

1 A MEMORIAL

2 REQUESTING THAT THE UNITED STATES CONGRESS KEEP THE INDIAN
3 HEALTH CARE IMPROVEMENT ACT INTACT.

4
5 WHEREAS, the federal Indian Health Care Improvement Act
6 was made permanent on March 23, 2010 as part of the federal
7 Patient Protection and Affordable Care Act; and

8 WHEREAS, the Indian Health Care Improvement Act
9 constitutes the cornerstone legal authority for the provision
10 of health care to American Indians and Alaska Natives; and

11 WHEREAS, the Indian Health Care Improvement Act is
12 critical to modernizing and improving the health care
13 provided to American Indians and Alaska Natives; and

14 WHEREAS, the Indian Health Care Improvement Act is a key
15 component of the federal government's trust responsibility
16 and honors the obligations of the United States' government-
17 to-government relationship with American Indian tribes,
18 including the promise of adequate health care; and

19 WHEREAS, key components of the Indian Health Care
20 Improvement Act include major changes and improvements to
21 facilitate the delivery of health care services; and

22 WHEREAS, now, the Indian Health Care Improvement Act
23 provides authorization for hospice, assisted living,
24 long-term care and home- and community-based care; and

25 WHEREAS, the Indian Health Care Improvement Act extends

1 the ability to recover costs from third parties to tribally
2 operated facilities and updates current law regarding
3 collection of reimbursements from medicare, medicaid and the
4 children's health insurance program by Indian health
5 facilities; and

6 WHEREAS, the Indian Health Care Improvement Act
7 authorizes the Indian health service to enter into
8 arrangements with the United States department of veterans
9 affairs and department of defense to share medical facilities
10 and services; and

11 WHEREAS, the Indian Health Care Improvement Act allows
12 for the establishment of a community health representative
13 program for urban Indian organizations to train and employ
14 American Indians to provide health care services; and

15 WHEREAS, the Indian Health Care Improvement Act directs
16 the Indian health service to establish comprehensive
17 behavioral health, prevention and treatment programs for
18 American Indians; and

19 WHEREAS, the Indian health service provides a
20 comprehensive health service delivery system for
21 approximately one million nine hundred thousand of the United
22 States' estimated three million three hundred thousand
23 American Indians and Alaska Natives; and

24 WHEREAS, provisions exist within the Patient Protection
25 and Affordable Care Act that are separate from the Indian

1 Health Care Improvement Act that help to ensure that the
2 Indian health delivery system remains viable; and

3 WHEREAS, Section 2901 of the Patient Protection and
4 Affordable Care Act states that any Indian health service,
5 tribal or urban Indian health system be the payer of last
6 resort for services provided, notwithstanding any federal,
7 state or local law to the contrary; and

8 WHEREAS, Section 2902 of the Patient Protection and
9 Affordable Care Act grants Indian health service, tribal or
10 urban Indian health providers with the permanent authority to
11 collect reimbursements for all medicare Part B services; and

12 WHEREAS, Section 9021 of the Patient Protection and
13 Affordable Care Act ensures that any health benefits provided
14 by a tribe to its members are not included as taxable income;
15 and

16 WHEREAS, under current law, the federal government
17 reimburses the states for one hundred percent of the cost of
18 providing medicaid services to American Indians and Alaska
19 Natives;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
22 Mexico congressional delegation be urged to keep the federal
23 Indian Health Care Improvement Act intact; and

24 BE IT FURTHER RESOLVED that the house of representatives
25 of the state of New Mexico call upon the United States

1 congress to protect Sections 2901, 2902 and 9021 of the
2 Patient Protection and Affordable Care Act and urge the New
3 Mexico congressional delegation to support measures to
4 protect Sections 2901, 2902 and 9021 of the Patient
5 Protection and Affordable Care Act; and

6 BE IT FURTHER RESOLVED that the house of representatives
7 of the state of New Mexico call upon the United States
8 congress to ensure that any plan to change the manner in
9 which state medicaid costs are reimbursed by the federal
10 government include a carve-out for services provided to
11 American Indians and Alaska Natives so that the federal
12 government obligation is not shifted to the states and that
13 the New Mexico congressional delegation be urged to support
14 such a carve-out; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the New Mexico congressional delegation, the
17 interim legislative health and human services committee and
18 any other appropriate interim committee.