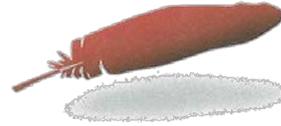


# National Indian Health Board



## National Indian Health Board Resolution 17-03

### **CALLING FOR THE PRESERVATION AND PROTECTION OF THE INDIAN HEALTH CARE IMPROVEMENT ACT AND OTHER PROVISIONS SERVING AMERICAN INDIANS AND ALASKA NATIVES IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT**

**WHEREAS**, the National Indian Health Board (NIHB), established in 1972, serves all Federally recognized American Indian/Alaska Native (AI/AN) Tribal governments by advocating for the improvement of health care delivery to AI/ANs, as well as upholding the Federal government's trust responsibility to AI/AN Tribal governments; and

**WHEREAS**, the unmet health needs of American Indians and Alaska Natives are severe and the health status of American Indians and Alaska Natives is far below that of the general population of the United States, resulting in an average life expectancy for American Indians and Alaska Natives 4.2 years less than that for the U.S. all races population; and

**WHEREAS**, the Indian Health Care Improvement Act (IHCIA) was enacted in 2010 as part of the Patient Protection and Affordable Care Act (ACA), though it is unrelated to the underlying healthcare reform legislation; and

**WHEREAS**, the IHCIA serves as the backbone legislation for the Indian Health Service (IHS)/Tribal/and Urban Indian (collectively known as the I/T/U) health system which provides healthcare services for AI/ANs in fulfillment of the federal government's trust responsibility for health that is derived from statutes, treaties, and Executive Orders; and

**WHEREAS**, with the inclusion of the permanent reauthorization of the IHCIA was included as part of the Patient Protection and Affordable Care Act (ACA) (P.L. 111-148); and

**WHEREAS**, achieving permanent reauthorization of the Indian Health Care Improvement Act took more than fifteen years of concerted effort by all Tribal nations, was accomplished in a non-partisan manner and began a new chapter in the national objective to deliver quality healthcare to American Indians and Alaska Natives; and

**WHEREAS**, the United States Congress is now creating a path to repeal and replace the ACA; and

**WHEREAS**, if the IHCIA, and other crucial American Indian and Alaska Naïve-specific provisions within the ACA are repealed during overall repeal efforts, the Indian health system will be in serious jeopardy and this action would erase the critical gains that have occurred in American Indian and Alaska Native health as a result of the law and this would result in a fundamental failure of the United States' trust responsibility to Tribes; and

**WHEREAS**, other provisions also exist within the ACA that are separate from IHCA that should be preserved to ensure that the Indian health delivery system remains strong. These provisions are as follows:

- Section 2901 which states that any I/T/U should remain the payer of last resort the payer of last resort for services provided by such notwithstanding any Federal, State, or local law to the contrary.
- Section 2902 which granted I/T/U providers permanent authority to collect reimbursements for all Medicare Part B services.
- Section 9021 ensures that any health benefits provided by a tribe to its members are not included as taxable income;

**THEREFORE BE IT RESOLVED** that the National Indian Health Board requests that the Indian Health Care Improvement Act, as a permanently reauthorized program, be protected during any effort to repeal the ACA; and

BE IT FURTHER RESOLVED that the National Indian Health Board strongly supports the preservation of the sections listed above of P.L. 111-148 and supports them remaining in law in any type of healthcare reform efforts that are put forth in the 115<sup>th</sup> Congress.

**CERTIFICATION**

The foregoing resolution was adopted by the Board, with quorum present, on the 25<sup>th</sup> day of January 2017.



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Vinton Hawley  
Chairperson

**ATTEST:**



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Lisa Elgin  
Recording Secretary