

1 A JOINT MEMORIAL

2 REMINDING THE LEGISLATURE OF THE IMPORTANCE TO TRIBAL PEOPLE  
3 OF THE STATE'S CONTRIBUTIONS TO NATIVE AMERICAN HEALTH CARE  
4 AND URGING LEGISLATORS TO HOLD NATIVE AMERICAN TRIBES,  
5 NATIONS AND PUEBLOS HARMLESS FROM ANY CUTS TO MEDICAID  
6 FUNDING OR PROGRAMS.

7  
8 WHEREAS, on September 24, 2009, the medical assistance  
9 division of the human services department announced a series  
10 of cuts expected in medicaid budgets for tribes in New  
11 Mexico; and

12 WHEREAS, the proposed cuts were not discussed in a  
13 formal way with the tribes; and

14 WHEREAS, Governor Bill Richardson's Executive Order  
15 2005-04 promised that tribal consultation would be held in  
16 such cases; and

17 WHEREAS, the human services department is bound by the  
18 state-tribal consultation policy announced by the governor  
19 and is required by the federal stimulus act, the American  
20 Recovery and Reinvestment Act of 2009, to consult with  
21 federally recognized tribes on any medicaid plan amendments,  
22 waiver requests and proposals that are likely to have a  
23 direct impact on Indian health programs and Native American  
24 medicaid beneficiaries; and

25 WHEREAS, the health care that most tribal people in New

1 Mexico rely upon is severely underfunded, and the federal  
2 Indian health system is experiencing a shortage of  
3 professional health care providers, including nurses,  
4 dentists and pharmacists; and

5 WHEREAS, in the year 2000, the per capita income on the  
6 Navajo Nation was one-third of the per capita income of the  
7 rest of the United States at seven thousand two hundred  
8 sixty-nine dollars (\$7,269) per year; and

9 WHEREAS, the unemployment rate on the Navajo Nation has  
10 doubled from twenty-five and six-tenths percent in 2000 to  
11 fifty and one-half percent in 2007; and

12 WHEREAS, it is well documented that American Indians and  
13 Alaska natives suffer the most egregious health disparities  
14 compared with the rest of the population of this country; and

15 WHEREAS, the federal government's spending for health  
16 care in tribal areas is less than one-half that spent for  
17 prisoners; and

18 WHEREAS, federal funds for tribal health services  
19 require no state matching funds; and

20 WHEREAS, Navajo Nation President Joe Shirley has written  
21 a formal request to the medical assistance division  
22 requesting consideration of the Navajo Nation's opposition to  
23 tribal health cuts; and

24 WHEREAS, any cut whatsoever to medicaid expenditures for  
25 the chapters of the Navajo Nation; the pueblos; the Jicarilla

1 Apache Nation; and the Mescalero Apache Tribe will have a  
2 significant and disparate impact on a very vulnerable system  
3 of health care delivery;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
5 STATE OF NEW MEXICO that any cuts made to medicaid funds or  
6 programs in New Mexico in the first special session of the  
7 forty-ninth legislature exempt tribal medicaid funds or  
8 programs; and

9 BE IT FURTHER RESOLVED that, rather than making cuts to  
10 Indian health service and tribal facilities, the state should  
11 consider a Native American carve-out program similar to the  
12 carve-out or opt-out program used for the state coverage  
13 insurance opt-out; and

14 BE IT FURTHER RESOLVED that no major changes be made to  
15 tribal health services delivery or funding absent a formal  
16 tribal consultation with New Mexico's twenty-two tribes,  
17 nations and pueblos, as mandated by the governor's Executive  
18 Order 2005-04 and the provisions of the federal stimulus  
19 bill; and

20 BE IT FURTHER RESOLVED that copies of this memorial be  
21 transmitted to the governor, the secretary of human services,  
22 the medical assistance division of the human services  
23 department, the heads of all Indian tribes, nations and  
24 pueblos and the Indian affairs department. \_\_\_\_\_