

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0316-19

SPONSOR: Pernell Halona

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

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0316-19

SPONSOR: Pernell Halona

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

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 03116-19

DATE: October 7, 2019

AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND THE NABIK' 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 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

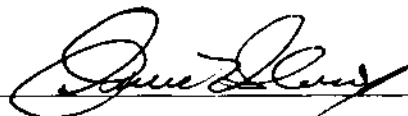
PURPOSE: Rescinding NABIO-59-18, revoking designation of "Tribal Organization" for Four Corners Regional Health Care Center, Inc.

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.

5-DAY BILL HOLD PERIOD: 2888
Website Posting Time/Date: _____
Posting End Date: 10/20/19
Eligible for Action: 10/31/19

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0316-19

9
10 AN ACTION

11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND THE
12 NABIK' IYATI' COMMITTEES; RESCINDING NABIO-59-18 "ACCEPTING THE
13 RECOMMENDATION OF THE HEALTH, EDUCATION AND HUMAN SERVICES
14 COMMITTEE AND GRANTING THE DESIGNATION OF "TRIBAL ORGANIZATION"
15 TO THE FOUR CORNERS REGIONAL HEALTH CENTER, INC. FOR A PERIOD OF
16 FIFTEEN (15) YEARS, FOR THE PURPOSES OF CONTRACTING WITH THE UNITED
17 STATES INDIAN HEALTH SERVICE AND AUTHORIZING THE FOUR CORNERS
18 REGIONAL HEALTH CENTER, INC. TO NEGOTIATE AND ENTER INTO TITLE I,
19 INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS
20 AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN
21 SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION
22 OF "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON
23 CONTINUING COMPLIANCE WITH ALL TERMS AND CONDITIONS AS APPROVED
24 BY THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE
25 NAVAJO NATION COUNCIL" FOR FAILURE TO COMPLY WITH THE AGREED
26 UPON TERMS AND CONDITIONS GOVERNING THE REVOCABLE DESIGNATION
27 OF "TRIBAL ORGANIZATION"

1 **BE IT ENACTED:**

2 **SECTION ONE. AUTHORITY**

3 Pursuant to Navajo Nation Council Resolution CJY-33-10 and the Navajo Nation
4 Code at 2 N.N.C. Section Five (5) "References to previous Standing Committees"
5 which states in part "References in the Navajo Nation Code....to Government
6 Services and Intergovernmental Relations Committees shall mean the
7 Naabik'iyáti' Committee..." the Naabik'iyáti' Committee of the Navajo Nation
8 Council exercises the authority to authorize and approve additional tribal
9 organizations that have received the recommendation and approval of the Health,
10 Education and Human Services Committee of the Navajo Nation Council. See
11 Exhibit A.

12
13 **SECTION TWO. FINDINGS**

- 14 A. The Four Corners Regional Health Center, Inc. requested to the revocable designation
15 of "tribal organization" for a period of fifteen (15) years, for the purposes of
16 contracting with the United States Indian Health Service and to negotiate and enter
17 into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and
18 Title V Self Governance Compacts pursuant to the Indian Self-Determination Act
19 (P.L. 93-638, as amended). As found within Exhibit B.
- 20 B. The Health, Education and Human Services Committee of the Navajo Nation Council
21 through Resolution HEHISCJY-19-18, and the Naabik'iyáti' Committee through
22 Resolution NABIO-59-18 approved the Four Corners Regional Health Center, Inc.
23 being given the revocable designation of "Tribal Organization" for a period of five (5)
24 years for the purposes of contracting with the United States Indian Health Service and
25 to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as
26 amended) contracts and Title V Self Governance Compacts pursuant to the Indian
27 Self-Determination Act (P.L. 93-638, as amended), subject to continuing compliance
28 with specific Terms and Conditions within the legislation. See Exhibit C.
- 29 C. Said Terms and Conditions included "...continuing compliance with the requirement
30 that management shall be all internal and not contracted out to any other entity...."

1 See Exhibit B, Section Three. Approval.

- 2 D. The Four Corners Regional Health Center, Inc. has a consulting contract with Razaghi
3 Healthcare Four Corners Health Center LLC commencing November 30, 2018 and
4 continuing until September 30, 2022 with automatic renewal for two years additional
5 unless one of the contracting parties declares otherwise no later than 180 days prior to
6 September 30, 2020. See Exhibit D.
- 7 E. The Health, Education and Human Services Committee of the Navajo Nation Council
8 asked the Office of Legislative Counsel to conduct a legal review of the consulting
9 contract to determine if the contract exceeds the scope of the conditional approval
10 granted by the Naabik'iyáti' Committee of the Navajo Nation Council in Resolution
11 NABIO-59-18.
- 12 F. The consulting contract between Four Corners Regional Health Center, Inc. and
13 Razaghi Healthcare Four Corners Health Center LLC assigns to Razaghi Healthcare
14 Four Corners Health Center LLC. functions associated with internal management and
15 has been determined by the Office of Legislative Counsel to be in violation of the
16 requirement of "...continuing compliance with the requirement that management shall
17 be all internal and not contracted out to any other entity." as cited in paragraph C of
18 this legislation and found above. See Exhibit D, Section 3, Scope of Services B-2.
- 19 G. The Four Corners Regional Health Center, Inc. as well as the Office of Indian Self-
20 Determination, Navajo Area Indian Health Service on June 10 and June 13, 2019
21 respectively, have been notified by the Chair of the Health, Education and Human
22 Services Committee of the finding of the contract being in violation of the Terms and
23 Conditions of approval. See Exhibit E.
- 24 H. The Naabik'iyáti' Committee finds it to be in the best interest of the Navajo Nation to
25 exercise its authority to revoke the designation of "Tribal Organization" as granted to
26 the Four Corners Regional Health Center, Inc. for failing to comply with the stated
27 and agreed upon requirement that "...management shall all be internal and not
28 contracted out to any other entity..." and to rescind NABIO-59-18 accordingly.

29
30 **Section Three. Approval**

1 The Naabik'iyati Committee of the Navajo Nation Council hereby rescinds NABIO-
2 59-18 and thereby revokes the designation of "Tribal Organization" as it applies to the
3 Four Corners Regional Health Center, Inc. for failing to comply with the stated and
4 agreed upon requirement that "...management shall all be internal and not contracted
5 out to any other entity...."

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30