

**MINUTES
of the
FIFTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 11-12, 2010
Inn of the Mountain Gods Resort & Casino, Mescalero**

The fifth meeting of the Indian Affairs Committee (IAC) for the 2010 interim was called to order by Representative James Roger Madalena at 10:14 a.m. on Monday, October 11, 2010, at the Inn of the Mountain Gods Resort & Casino in Mescalero, New Mexico. Representative Madalena asked Mark Chino, president of the Mescalero Apache Tribe, to give an opening prayer.

Present

Rep. James Roger Madalena, Co-Chair
Sen. John Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Ray Begaye
Sen. Eric G. Griego (10/11)
Rep. Sandra D. Jeff (10/11)
Rep. Patricia A. Lundstrom
Rep. Jane E. Powdrell-Culbert
Sen. Nancy Rodriguez
Rep. Gloria C. Vaughn

Advisory Members

Rep. Ernest H. Chavez
Rep. Debbie A. Rodella

Absent

Sen. Rod Adair
Sen. Lynda M. Lovejoy
Sen. George K. Munoz
Sen. John C. Ryan

Sen. Stuart Ingle
Sen. Timothy Z. Jennings
Rep. Ben Lujan
Rep. Antonio "Moe" Maestas
Sen. Richard C. Martinez
Rep. Nick L. Salazar
Sen. William E. Sharer

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Damian Lara
Alise Rudio
Adan DelVal

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Monday, October 11 — Inn of the Mountain Gods Resort & Casino, Mescalero

Committee, staff and audience members introduced themselves.

Welcome and Status Update

President Chino welcomed the committee to Mescalero and to the Inn of the Mountain Gods Resort & Casino and gave a status update for the Mescalero Apache Tribe. President Chino told the committee that the tribe is blessed that it still resides on its ancestral homelands in the shadow of Sierra Blanca. He told the committee that he recently attended the grand opening of the American Indian Student Center at New Mexico State University (NMSU) in Las Cruces. The center will provide American Indian college students with a place to relax, study, eat traditional food and visit with other Indian students. President Chino told the committee that when he started college at the University of Arizona in 1972, he experienced culture shock and only lasted one semester. President Chino said that it is important for Indian students to have a place in school that is the next best place to home. He asked the committee to continue to support the center and the establishment of similar centers at other educational institutions in New Mexico.

President Chino said that the tribe is involved in trying to obtain a waiver for Medicaid so that beneficiaries can continue to obtain services through the Indian Health Service (IHS). He said that it is important for people to have adequate health care, especially in a time of budget cuts. President Chino said that the IHS is struggling to meet the needs of his tribe. He is the co-chair of an IHS work group on health care. He said that contract health care for the IHS is seriously outdated. The IHS funding formula is based on the number of tribal members, which is 4,600. However, the local service unit provides services to twice the number of members because the formula does not take into account Native Americans from other tribes. The IHS has to make unfortunate service choices; an individual has to be in danger of losing life or limb to receive services. The hospital has to lock down at night because it does not have staff or resources to provide basic services. President Chino said that a critical situation exists in Indian country. He said that he would like the situation to move from appropriation to entitlement. He is hoping for a legislative fix and more funds from Congress, but he also hopes that the federal government and states will work together.

President Chino said that the tribe would like to discuss the possibility of leasing water rights in order to gain income and benefit the surrounding communities. The Village of Ruidoso recently asked the tribe about leasing its water rights, but federal law prohibits tribes from leasing water rights. President Chino said that he met with the Office of the State Engineer to solicit support in asking New Mexico's congressional delegation for legislation to allow the tribe to lease its water rights. President Chino asked the committee to support the tribe's efforts to gain the support of the state engineer and the congressional delegation.

In other matters, President Chino asked the committee for its support in trying to obtain the Fort Stanton property from the state. He said that the tribe has sentimental, cultural and historical ties to the property. He said that the property is languishing, and the tribe does not want to see developers fighting over it or using it for something that is not culturally appropriate. President Chino thanked the committee for its support with infrastructure money, technical assistance and capital outlay funds. He said that he appreciates the state's friendship and assistance.

President Chino introduced his wife, Selena L. Chino, who serves as a tourism commissioner for the Tourism Department and an outreach coordinator for Heal, Inc., a domestic violence prevention program in Ruidoso Downs. Ms. Chino discussed the funding battles for tourism and emphasized that the focus of tourism in New Mexico is and should remain on Indian culture. She also discussed domestic violence programs in the area and the need for a facility in Mescalero. She said that domestic violence is the number one killer in Indian country and that more funding and shelters are needed.

The committee expressed a concern regarding the meeting with the state engineer and indicated that staff would contact the Office of the State Engineer to address the issue.

Upon inquiries from the committee, President Chino said that the tribe is addressing the problem of elk overpopulation and reported that the fish hatchery is doing well but is in need of a permanent funding source.

The committee noted that it would like to see an expansion of human services and encouraged the tribe to submit requests for funds. President Chino also discussed the response to the youth suicide problem in Mescalero.

Upon a motion made by Representative Jeff, seconded by Representative Vaughn, the committee voted without opposition to draft a letter to the Tourism Department discussing the importance of tourism in the state and the need to continue to focus on Native American culture.

Long-Term Care at Fort Defiance Indian Hospital

Dr. Leland Leonard, interim chief executive officer, Fort Defiance Indian Hospital Board, Inc., told the committee that the board wants to build a skilled and nonskilled nursing facility to serve the Fort Defiance area. Dr. Leonard explained that pursuant to Public Law (PL) 93-638, the Indian Self-Determination and Education Assistance Act, tribes have the option to assume the operation of health care services in their communities from the IHS. He said that 16 chapters in the Fort Defiance service unit endorsed the board, which is a nonprofit corporation, to provide health care services pursuant to PL 93-638. After contracting with the IHS, the board began delivering health care services to the Fort Defiance area on March 29, 2010. The board is not an arm of the Navajo Nation but is approved as a tribal organization. Dr. Leonard requested help from the committee for funding a skilled and nonskilled nursing facility to serve the Fort Defiance area. The Fort Defiance Indian Hospital is in Arizona, just across the border from New Mexico. Sixteen chapters feed into the hospital. The board wants to build the nursing facility

next to the hospital, in New Mexico, on a seven-acre parcel of land secured through the Navajo Nation. Dr. Leonard explained that the hospital had 1,674 users in the 61-70 age group in 2009, which is a 30.7% increase from 2005. Dr. Leonard said that urban Navajos increasingly are returning to the Navajo Nation to live. Arizona and New Mexico have high-density populations of Native American residents over 60, but the elderly have to leave the area to find suitable nursing facilities. Although the board has start-up money to begin planning, Dr. Leonard requested help from the legislature for funding basic infrastructure and health care program development. The board also wants support with federal and foundation funding applications. Dr. Leonard said that the board is also pursuing other funding sources.

The committee asked Alvin H. Warren, secretary, Indian Affairs Department (IAD), if any federal funding is available for nursing facilities. Secretary Warren said that there are no appropriations, but there is authorization.

Upon an inquiry from the committee about which entity would pay for the general operation, Dr. Leonard said that he does not think that the Navajo Nation supports elder care. Roy B. Dempsey, board member, Fort Defiance Indian Hospital Board, Inc., and a Navajo Nation Council delegate, told the committee that the Navajo Nation understands that there is a need for elder care but is not yet prepared to build and operate facilities. Mr. Dempsey said that he wants the legislature's support.

Upon a motion by Representative Lundstrom, seconded by Senator Rodriguez, the committee voted without opposition to send a letter asking the New Mexico Finance Authority to conduct an assessment of the board's basic infrastructure needs.

Upon a motion by Representative Lundstrom, seconded by Representative Rodella, the committee voted without opposition to send a letter asking the University of New Mexico at Gallup to design a work force development training program for skilled nursing facility staff.

Upon a motion by Representative Lundstrom, seconded by Senator Pinto, the committee voted without opposition to send a letter informing the new president of the Navajo Nation after the general election that the legislature will work with the new president to enter into a joint powers agreement to fund programs for the elderly.

Caleb Roanhorse, secretary, Fort Defiance Indian Hospital Board, Inc., introduced other board members who were in the audience. Secretary Warren told the board members that the IAD could also provide assistance.

Tribal Infrastructure Fund Report

Before beginning the presentation, Secretary Warren said that he was grateful for the committee's strong support of the IAD before the Government Restructuring Task Force. Laurie Chapman, capital outlay manager, IAD, presented the committee with the Tribal Infrastructure Fund (TIF) Fiscal Year 2011 Report. The report identifies TIF projects that are on target and those that have been canceled or are having problems. The problem projects include those that

are approaching an end date at which money will revert back. Ms. Chapman said that the emphasis right now is on getting projects going again after the capital outlay freeze. The 2009 progression is set for a quicker time frame. The 2010 projects are all just beginning again, so the report does not contain much information on those projects. She also provided an analysis of TIF applications for fiscal year 2011.

The committee expressed concern about the lack of activity in the Cutter Lateral Project, which is a component of the San Juan River settlement. Because the project involves federal matching funds, the committee wants to be informed by the IAD if the committee needs to intervene. In response to questions from the committee about various other projects and the need to monitor progress, Ms. Chapman discussed the importance of direct communication with the individual chapters of the Navajo Nation overseeing the projects. Secretary Warren said that the IAD lost its capital outlay engineer, which means that the IAD cannot conduct site visits or devote as much time to direct communication as in previous years. The IAD is trying to obtain grant money for site visits.

Upon a motion made by Representative Begaye, seconded by Representative Vaughn, the committee voted without opposition to write a letter to the Legislative Finance Committee about the importance of filling the capital outlay engineer position.

Medicaid Task Force Update

Secretary Warren asked the committee for its formal support in the IAD's efforts to protect Medicaid benefits for American Indians. Lisa Marie Gomez, policy analyst, IAD, told the committee that in 2010, Kathryn "Katie" Falls, secretary, Human Services Department (HSD), established the Tribal-State Workgroup on Medicaid Redesign. The work group, which includes representatives from 18 tribes, nations and pueblos, met to address the protection of American Indian beneficiaries from potential Medicaid cuts to medical services offered through the IHS and tribal PL 93-638 facilities. The work group developed a proposal that is designed to protect access to existing Medicaid state plan services delivered at the IHS and tribal PL 93-638 facilities. The work group also wants to explore the possibility of: (1) expanding the benefits package to include services outside the IHS; and (2) developing a comprehensive set of benefits to include long-term care services. Ms. Gomez said that the proposal makes sense for the state because it attempts to make sure that federal dollars are available for New Mexico's residents. The proposal seeks to protect American Indian beneficiaries from the impacts of state budget shortfalls based on the unique legal and political status of American Indians. Due to the trust obligation, the federal government treats American Indian beneficiaries differently.

Ms. Gomez said that the state can contain Medicaid costs through eligibility, enrollment, benefits and rates. If no action is taken, she said that cost-containment strategies will adversely affect the health care of tribal members. As a result, the work group is proposing to submit a waiver application to the Centers for Medicare and Medicaid Services (CMS) in order to exempt American Indian beneficiaries from changes to the benefits package. The proposal will allow the state to protect for American Indian Medicaid beneficiaries services that are provided at the IHS and tribal PL 93-638 facilities and funded with 100% federal financial participation. The HSD is

in the process of developing the waiver application and will submit it to the CMS, which must approve the waiver. At least 10 tribal governments and health organizations have submitted resolutions and letters supporting the proposal to the IAD and the HSD. If the CMS does not approve the waiver, the IHS and tribal PL 93-638 facilities will lose Medicaid funding and be obligated to deliver services using their limited appropriations. Ms. Gomez said that a significant number of questions have developed concerning the waiver application and that the state is seeking guidance from the CMS on other options for implementing the proposal. Secretary Warren said that this is the first time a state has tried to obtain a waiver, and he asked for the committee's support.

Upon a motion made by Senator Griego, seconded by Representative Lundstrom, the committee voted without opposition to send a letter to the CMS and to copy New Mexico's congressional delegation in support of the proposed Medicaid waiver.

Senator Rodriguez requested the IAD to provide information at the committee's November meeting about which facilities are IHS facilities and which are PL 93-638 facilities.

Native American Issues and the Federal Patient Protection and Affordable Care Act (PPACA)

Ms. Gomez said that the five provisions of the PPACA that will have the largest impact on the states and their Native American populations relate to: (1) health exchanges; (2) Medicaid and the State Children's Health Insurance Program (SCHIP); (3) the IHS; (4) the Indian Health Care Improvement Act (IHCIA); and (5) grant opportunities for Native Americans, tribes and tribal organizations. The PPACA includes three provisions that treat Indians differently with respect to health exchanges: (1) providing for more frequent enrollment periods; (2) eliminating cost sharing; and (3) eliminating a minimum coverage penalty. In relation to Medicaid and SCHIP, the PPACA provides that the IHS, tribes, tribal organizations and urban Indian organizations qualify as express-lane agencies that are capable of collecting information and making a determination regarding program eligibility requirements. In addition, grants are available to the IHS and tribes to facilitate outreach and enrollment with Medicaid. With respect to the IHS, the PPACA: (1) provides that health programs operated by the IHS, tribes, tribal organizations and urban Indian organizations are the payer of last resort for services provided to Indians; (2) eliminates the sunset provision for some Medicare services furnished by certain Indian hospitals and clinics; and (3) includes certain costs incurred by the IHS for purposes of calculating out-of-pocket thresholds for Medicare. With respect to the IHCIA, the PPACA incorporated the IHCIA and made the reauthorization of the IHCIA permanent. The IHCIA authorizes the provision of health care to American Indians and Alaska Natives. The PPACA amends the Community Health Aide Program (CHAP) nationally. The CHAP allows tribes to elect to implement dental health aide therapist programs. The IHCIA provides grants and contracts with the IHS, Indian tribes, tribal organizations and urban Indian organizations to facilitate outreach, enrollment and coverage of Indians under social security health benefit programs, including Medicaid and SCHIP. Finally, the PPACA contains other grant opportunities for Native Americans, tribes and tribal organizations in the areas of maternal and child health services, trauma centers and education and training in health care.

Secretary Warren said that the PPACA marks a paradigm shift in Indian health care. He said it is important to understand that Indian people have limited access to health care and that now there are more options, but there is also more confusion. To ensure that the provisions in the PPACA that relate to Indians are implemented in New Mexico, the IAD is working with the state to maximize funding, collaborate on health care reform initiatives and policies that will affect American Indians, ensure that state agencies include actions to implement the IHCIA and establish a work group to oversee implementation of the IHCIA. Secretary Warren said that the IAD will ask the committee for help with legislation to make sure that state agencies implement and adhere to certain provisions of the PPACA.

Following the presentation on the PPACA, Representative Madalena recessed the meeting at 4:20 p.m.

Tuesday, October 12 — Inn of the Mountain Gods Resort & Casino, Mescalero

Senator Pinto reconvened the meeting at 9:09 a.m. on Tuesday, October 12, 2010, at the Inn of the Mountain Gods Resort & Casino. Secretary Warren gave an invocation.

Committee, staff and audience members introduced themselves.

Indian Resource Development (IRD) Program

Joe Graham, director, IRD program, NMSU, stated that the IRD program's mission is to assist tribal students in becoming agriculturalists, business people, engineers, resource managers and scientists who can contribute to the development and management of tribal resources in a culturally appropriate manner. The IRD program complies with Sections 21-10-1 through 21-10-3 NMSA 1978. Mr. Graham said that he has been working at NMSU for 30 years and that he has learned that it is important to engage the community as well as the university in the progress of Native American students. Mr. Graham discussed the IRD program's four community outreach objectives. First, to provide a measure of financial support to science and academic programs, the IRD program is collaborating with the American Indian Program at NMSU; Native Americans in the Science, Technology, Engineering and Mathematics Program at the University of New Mexico; and the American Indian Science and Engineering Society at the New Mexico Institute of Mining and Technology. Second, to provide development activities for tribal youth, the IRD has developed the Dream Makers Summer Program, the Dream Keepers longitudinal study and the Southwestern Indian Polytechnic Institute (SIPI) talent search. Third, to collaborate with academic institutions, programs and agencies to create beneficial opportunities for tribal students, the IRD program collaborated with the Navajo Agricultural Products Industry scholars program, tribal extension program activities, the SIPI natural resources program and the Pueblo of Laguna academic capital study. Fourth, to assist tribal entities in their engagement of academic institutions, the IRD program has developed business plans through the Arrowhead Center at NMSU and the Pueblo of Laguna elder bi-national indigenous exchange. In addition, the IRD program's institutional objectives include the following: (1) developing a vehicle for advocacy on behalf of tribal members within the NMSU system by incorporating the Tribal Voice working group and by recruiting and retaining tribal

members as faculty; (2) providing professional development opportunities for tribal students nearing the completion of their degrees; (3) exposing tribal students to traditional, wise, novel and innovative concepts through the presentation of the work of tribal leaders, philosophers and academics; and (4) engaging the NMSU in promoting the program as an integral unit within the state land grant university.

Several students testified about their experiences with the IRD program. Alexandra Carlisle, an animal science major pursuing a degree in veterinary medicine, said that she decided to attend NMSU after participating in the Dream Makers Summer Program. Charlene Carr, who is pursuing a master's degree in soil science, said that by using the resources the IRD program offered, she was given the opportunity to present research, which helped her to overcome her fears about public speaking. Ms. Carr plans to pursue a doctoral degree and teach at NMSU. Jennifer Hill is a nontraditional student who said the IRD program helped her return to NMSU. Kai-T Blue Sky is a graduate from NMSU who now works at the Mescalero Apache Tribe's fish hatchery. He has given back to NMSU and tribal students by inviting participants in the Dream Makers Summer Program to the fish hatchery for a chance to gain hands-on experience.

When asked by the committee about budget concerns, Mr. Graham said that he had not spoken with the new NMSU president but that Wendy Wilkins, NMSU provost, is very supportive of the IRD program. The committee thanked Mr. Graham for his passion and dedication to Native American students.

Minutes

Upon a motion by Representative Lundstrom, seconded by Senator Rodriguez, the committee adopted the minutes of the fourth meeting of the IAC without objection.

Mescalero Response to Crisis

Dorlynn Simmons, chief executive officer, Mescalero Service Unit, IHS, said that after Mescalero experienced an initial cluster of suicides in 2009, she was dispatched for 90 days as the incident commander. From January 2009 to January 2010, there were five suicides, 60 suicide threats and 19 suicide attempts. Of the 19 individuals who attempted suicide, all were hospitalized. The first suicide was in August 2009, followed by four additional suicides. Most of the suicide threats occurred between September and November 2009. A coordinated crisis response was developed to determine the steps that needed to be taken, depending on whether the individual was an adult or a minor and whether the individual was intoxicated or sober. To prevent additional suicide attempts and suicide completions, the coordinated crisis response involved collaboration from local, county, state and national entities. In addition, suicide prevention activities were initiated. The response team provided training and support for emergency medical service providers and Bureau of Indian Affairs (BIA) law enforcement and tribal conservation officers; in addition, the response team trained medical providers in suicide risk assessment. The response team presented workshops in schools and in the community. In the three schools in the Ruidoso area, prevention groups provided training in suicide prevention and awareness. The response team also provided additional activities for the communities. The response team also met weekly with the tribal council.

Mescalero does not have a permanent mental health provider and needs to fill vacancies for a psychologist and a social worker. To meet continuing needs, services are being provided through telehealth services and temporary 120-day assignments from the IHS. In order to sustain a healthy community, the following actions are being considered: the reorganization of PL 93-638 funds; use of PL 93-638 social service programs; tribal funding of vacant positions; and obtaining grants. Ms. Simmons stated that grants should only be considered temporary or short-term solutions. She said that Mescalero received a systems of care grant from the Substance Abuse and Mental Health Services Administration, which will provide about \$1 million per year for the next five years. Mescalero also received a Project SERV (School Emergency Response to Violence) grant from the U.S. Department of Education. Ms. Simmons said that she is pursuing additional funding opportunities as well.

Upon inquiry from the committee, Ms. Simmons stated that the response team has been very involved with schools in Mescalero, Tularosa, Ruidoso and Hondo, including offering health services, mental health services, suicide prevention groups and evening prevention activities. The response teams collaborates with the local Boys' and Girls' Clubs to provide additional evening and weekend activities. Ms. Simmons said that most of the suicide attempts and suicide completions were related to depression, family issues at home and the feeling that there is no one to talk to about problems. The age range for individuals who completed suicide was 14 through 23 years of age.

President Chino suggested that the committee hear from Coloradas Mangas, a 16-year-old who had serious problems and obtained help through the Honor Your Life Program. Mr. Mangas testified before Congress in March about suicide on the reservation.

Tribal Extension Program

Leah Stevenson, home economist, Tribal Extension Program, NMSU, introduced Kathy Landers, county program director, McKinley County Extension Office, NMSU, and Jeff Bader, northern district director, Cooperative Extension Service, NMSU. Ms. Stevenson said that because teaching Navajo culture to youths is important, tribal elders are volunteering to work with 4-H groups and to participate in various home economic projects. In addition, NMSU brings its programs to the community, such as providing programs about diabetic cooking, stress management and healthy eating habits. Ms. Stevenson said that the frequency of activities is limited due to budget cuts. There are tribal extension centers in Shiprock and Crownpoint. The centers' main focus is working with youths and making healthy after-school snacks, but the centers also conduct community service programs for elders. The Tribal Extension Program provides financial management workshops to teach high school students to budget and manage bills. Additional activities include 4-H junior livestock shows and workshops on various subjects such as self-esteem, greenhouses, landscaping, sewing and braiding and working with leather. Ms. Stevenson said that in one 4-H project, Navajo youths learned about traditional cooking and Indian tea wrapping for the Northern Navajo Fair in October. Mr. Bader said that the 4-H program is traditionally based on family involvement. Ms. Landers said that 4-H is about bringing children and parents together to do something fun.

Gallup Public Defender Office

David Eisenberg, deputy chief public defender, Gallup, reported on the status of trying to establish a public defenders office in Gallup. He noted that the public defenders in Gallup serve a substantial Native American population. He said that a request for proposals for a building was completed, a bidder was awarded the project, drawings were made and a lease was signed, but the process might have to start all over because the lease did not work out. The public defenders might move into the sheriff's office temporarily and then eventually move into the county courthouse office complex. Mr. Eisenberg said that the Public Defender Department is committed to getting the Gallup office open. The department has hired three attorneys for the Gallup office; two are locals who are committed to working in the local community.

The committee noted that the Gallup public defenders serve a high population of Native Americans and carry a caseload that is second only to Bernalillo County. The committee approved the idea of locating the office at the county courthouse office complex.

Upon a motion by Representative Lundstrom, seconded by Representative Rodella, the committee voted without opposition to send a letter congratulating the Public Defender Department on its work and encouraging collaboration with the county.

Gaming Revenue Distribution

John Monforte, executive director, Gaming Control Board (GCB), presented the 2009 Compulsive Gambling Funds Report. Mr. Monforte broke down the gaming economic landscape by industry in fiscal year 2010. He said that New Mexico has 56 nonprofit gaming operator licenses, five racetrack gaming operator licenses, 24 tribal gaming operations and two proposed tribal gaming operations.

Georgene Louis, state gaming representative, GCB, said that her primary responsibility is to monitor compliance of 14 tribal-state class III gaming compacts. She said that compulsive gambling issues have always been a high priority. The compacts require a gaming enterprise to spend no less than .25% of its net win annually to support programs for the treatment and prevention of compulsive gambling in New Mexico. The compacts require that a substantial portion of funds be distributed to an organization that provides counseling, intervention or other services for compulsive gamblers in New Mexico, without regard to race or tribal membership. The 2007 compact requires nine gaming tribes to publish their compulsive gambling expenses. Ms. Louis said that the tribal audit methodology includes: calculating the amount tribes are required to spend based on their net win from the last audited fiscal year, verifying the amount by inspecting source documents; confirming the amount; and requiring compliance, if necessary. Some tribes report the information based on the calendar year and some on the fiscal year. Ms. Louis told the committee that of the \$1,828,562 that was spent in 2009 on compulsive gambling expenses, 19.43% went to training and administration; .04% went to Victory Outreach Ministry; 2.19% went to the New Mexico Asian Family Center; 18.4 % went to The Evolution Group, a private counseling firm; 14.43% went to the New Mexico Council on Problem Gambling (NMCPG); 24.6% went to the Responsible Gaming Association of New Mexico (RGANM); 17.23% went to tribal health centers; and 3.68% went to marketing. Individual spending in 2009

by the tribes was as follows: the Pueblo of Isleta was required to spend \$231,142 and reported spending \$249,023; the Pueblo of Laguna was required to spend \$236,831 and reported spending \$254,437; Ohkay Owingeh was required to spend \$47,168 and reported spending \$55,176; the Pueblo of Sandia was required to spend \$407,028 and reported spending \$463,040; the Pueblo of San Felipe was required to spend \$45,668 and reported spending \$52,495; the Pueblo of Santa Ana was required to spend \$131,354 and reported spending \$224,961; the Pueblo of Santa Clara was required to spend \$52,796 and reported spending \$65,003.87; the Pueblo of Taos was required to spend \$21,938 and reported spending \$41,275; and the Pueblo of Tesuque was required to spend \$55,626 and reported spending \$79,868. For the most part, the tribes spent more than required. Racetrack gaming operators, which are required to spend .025% of net take to support programs for the treatment and assistance of compulsive gamblers, spent \$646,175 in 2009. Nonprofit gaming operators are not required to spend such funds. The gaming industry spent a total of \$2,474,737 to support compulsive gambling programs in 2009.

Upon an inquiry from the committee, Ms. Louis said that 19.43%, or \$284,000, of the \$1.8 million goes to administration of programs. She said that the RGANM, which is made of 12 to 13 gaming tribes, trains employees at casinos and is not directed at individuals who have gambling problems. The Evolution Group offers three programs and in-house treatment facilities. The New Mexico Asian Family Center treats compulsive gambling. Victory Outreach is a church organization that has counseling services.

Demesia Padilla, board member, GCB, said that 2% of gamblers will become compulsive gamblers. The board requires gaming operator licensees to complete a gambling assistance plan upon licensure. Components of the plans include working with the Department of Health, conducting employee training and advertising and making available a toll-free telephone message about compulsive gambling. The board also implements a self-exclusion program that allows problem gamblers to exclude themselves from tribal gambling facilities.

Levi Tenbrink, training coordinator, NMCPG, said that the NMCPG provides services for problem gamblers and thanked the tribes for their support. Mr. Tenbrink said that the NMCPG is one of the top three programs in the nation for problem gambling and that Florida is the only state that comes close to New Mexico in terms of expenditures. The NMCPG operates a toll-free 24-hour hotline, holds conferences for training counselors, provides information on the help line for intake and provides vouchers to clinicians for counseling.

Upon an inquiry from the committee, Mr. Tenbrink said that it is difficult to pinpoint treatment because gambling can be a substitute addiction. Gambling addicts require long-term treatment and suffer from a high rate of relapse. He said, however, that the treatment fund has made a huge difference, and New Mexico has one of the lowest rates of compulsive gambling.

The committee requested that the NMCPG provide its financial and compliance audits to the committee. Mr. Tenbrink indicated that he would provide them to the staff.

Native American Health Care Needs and the IHS

Rear Admiral Richie Grinnell, acting director, Albuquerque Area IHS, gave the committee an overview of the Contract Health Services (CHS) Program. Rear Admiral Grinnell said that the IHS delivers health care services to eligible American Indians and Alaska Natives through direct health services and the CHS. The services vary widely, depending on the site. There are three medical centers nationwide, including two federal facilities and one tribal facility. Some of the medical service sites do not have inpatient or outpatient facilities and rely totally on the CHS. In order to receive treatment, a patient must provide proof of being an enrolled member, or a descendant of an enrolled member of a federally recognized tribe. Rear Admiral Grinnell said that the CHS is an integral part of the IHS because the IHS purchases health care services from non-IHS providers to support direct care facilities. CHS funds are used for a wide range of services including primary care, laboratory and emergency care services. CHS regulations allow funds to be expended when: (1) there is no accessible direct care facility; (2) necessary services, such as emergency or specialty care, are not available at the IHS or tribal facility; and (3) demand is greater than capacity. To be eligible for the CHS program, patients must reside in a the CHS delivery area as a member of the specific tribe in the area, or in a CHS delivery area and have close economic and social ties to a tribe, such as being married to a tribal member or employed by a tribe. Other persons eligible for the CHS are non-Indian women who are pregnant with the child of an eligible Indian, certain non-Indian members of the household of an eligible Indian and adopted and foster children and stepchildren. According to Rear Admiral Grinnell, funds are distributed using a 2001 formula. In 2001, the CHS received approximately \$431 million; in 2005, the CHS received approximately \$480 million; and, in 2010, the CHS received approximately \$731 million in funding. A new funding formula consists of three basic factors multiplied together: (1) the active user population; (2) the relative cost of purchasing services; and (3) access to care.

Dr. Leonard Thomas, chief medical officer, CHS Program, said that there are a high number of cases with unmet needs because the CHS probably receive half of what it needs. He said that smaller sites are able to serve the needs of some lower-priority cases because money from catastrophic cases goes back into the budget. He said that the IHS director should improve collaboration and consultation with tribes by improving data sources and establishing health care priorities and conducting quarterly budget reviews, promoting transparency, improving the quality of care and improving Indian health care internally through customer service and support staff.

Upon an inquiry from the committee, Dr. Thomas said that co-payers such as Medicare and Medicaid pay first, and then the CHS pay the remainder. When asked about the problems in Mescalero with the hospital having to close its doors at night, Dr. Thomas said that the IHS offered after-hours and weekend urgent care, but that there are no full-time emergency room services. He said that due to lack of funding and staff, emergency services are not adequate for the population.

Representative Madalena asked staff to draft a house joint memorial requesting Congress to make the IHS an entitlement program. Representative Madalena also asked IHS staff to come before the legislature to provide information on Indian health care issues.

Adjournment

There being no further business before the committee, the fifth meeting of the IAC adjourned at 3:43 p.m.