10 authorized the previously existing
4 Intergovernmental Relations Committee of the Navajo Nation Council to act as final
5 approval authority, only upon a recommendation for approval by the Health, Education
6 and Social Services Committee and each of the Navajo Nation Chapters to be served,
7 for all additional designations of “tribal organizations.”

8 D. Upon reorganization of the Navajo Nation Council and Committees the Naabik’iyati
9 Committee assumed, unless otherwise specified, all the responsibilities of the previous
10 Navajo Nation Council’s Intergovernmental Relations Committee and the Health,
11 Education and Social Services Committee was renamed the Health, Education and
12 Human Services Committee. CAP-10-11

13 E. The Naabik’iyati’ Committee of the Navajo Nation Council, only upon the
14 recommendation for approval by the Health, Education and Human Services
15 Committee and the approval of each of the Navajo Nation Chapters to be served, is to
16 act as the final authority for approving the revocable designation of “tribal
17 organization” for purposes of contracting under the Indian Self-Determination Act
18 (P.L. 93-638, as amended), and Title V Self Governance Compacts pursuant to the
19 Indian Self-Determination Act. (P.L. 93-638, as amended).

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21 **SECTION TWO. FINDINGS**

22 A. Resolution CJY-33-10 authorized contractors to be authorized as Navajo Nation “tribal
23 organizations” for the purpose of entering into Title V, Self-Governance
24 Compacts/Contracts pursuant to the Indian Self-Determination Act, (P.L. 93-638, as
25 amended).

26 B. The Navajoland Nursing Home, Inc. has requested to be designated a “tribal
27 organization” for a period of four (4) years, for the purposes of contracting with the
28 United States Indian Health Service and to negotiate and enter into Title I, Indian Self-
29 Determination Act (P.L. 93-638, as amended) Contracts. *See Exhibit A*

- 1 C. The Navajoland Nursing Home, Inc. was incorporated in the State of Arizona on
2 February 18, 1982. ACC File No. 01450670 Navajoland Nursing Home, Inc. is also
3 incorporated under the laws of the Navajo Nation. BRD File No. 100092.
- 4 D. The Navajoland Nursing Home, Inc. serves the Navajo Nation Chapters of Chinle,
5 Ganado, Blue Gap/Tachee, Low Mountain, Many Farms, Nazlini, and Tselani-
6 Cottonwood.
- 7 E. The Navajoland Nursing Home, Inc. proposal for designation of “tribal organization” has
8 been endorsed by separate resolutions adopted by all the named respective chapters. The
9 chapter resolutions are attached and can be found in **Exhibit B**.
- 10 F. The Naabik’iyati’ Committee, by Resolution NABIN-73-18 attached as **Exhibit C**,
11 previously authorized the Navajoland Nursing Home, Inc., as a “tribal organization” to
12 negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as
13 amended), Contracts and Title V, Indian Self-Determination Act (P.L. 93-638, as
14 amended) Compacts being revocable and contingent on continuing compliance with all
15 terms and conditions as approved by the Health, Education and Human Services
16 Committee of the Navajo Nation Council.
- 17 G. The Health, Education and Human Services Committee of the Navajo Nation Council
18 finds it to be in the best interest of the Navajo Nation to approve and recommend to the
19 Naabik’iyáti Committee that the Navajoland Nursing Home, Inc. be given the
20 revocable designation of “tribal organization” for a period of four (4) years for the
21 purposes of contracting with the United States Indian Health Service and to negotiate
22 and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended)
23 Contracts and Title V, Indian Self-Determination Act (P.L. 93-638, as amended)
24 Compacts contingent on compliance with all terms and conditions as required in
25 **Exhibit D**.
- 26 H. The Health, Education and Human Services Committee of the Navajo Nation Council
27 finds it to be in the best interest of the Navajo Nation to rescind Resolution NABIN-
28 73-18 previously adopted on November 29, 2018 attached as **Exhibit C**.

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30 **SECTION THREE. APPROVAL**

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A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby rescinds Resolution NABIN-73-18.

B. The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves and recommends to the Naabik'iyáti Committee that the Navajoland Nursing Home, Inc. be given the revocable designation of "tribal organization" for a period of four (4) years, beginning October 1, 2021 and ending September 30, 2025, 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, Indian Self-Determination Act (P.L. 93-638, as amended) Compacts contingent on compliance with Terms and Conditions as required in **Exhibit D**.