

SKOKOMISH HEALTH CARE ORDINANCE

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TABLE OF CONTENTS

GENERAL PROVISIONS

- 2.10.001 Title**
- 2.10.002 Authority and Declaration of Policy**
- 2.10.003 Jurisdiction**
- 2.10.004 Liberal Construction**
- 2.10.005 Severability**

HEALTH CARE COMMITTEE

- 2.10.010 Role of the Health Care Committee**
- 2.10.011 Health Care Committee Membership and Officers**
- 2.10.012 Vacancy, Removal and Resignation**
- 2.10.013 Meetings and Voting**
- 2.10.014 Compensation and Reimbursement**

OPERATION OF TRIBAL HEALTH CARE PROGRAMS

- 2.10.020 Duties of the Health Care Director and Health Care Committee**
- 2.10.021 Relationship of the Health Care Committee to the Tribal Council**

POLICIES AND PROCEDURES

- 2.10.030 General Policies and Procedures**
- 2.10.031 Process for Complaint and Appeals**
- 2.10.032 Records and Confidentiality**

AMENDMENTS

- 2.10.040 Amendments**

General Provisions

2.10.001 Title

This Ordinance shall be known as the Skokomish Health Care Ordinance.

2.10.002 Authority and Declaration of Policy

Health Services for Tribal Members are vital to the well-being of the Skokomish Indian Tribe. This Skokomish Health Care Ordinance is enacted pursuant to the inherent sovereign authority of the Skokomish Indian Tribe in accordance with the Treaty of Point No Point, the Constitution of the Skokomish Indian Tribe and applicable federal law. By this Ordinance and the regulations adopted under it, the Skokomish Indian Tribe intends to ensure that Skokomish Tribal members receive quality health services in a fair and equitable manner.

2.10.003 Jurisdiction

The provisions of this Ordinance shall apply to the fullest extent of the sovereign jurisdiction of the Skokomish Indian Tribe authorized by the Constitution of the Skokomish Indian Tribe, the Treaty of Point No Point and applicable federal law. The provisions of this Ordinance shall apply to and be in conformity with all agreements and other cooperative arrangements entered into by the Skokomish Indian Tribe. The provisions of this Ordinance shall apply to all persons who are eligible to receive health services and benefits from the Skokomish Indian Tribe.

2.10.004 Liberal Construction

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

2.10.005 Severability

If any provision of this Ordinance, or its application to any person, legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstances, shall not be affected.

Health Care Committee

2.10.010 Role of the Health Care Committee

(a) Health Care Committee Established. There is hereby established the Skokomish Health Care Committee (hereinafter "HCC").

(b) Role of the HCC. The HCC shall act in an advisory capacity to the Tribal Council and shall have the authority to promote the health and well being of the Community through continuous oversight of tribal health programs. Community participation on the HCC is intended to give the community a voice in the administrative decisions made by the Health and Social Services Departments and other departments administering Indian Health Service (IHS) funded programs. Stated aims for the HCC in carrying out its mission include respect for members of the Tribe, dedication to community service, equal access to services, and confidentiality. The HCC is an advisory committee only and does not have the power to make personnel decisions.

2.10.011 HCC Membership and Officers

(a) Composition and Appointment. The HCC shall be composed of at least six voting committee members. Members will include the following: at least four members from the community at large and other interested individuals. Tribal Council will confirm all appointments. The Directors of the Health and Social Service Departments shall be permanent, nonvoting members of the HCC. Health Services Staff, and other staff providing IHS funded services, may attend HCC meetings and shall attend when requested.

(b) Officers.

(1) The HCC shall elect a Chairperson and a Secretary. Officers will be elected using Roberts Rules of Order, by a voice vote or secret ballot. Offices will be held for two years or until a successor is elected.

(2) The Chairperson, with the assistance as needed of the Health Administrator, will call the meetings to order, organize the meeting agenda, and may call special meetings as necessary. The Chairperson will also serve as advisor to the Tribal Council as necessary.

(3) The Secretary, with the assistance of the Health Services Staff and as applicable, other staff, will take minutes, mail and distribute the minutes within one week after the meetings, mail agenda and reports to the members as appropriate, and schedule and set up a time and location for the meetings. The Secretary will keep a computer disk copy and hard copy of all minutes on file and shall distribute to the Tribal Council.

2.10.012 Vacancy, Removal and Resignation

(a) Vacancy. The Tribal Council may, on its own or at the request of the HCC, declare a position on the HCC to be vacant if an HCC member is unwilling or unable to fulfill their duties, provided:

(1) The Tribal Council appoints a member to fill the vacant position, except in the case of vacancy of a position previously filled by a member of the community at large, which shall be filled by majority vote of the remaining members of the HCC who are also members of the community at large at a regular scheduled monthly meeting of the HCC at which a quorum is present; and

(2) Notice in writing of any proposed removal pursuant to sub-section (b) below, which states the reason for the proposed removal, is delivered, in person or by regular or certified mail to the HCC member subject to removal at least 14 days prior to action by Tribal Council; and

(3) The HCC member subject to removal is given the opportunity to be heard in opposition to the proposed removal prior to the Tribal Council's action.

(b) Removal. The HCC shall submit to the Tribal Council a "Notice of Proposed Removal and Declaration of Vacancy" for review pursuant to subsection (a) above to request that a member of the HCC may be removed for the following reasons:

(1) For absence from four, regularly scheduled meetings in any given calendar year; or

(2) For cause (*e.g.* breach of confidentiality) by a unanimous vote of the remaining members present at a regularly scheduled meeting of the HCC at which a quorum is present.

(c) Resignation. A member of the HCC may resign the position. Such resignation must be in writing and submitted to the HCC and the Tribal Council.

2.10.013 Meetings and Voting

(a) Voting: Decisions of the HCC shall be made by majority vote when the HCC is unable to

reach consensus. Each member of the HCC will have one vote on all matters. Members must be present to vote. No proxies will be permitted. If there is a conflict of interest, a HCC member may be excused from voting.

(b) Quorum: A majority of the HCC members (>50%) must be present to establish a quorum.

(c) Meeting Date, Time and Duration: Regular meetings of the HCC shall be held no less frequently than six (6) times per year. A notice of the meeting will be sent at least one week prior to the actual date. A portion of each meeting may be set aside for training and skills enhancement, team building, or discussion of HCC goals or welfare. If a quorum fails to be present within 30 minutes of the announced meeting time, the meeting may be dismissed.

(d) Special Meetings: The Chair, as requested by the Health Administrator or Social Services Administrator, administrators of other IHS funded programs, the Tribal Council, or two or more members of the HCC, may call special meetings. Adequate written notice stating time, place, and purpose must be given of all meetings, regular or special. The written notices shall be mailed, or delivered not less than one week in advance except in emergencies.

(e) Confidentiality: All meetings of the HCC shall be open to the Community. Meetings shall be closed and records shall be sealed when client privacy needs arise. Confidential client information where the client is identified can only be discussed if a signed release of information is executed by the client involved.

(f) Sub-Committees: The Chairperson will designate sub-committees or work groups as the need arises. Sub-committees or workgroups will be approved or rejected by the members. These committees will compile a written report relative to the task assigned and according to the Chairperson's or committee's specifications.

2.10.014 Compensation and Reimbursement

The HCC members shall receive no compensation for their services; however, pursuant to tribal reimbursement policies, reimbursement for travel, meals, etc. may be paid to HCC members from health services program funds.

Operation of Tribal Health Care Programs

2.10.020 Duties of the Health Administrator and HCC

(a) Duties of the Health Administrator: In addition to other duties assigned by the Tribal Council or the Tribal Manager, the Health Administrator shall provide secretarial support, office supplies and access to phones, photocopy machines and fax machines to the HCC as required to carry out its duties.

(b) Duties of the HCC. The HCC shall have the following duties:

(1) Provide oversight to the Skokomish Health Services and Social Services

Departmentsand other IHS funded programs;

(2) Review as requested policies and procedures for CHS/CHR as well as other health programs, services, and functions;

(3) Participate in the planning, assessment, and evaluation of health care services as requested and/or as may be recommended by the HCC;

(4) Work with Health Services and Social Services staff, other staff providing IHS funded services, and the community on short- and long-range planning for the Health and Social Services Departments and, as applicable, other departments providing IHS funded services;

(5) Participate in the development and implementation of a quality-assurance/improvement program for the Tribal Health Department;

(6) Make specific recommendations to the Tribal Council and/or applicable Tribal Administration about needed improvements or changes in services; and

(7) Perform other duties as they arise and/or may be recommended by the Tribal Council.

2.10.021 Relationship of the HCC to the Tribal Council

(a) Communication. The line of communication between the Tribal Council and the HCC shall be through the Chairperson of the HCC, or his or her designee.

(b) Council Approval. Except as otherwise provided in this Ordinance, a decision of the HCC shall be final only upon Tribal Council approval.

(c) Reports to Council. The HCC shall make written quarterly reports to the Tribal Council of its recommendations, actions and decisions. The HCC shall meet with the Tribal Council each quarter to review progress and problems, and to plan the priorities for each quarter and each year.

Policies and Procedures

2.10.030 General Policies and Procedures

(a) Liability of Committee Members. No individual HCC member shall be held liable for any action taken by the HCC. The HCC shall be considered an agency of the Skokomish Indian Tribe.

(b) Additional Policies and Procedures. Except as already provided for within this Ordinance, the HCC may establish additional HCC Policies and Procedures by majority vote of its membership, subject to review and approval by the Tribal Council. The HCC may assist the Directors of the Health and Social Services Departments and other administrators of IHS funded programs in the formulation of program policies and procedures.

(c) Review. The HCC shall annually review the HCC Policies and Procedures, the Health Care Program Policies and Procedures, and the policies and procedures of the Tribe's other IHS funded programs.

2.10.031 Process for Complaint and Appeals

(a) Written Notice of Complaint. Any person who, as an applicant or grantee of any health, alcohol, mental health, or other IHS funded program administered through any department or agent of the Skokomish Indian Tribe, is aggrieved by a decision of the department or agent administering the program or the HCC may file a notice of complaint as follows:

- (1) The Notice of Complaint shall be in writing, dated and signed by the aggrieved party;
- (2) The Notice of Complaint shall include a concise statement of relief requested; and
- (3) A copy of the Notice of Complaint shall be given to the HCC Chairperson, the Health Services Administrator, and the administrator of the department or agency against which the complaint is filed.

(b) HCC Decision. Within five (5) working days of receipt of the Notice of Complaint, the HCC Chairperson shall set a date for hearing before the HCC:

- (1) A closed hearing shall be held within 30 days of receipt of the Notice of Complaint;
- (2) At the closed hearing, the aggrieved party shall be given the opportunity to present any testimony, documents or other evidence to support the complaint; and
- (3) At the end of the closed hearing, the HCC shall adjourn the hearing and shall meet in closed session to render a final determination;
- (4) The HCC shall inform the aggrieved party of its final determination in writing within five (5) working days of the hearing.

(c) Appeal from Final Determination. Any person who is aggrieved by a final determination of the HCC pursuant to sub-section (b) above, may appeal the decision to the Tribal Council.

- (1) The aggrieved party shall file a written Notice of Appeal with the Tribal Council and shall be added to the agenda of the next regular Tribal Council meeting.;
- (2) The aggrieved party shall attach to the written Notice of Appeal, copies of the original Notice of Complaint and supporting documentation presented at the hearing;
- (3) Upon the filing of the Notice of Appeal, the HCC Chairperson shall provide any record of the hearing to the Tribal Council;
- (4) The HCC Chairperson, or his designee, shall attend the Tribal Council meeting at which the appeal is to be heard;

(5) The appeal shall be heard in a closed session of the Tribal Council meeting;

(6) The Tribal Council shall reverse a final determination of the HCC only upon a finding that the final determination of the HCC was arbitrary, capricious, or an abuse of discretion (*e.g.* unreasonable, outside their authority, *etc.*).

2.10.032 Records and Confidentiality

A complete file of original documents and related information shall be established and maintained within the Health Department regarding any recommendation by the HCC related to a hearing on a complaint. All records and documents, including any evidence or information, gathered as a result of a complaint shall be held in confidence by the HCC and any related program. Any partial or full release of information to any agency or individual other than those related to the complaint shall require the complainant's written consent

AMENDMENTS

2.10.040 Amendments

The Skokomish Tribal Council has the power to amend this ordinance at any time, on its own initiative or on the recommendation of the HCC.