

National Indian Health Board



National Indian Health Board Resolution 15 – 03

Support for Tribes in the Great Plains Region as they advocate for safe, reliable, healthcare at the IHS-operated facilities

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 Service (IHS) operates a Federally funded/Federally staffed Direct Service Hospital on the Winnebago Reservation which provides critically needed medical services to the members of the Winnebago and Omaha Tribes of Nebraska and other Federally Recognized American Indian/Alaska Natives residing in its service area; and

WHEREAS, because of shortages in Federal appropriations, this IHS hospital, like every other IHS hospital in the United States, is heavily reliant on third party revenues, especially those from Medicare and Medicaid, to fund its staff, procurements and general operations; and

WHEREAS, the NIHB has recently learned that the Centers for Medicare and Medicaid Services (CMS) terminated the Winnebago Hospital's Certification on July 25, 2015, making the facility ineligible to bill Medicare or Medicaid for eligible services provided; and

WHEREAS, the NIHB has also learned that this CMS termination was a direct result of the findings of a series of successive CMS investigations into the IHS's management and operation of this facility; and

WHEREAS, each CMS investigation, starting in 2011 through July of 2015, found deficiencies in the IHS's operation of the Winnebago/Omaha Hospital's which posed an immediate and serious threat to patients and which were so serious that they mandated termination of the facility's Medicare/Medicaid Certification unless those conditions were improved immediately; and

WHEREAS, in most instances, the Winnebago and Omaha Tribes learned of CMS's findings after the fact, and even in some instances through the press, because the results of these CMS surveys were never formally provided to the Tribes, by either IHS or CMS; and

WHEREAS, during the course of these successive CMS surveys there were five Native American deaths at the Winnebago Hospital which CMS found were directly related to the Winnebago Hospital's failure to provide adequate medical care; and

WHEREAS, throughout this period, the IHS repeatedly informed both the Winnebago and Omaha Tribes that they did not have to worry because the IHS was addressing the problems at the Winnebago Hospital, and

WHEREAS, to date, IHS assurances have not been fully realized; and

WHEREAS, the CMS terminated its certification of the Winnebago Hospital on July 25, 2015, because of the IHS' failure to address the specific deficiencies CMS had identified; and

WHEREAS, an independent contractor retained by the IHS since the CMS termination found in excess of 90 deficiencies at this facility which have yet to be corrected by the IHS; and

WHEREAS, the circumstances at the Winnebago and Omaha IHS hospital are found, to varying degrees, at each IHS operated hospital in the region; and

NOW THEREFORE BE IT RESOLVED, that the National Indian Health Board fully supports the Winnebago and Omaha Tribes in their advocacy to achieve correction of all medical and management deficiencies at the Winnebago Hospital; and

BE IT FURTHER RESOLVED, that the National Indian Health Board, serving all 566 Federally Recognized Tribes, American Indian/Alaska Native, stand together in support of achieving high quality, reliable health care for all Native Peoples receiving their health care in an IHS-operated facility; and

BE IT FINALLY RESOLVED, that the National Indian Health Board also calls upon the Acting Director of the Indian Health Service, the Secretary of Health and Human Services, the United States Congress and the President of the United States to take the following additional actions:

1. Insure that all tribes served by the Indian Health Services are provided complete copies of all CMS, Accreditation and other surveys and studies performed of any Direct Service Facility whose primary function is to provide medical services to their Members.
2. Take all of the steps necessary to insure that all of the staff at the Winnebago Hospital and at all IHS facilities have the education, experience and training required to perform all of their specific medical functions at the highest professional level, and in compliance with the professional standards applicable to their position, and that they are tested periodically to insure that their skills actually meet those requirements.
3. Explain in detail to the NIHB, the Winnebago and Omaha Tribes and all other Federally recognized tribes whose members are served by IHS facilities, the actual process that the IHS follows to mandate specific training for, or reprimand or terminate the employment of an IHS employee working in the medical arena who demonstrates that they lack the skills required to perform, or simply fails to perform

their duties in the professional manner demanded of a person holding their specific position.

4. Explain in detail to the NIHB, the Winnebago and Omaha Tribes and all other Federally recognized tribes whose members are served by an IHS Facility (a), the process followed by the Indian Health Service whenever a death or unusual medical event occurs in an IHS operated or at an IHS funded facility; and (b) take all of the steps necessary to insure that the IHS and the Department of HHS provides a neutral, competent and comprehensive peer review of all such events and advises the Tribe(s) involved of the outcome of those inquiries.
5. Explain in detail to the NIHB, the Winnebago and Omaha Tribes, and to all other Federally recognized tribes whose members are served by an IHS Facility, the process that is taken to reprimand, downgrade or terminate the employment of any IHS hospital or clinic manager and any medical personnel who are found to have committed an act which fails to meet the professional standards of their position; an act which might result in an assertion of malpractice, or malfeasance; or who fails to demonstrate that they have the requisite skills to perform all of the specific functions required of their position.
6. Take all of the steps necessary, including if necessary the adjustment to the amount of Federal money provided to the Winnebago Service Unit, to insure that the Winnebago Hospital's loss of CMS Medicare/Medicaid Certification does not lead to its loss of positions and/or services until that CMS Certification is restored.

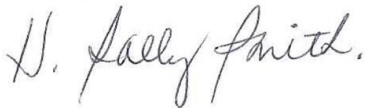
CERTIFICATION

The foregoing resolution was adopted by the Board, with quorum present, on the 20th day of September 2015.



Chairperson

ATTEST:



Recording Secretary