

Tribal Health Care Advocacy Ordinance

March 26, 2023

Section 1. Designation of Dot Lake Village Health Care Advocate

The Dot Lake Village Council shall appoint or designate by resolution one or more Tribal Health Care Advocate(s).

Section 2. Purposes of the Dot Lake Village Health Care Advocate Program

The purpose of the Dot Lake Tribal Health Care Advocate Program is to

- a) Improve and enhance the understanding of health-related issues within the Dot Lake Tribal and greater community.
- b) Assist Tribal citizens on accessing health care services in a timely and efficient manner;
- c) Monitor the quality of health care provided to Tribal citizens.
- d) Advocate for individual Tribal citizens with complaints and grievances with respect to health care services, including health care financing issues.
- e) Advocate for improvements to the health care system serving Tribal citizens.

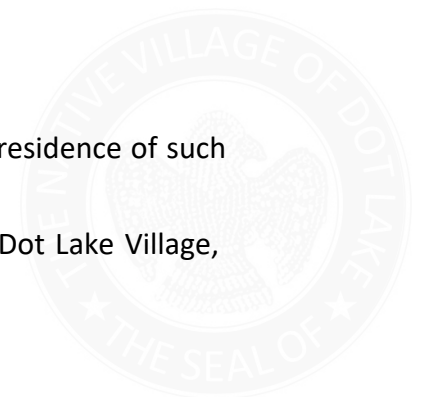
Section 3. Definitions.

“Health care system” shall mean the method and means used by tribal organizations in providing physical, mental and other medical services to Tribal citizens, including direct care, contract care, purchase referred care, non-purchased and/or non-referred care, and the financing of such services.

“Protected Health Information” (PHI) shall have the same meaning as used in the Health Insurance Portability and Accountability Act of 1996 (as amended) (HIPAA).

“Tribal citizen” shall mean

- a) a member of Dot Lake Village, regardless of the location of residence of such person,
- b) a member of a household containing an adult member of Dot Lake Village, regardless of the location of such household;



- c) a person residing within five (5) miles of the community of Dot Lake who is Alaska Native or Native American holding a tribal enrollment from a federally recognized Indian tribe, a Certificate of Indian Blood issued by the Bureau of Indian Affairs, or other evidence of status as an Indian Health Service beneficiary

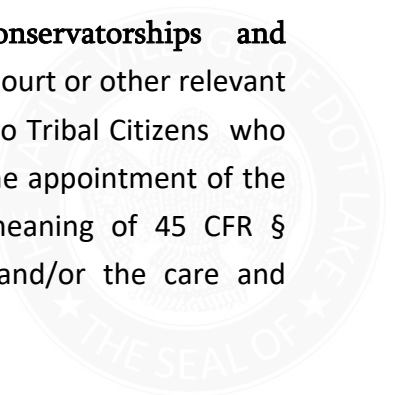
“Tribal Organization” shall mean Tanana Chiefs Conference.

“Timely” shall mean to take the referenced action within ten 10 days, unless an emergency exists. In the case of an emergency, “Timely” shall mean twenty-four (24) hours. The Tribal Health Advocate shall determine whether an emergency exists and communicate that determination to relevant parties from which the Tribal Health Advocate seeks action.

Section 4. Authority of Tribal Health Care Advocate: Individual Advocacy. A Tribal Citizen may request that the Dot Lake Village Health Care Advocate be designated as a personal representative within the meaning of 45 CFR § 164.502(g) for the purposes of representing the tribal citizen in the processing of a complaint or grievance with a health care provider. Such designation shall contain an authorization from the requesting tribal citizen for the release of PHI to be received by the Tribal Health Care Advocate and specify the scope of authority effective time-limitation for such designation and the purpose of such designation with respect to

- a) assisting the tribal citizen obtain access to health care services,
- b) addressing quality of care deficiencies,
- c) resolving billing or collection errors and discrepancies,
- d) allegations respecting violation of ethical duties,
- e) allegations respecting violation of accreditation standards, and/or
- f) allegations respecting violation of state or federal laws, and regulations.

Section 5. Authority of Tribal Health Care Advocate: Conservatorships and Guardianships. The Tribal Health Care Advocate may petition the Tribal Court or other relevant State Courts for orders of conservatorship or guardianship with respect to Tribal Citizens who are incapacitated or otherwise in need of protection, including the appointment of the Tribal Health Care Advocate as a personal representative within the meaning of 45 CFR § 164.502(g) for such Tribal Citizen, a guardianship of the person and/or the care and management of the Tribal Citizens real and personal property. Upon



designation as a conservator or guardian of a Tribal Citizen, the Tribal Health Care Advocate shall carry out the duties of such appointment in accordance with the governing law of such appointment.

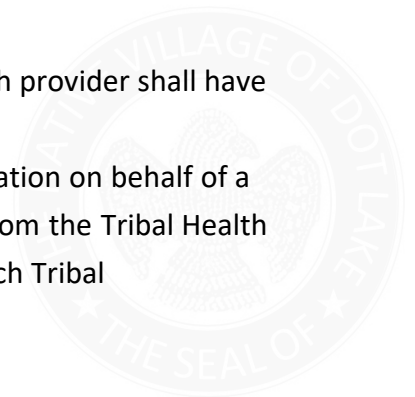
Section 6. Authority of Tribal Health Care Advocate: Tribal Advocacy. Subject to the direction of the Dot Lake Village Council, the Tribal Health Care Advocate may undertake advocacy for general improvements and addressing corruption within the health care system serving tribal citizens.

Section 7. Duties of Tribal health Care Advocate. With regard to Individual Advocacy, the Tribal Health Care Advocate shall

- a) diligently represent the interest of the Tribal Citizen requesting services within the scope of authority designated by the Tribal Citizen;
- b) Obtain and maintain confidentially of all PHI in a manner consistent with HIPAA;
- c) Make medical care decisions on behalf of the authorizing tribal citizen with the scope of authority and designation authorized in writing by the Tribal Citizen or pursuant to a tribal or other court guardianship or conservatorship order.
- d) With the consent of the affected Tribal Citizen, settle grievances and complaints with the Tribal Organization or other health care provider.
- e) When appropriate in the judgement of the Tribal Health Care Advocate, to file complaints or grievances with the appropriate accreditation agency (i.e. Behavioral Health or Ambulatory Care), the State Medical Board, the State Nursing Board, State Social Work Board, Center for Medicare and Medicaid Services, and/or the Office of Inspector General.
- f) Subject to the approval of the Dot Lake Village Council, the Tribal Health Care Advocate may undertake administrative and legal action with respect to individual and tribal advocacy.

Section 7. Duties of Tribal Organization.

- a) Affirmative Duties. The Tribal organization or any other health provider shall have the following duties;
 - i) respond in a timely manner to all requests for information on behalf of a Tribal Citizen receiving individual advocacy services from the Tribal Health Care Advocate holding a designation and ROI from such Tribal



Citizen. For the purpose of this section, "timely manner" shall mean within ____ days of receipt of such request.

- ii) Respond in a timely manner to all complaints or grievances filed by the Tribal Health Care Advocate.

b) Prohibited Practices . The Tribal organization or any other health provider shall not:

- i) Assert tribal sovereign immunity as to any claim brought by the Tribal Health Care Advocate.
- ii)

Section 8. Criminal Background Check: The Tribal Health Care Advocate shall get a criminal background check prior to fulfilling the role of a Tribal Health Care Advocate. If the background check shows convictions listed in the Indian Child Protection and Family Violence Prevention Act of 1990 as amended, the person may not serve as a Advocate without an express waiver of the Dot Lake Tribal Council that very specifically outlines, by resolution, the reasons the Council believes a waiver is justified.

Passed: 6/3/23



Tracy Charles-Smith, President



Jordyn James, Secretary

