

TITLE 11 HEALTH AND HUMAN SERVICES

CHAPTER 11-1 COLVILLE TRIBAL HEALTH AUTHORITY

GENERAL

11-1-1

Establishment

The Colville Business Council hereby creates the Colville Tribal Health Authority as a separate, single purpose instrumentality of the Tribes, to continue in perpetuity until its existence is terminated through legislative action of the Business Council. By Resolution 2004-146, the Colville Business Council approved the Articles and By-Laws of the Colville Nation Community Health Center Board (CNCHC), and directs that the CNCHC Board operate the Colville Tribal Health Authority consistent with the approved Articles, By-Laws and this Chapter.

POWERS AND DUTIES

11-1-2

Duties

The Colville Tribal Health Authority shall be authorized to exist, operate and exercise the following enumerated powers for a perpetual period from the date of enactment of this Chapter:

(a) Operate the Inchelium and Keller Clinics, including performance of any contracts and grants associated with those facilities (including any contracts pursuant to the Indian Self-Determination and Education Assistance Act).

(b) Apply for, receive and carry out other grants and contracts to provide services at the Keller and Inchelium Clinics.

(c) Apply for, negotiate and carry out contracts pursuant to the Indian Self-Determination and Education Assistance Act.

(d) Provide services to non-eligible beneficiaries of the Indian Health Services, provided that such services will not adversely impact services to be provided to eligible beneficiaries.

(e) Bill Medicaid, Medicare and private insurers for services provided by the Authority.

(f) Develop such personnel, procurement, finance, property and other such systems as may be necessary to carry out the provisions and purposes of this chapter.

11-1-3

Waiver of Sovereign Immunity

(a) The Colville Tribal Health Authority or CNCHC Board has the authority to waive its right to exercise sovereign immunity in those contracts, agreements or undertakings which the Colville Tribal Health Authority is a party. Such a proposed waiver may include provisions:

(1) Stating what law will govern disputes;

(2) Agreeing on the right to sue and be sued;

(3) Designating the jurisdiction in which existing or future disputes may be resolved, provided that the parties first exhaust all remedies in the Colville Tribal Court; and

(4) Agreeing to resolve existing and future disputes by arbitration.

(b) No proposed waiver of sovereign immunity by Colville Tribal Health Authority shall allow or authorize:

(1) Any person to enter on or into any land, structure, or facility not under the direct control and oversight of the Colville Tribal Health Authority; or

(2) Any judgment or arbitration award to be enforceable against any assets of the Tribes, fund, or entity of the Tribe, except against those assets described in subsection (c), below.

(c) The enforcement of any judgment, order or arbitration award against the Colville Tribal Health Authority in accordance with a waiver of sovereign immunity may be made only against the following:

(1) The assets of the Colville Tribal Health Authority, not including real property and fixtures; and

(2) The revenues related to, or arising from, the operation of the Colville Tribal Health Authority.

(d) The Colville Tribal Health Authority may not waive the sovereign immunity of the Confederated Tribes of the Colville Reservation, nor any other instrumentality of the Confederated Tribes of the Colville Reservation.

11-1-4 Annual Report to the Business Council

The Colville Nation Community Health Center Board shall report at least annually to the Business Council. The Board may, however, be called to report to the Business Council as deemed desirable by the Business Council.

11-1-5 Reports

The Colville Nation Community Health Center Board shall file quarterly reports with the Business Council. The report shall include:

(a) Unaudited financial statements, prepared in accordance with generally accepted accounting principles, which reflect all business conducted at the Colville Tribal Health Authority during the preceding fiscal quarter and year to date, as well as a budgeted amount for the balance of the current fiscal year;

(b) Information on material changes and developments since the last report of the business conducted at the Colville Tribal Health Authority, including a description of competitive conditions, research and development activities, new lines of business conducted by the Colville Tribal Health Authority, the approximate amount of total sales, revenue, income or loss, attributable to each specific type of health care and for each line of business which accounted for more than ten percent of total sales and revenues of the Colville Tribal Health Authority;

(c) Any material pending legal proceeding to which Colville Tribal Health Authority is or was a party;

(d) Total hires, promotions and terminations by job classification during the preceding fiscal quarter of the Colville Tribal Health Authority employees and work force forecast for each position classification for the current fiscal year; and

(e) Such other or different matters as the Business Council may request. The Colville Tribal Health Authority shall file with the Business Council such additional reports as required from time to time by the Business Council as well as meet all federal and state compliance regulations.

11-1-6 Additional duties

The Colville Nation Community Health Center Board shall, by not less than, a majority of the Board membership:

(a) Annually prepare and submit for approval to the Business Council an annual operating budget to include short-range and long-range goals and objectives of the Colville Tribal Health Authority and the strategies used by the Colville Tribal Health Authority to accomplish these goals and objectives;

- (b) Approve budgets for the Colville Tribal Health Authority, including its annual operating budgets and annual business plans;
- (c) Approve the establishment of accounts at financial institutions as required;
- (d) Authorize the expenditure of funds in the accounts of the Colville Tribal Health Authority as necessary for the operation and maintenance of the business and properties of the Colville Tribal Health Authority and the timely payment of financial liabilities and obligations of the Colville Tribal Health Authority;
- (e) Enter into agreements, contracts, or understandings with any government agency, person, partnership, corporation or Indian Tribe;
- (f) Lease property from the Tribes and others for such periods as are lawfully authorized to hold and manage or sublease such properties;
- (g) Borrow money and issue temporary or long term evidence of indebtedness and timely repay such debts;
- (h) Pledge the assets and receipts of the Colville Tribal Health Authority as security for debts and acquire, sell, lease, exchange, transfer and/or assign the non-realty property or interest of the Colville Tribal Health Authority;
- (i) Undertake and carry out feasibility and other studies and analysis of health operations and markets, prepare health plans, and execute such plans to the extent permitted by the Tribes, and this Chapter, and amendments hereto;
- (j) Prepare and adopt operation and management plans concerning health operations as required or otherwise necessary for the proper conduct of health care endeavors as authorized by the Business Council pursuant to this Chapter and amendments hereto;
- (k) Cooperate with all other Indian Health Service care providers and entities of the Tribes or Tribal designees to carry out services of the Colville Tribal Health Authority;
- (l) Tribal Health Board of Advisors shall exercise approval authority with respect to:
 - (1) Internal management policies, including a written manual sufficiently setting forth policy and procedures regarding (A) hiring, disciplinary and discharge from employment of the Colville Tribal Health Authority employees including policy and rights of appeal governing the provision of the Indian preference employment rights; and (B) a written manual setting forth procurement policies.
 - (2) Vendor contracts, contracts concerning facility maintenance and repairs and contracts and subcontracts regarding ancillary commercial activities of the Colville Tribal Health Authority.
 - (3) Advertisement and promotional sales and activities.
 - (4) Construction plans and specifications, interior and exterior design and furnishings.
 - (5) Annual operating, capital and working capital budgets.
- (m) Collaboratively develop with key Tribal and Health Management staff and approve a plan annually for appropriately distributing medical needs according to available funds;
- (n) Develop, implement, and approve policies and procedures for the successful operation of the Colville Tribal Health Authority.

(Enacted 6/29/ 06, Resolution 2006-323)