



Council of the Cherokee Nation

Meeting Minutes Health Committee

Tuesday, August 12, 2008

10:00 AM

Legislative Conference Room

CALL TO ORDER

Chair Cobb called the meeting to order at 10:07 a.m.

INVOCATION

Councilor Glory-Jordan gave the invocation.

ROLL CALL

Present 14 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

Absent 2 - Bill John Baker and Curtis Snell

APPROVAL OF MINUTES

Councilor Cowan Watts made a motion to approve the minutes of the July 15th regular session. Councilor Anglen seconded the motion. Motion carried.

Councilor Glory-Jordan made a motion to amend the agenda to include new business item 3 as an Act pertaining to the establishment of additional health clinics. Councilor Fishinghawk seconded the motion. Motion carried with Councilor Jack Baker opposed.

REPORTS:

1. Claremore Service Unit - Marty Smith

Melinda Teehee reported in the absence of Mr. Marty Smith. Ms. Teehee offered to answer questions from the report. Councilor Soap requested a follow up on questions he had inquired about in the past regarding third party collections. Councilor Glory-Jordan inquired as to the number of employees. Ms. Teehee responded approximately 350. Councilor Glory-Jordan inquired as to the budget. Ms. Teehee guessed a \$15ml. Councilor Glory-Jordan inquired as to the number of permanent employees and the number of part time. Ms. Teehee stated she was unsure. Councilor Glory-Jordan inquired as to the number of patients that could be taken in the facility. Ms. Teehee stated there are 50 beds. Ms. Teehee clarified the budget is approximately \$40ml including third party. Councilor Glory-Jordan requested a breakdown on third party billing. Melissa Gower guessed \$30ml appropriated and \$10ml third party collections. Ms. Gower stated Hastings appropriated dollars is approximately \$27ml with collections of approximately \$33ml therefore they collect more than they get appropriated. Ms. Teehee stated the out patient visits are down 15% from last year, the adult in patient admissions are down 22%, newborn admissions are down 17% and as of July have only made 280 new charts. Councilor Cowan Watts stated the Claremore Hospital has to compete with

the Tulsa market for Sooner Care. They have an interim CEO at the facility, have just now brought back epidural, and updated the OBGYN ward. She stated they just inherited someone from Hastings for collections. She stated they also have a severe provider shortage. They hope to have the CEO position filled by November.

Councilor Cowan Watts stated she just received information that the Rogers County Sheriff's office has decided to only transport EDO's who live in Rogers County. Ms. Teehee stated the problem came when Grand Lake closed their stabilization unit north of town. All EDO patients are being transferred to Wagoner.

2. Hastings Indian Medical Center - Ed McLemore

Mr. Ed McLemore offered to answer questions pertaining to the written report. He announced there are approximately 2200 participants signed up for the mail in pharmacy refill. Councilor Glory-Jordan inquired as to the difference in collections between Hastings and Claremore. Mr. McLemore stated investments in services, they instituted a charge master system, and they have a one of a kind business process coordinator. He stated they just need more space. Councilor Glory-Jordan inquired as to how much space. Mr. McLemore stated a study from three years ago and based on the formulas for the number of patients it shows they need approximately 190,000 square feet of additional space. Melissa Gower stated the IHS temps receive benefits with a 30 day, 60 day or 13 month time of service that continues to be renewed. She stated there are temps at Hastings that have been there for 17 years. She stated the issue is the Indian Health Service because of federal regulations will not allow a permanent employee paid with third party revenue. Councilor Glory-Jordan requested an explanation for an IPA. Ms. Gower stated and IPA is an Intra Personnel Agreement that Indian Health Service uses with outside agencies to assign an employee to that agency. The IPA agreement with the tribe is a three way agreement with IHS, the tribe and the employee. The term of the agreement is two years due to IHS regulations. If IHS or the tribe want out of the agreement they must give a 60 day notice the employee can get out of the agreement with no notice. The employee would remain an IHS employee just not be on an agreement. A MOA is the same as an IPA just for an commissioned officers agreement. Councilor Glory-Jordan inquired if the tribe has ever terminated an IPA. Ms. Gower stated we have never terminated an IPA and IHS says they never have.

3. Cherokee Nation Health Services - Melissa Gower

Ms. Melissa Gower announced her report had been provided and offered to answer any questions. Councilor Fishinghawk questioned the differences per visit of third party collections between clinics. Ms. Gower stated not all visits are billed the same. It also depends on the percentage of patients that have third party billing versus the percentage of patients who do not have third party billing. Private insurance is a lower rate of collections than medicare and medicaid rates. Councilor Glory-Jordan questioned third party billing at the clinics. Ms. Gower stated over the past five years the third party collections have continually gone up. Last year the collections were at approximately \$16ml and they project to be just over this amount this year. Councilor Glory-Jordan inquired how this plays into the cost to operate the clinics. Ms. Gower stated we get \$58ml for our compact for all programs and an approximate \$16ml in third party billing. Councilor Glory-Jordan requested a projection of the amount of third party collections for the clinic at Hastings if it were separated from the hospital. Mr. McLemore gave a rough estimate of \$18ml out patient and \$15ml in patient. He stated he would like to do an analysis and provide better information. Councilor Glory-Jordan requested the third party billing collections be provided by clinic. Ms. Gower stated there is a chart included in her report with this breakdown. Councilor Glory-Jordan inquired if there is a pharmacy mail out at the clinics. Ms. Gower stated

they have a pilot for the clinics at the Nowata facility. Dr. Grim stated they are hoping to go out into other clinics by the first of the year. She stated they are in the process of getting robotics to fill the prescription refills at night. Councilor Glory-Jordan inquired if they had considered extended hours at the clinics. Ms. Gower stated some of the clinics have extended hours from 7:00 a.m. to 6:00 p.m.

Meeting recessed at 11:03 a.m.

Councilor Frailey made a motion to recess the meeting to allow everyone to attend the ground breaking at the Supreme Court Building in downtown Tahlequah. Roll call is as follows:

Yea: 10 - S. Joe Crittenden; Don Garvin; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Bradley Cobb and Julia Coates

Nay: 4 - David Thornton Sr. ; Cara Cowan Watts; Buel Anglen and Chris Soap

Not In Room: 1 - Chuck Hoskin, Jr.

Meeting reconvened at 2:03 p.m.

Roll Call

Present 14 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb and Julia Coates

Absent 1 - Bill John Baker

Late Arrival 1 - Janelle Fullbright

Councilor Glory-Jordan made a motion to add Councilor Chuck Hoskin Jr. as a member of this committee. Councilor Fishinghawk seconded the motion. Motion carried.

3. Cherokee Nation Health Services - Melissa Gower

Chair Cobb stated we are currently in the middle of the Cherokee Nation Health Service report with Melissa Gower. Councilor Fishinghawk inquired how many positions were budgeted and how many are vacant at the Wilma P Mankiller Clinic. She further requested a breakdown for each clinic of budgeted positions and vacancies. Ms. Gower stated the budgeted positions are in the budget book and the vacancies response had been emailed. Councilor Fishinghawk stated she didn't receive the email pertaining to vacancies and would prefer all the budget to be on one sheet.

OLD BUSINESS

None.

NEW BUSINESS

1. A RESOLUTION PROCLAIMING THE MONTH OF SEPTEMBER AS ALCOHOL AND DRUG RECOVERY MONTH WITHIN THE CHEROKEE NATION

Sponsors: Councilor Cobb And Councilor Fullbright

Councilor Jack Baker made a motion for approval. Councilor Cowan Watts seconded the motion. Motion carried.

2.

A RESOLUTION RATIFYING A SELF-GOVERNANCE COMPACT WITH THE UNITED STATES OF AMERICA, HEALTH AND HUMAN SERVICES, INDIAN HEALTH SERVICE

Sponsors: Councilor Cobb And Councilor Fullbright

Mr. Hembree recommended an amendment to the resolve clause. He recommended a period be placed after W. W. Hastings Hospital and strike the remainder of the clause for the reason that it could be interpreted as a blanket approval of any future amendments to the compact. Councilor Hoskin Jr. offered Mr. Hembree suggestion as a friendly amendment. Councilor Cowan Watts requested Chief Smith or Secretary of State Knight respond prior to her making a decision on the friendly amendment. Ms. Knight gave an explanation of the effects of this amendment request. A self-governance compact also has a funding agreement which is an attachment to the compact. The compact is an umbrella document with no expiration date. The funding agreement outlines the annual funding and programs that are being compacted within the arrangement. She stated removing the language as suggested implies to her that they would need to bring each funding agreement for ratification before the Council. She stated she doesn't agree with striking the language that the funding agreement is not a compact. Chief Smith stated the Council sees the funding agreements each year within the annual budget. Ms. Knight stated the funding agreements are amended sometimes up to 20 times a year. Mr. Hembree stated the reason for striking the language was the Hastings take over was being treated as a mere funding agreement of the self-governance compact. He stated he wants to make sure to abide by the spirit of LA-15-01. Councilor Cowan Watts didn't accept the friendly amendment.

Councilor Hoskin Jr. in agreement with Mr. Hembree stated a few months ago the issue was whether LA-15-01 required the administration to come before this body to get ratification. He made a motion to strike the language as recommended by Mr. Hembree. Councilor Glory-Jordan seconded the motion. Mr. Hembree re stated the motion as placing a period after W.W. Hastings Hospital and striking the remainder of the sentence. Ms. Knight recommended the attachments remain and the language read something like provided any new programs, services, routine functions and activities negotiated under these attachments have to come back for ratification by the Council. Councilor Hoskin Jr. asked Mr. Hembree's opinion. Mr. Hembree read the following language recommendation adding the language "routine funding attachments to such compacts as they are negotiated from time to time provided that any new or additional programs that may be assumed require Council approval." Councilor Hoskin Jr. agreed with the language. Councilor Cowan Watts and Anglen accepted the language as a friendly amendment.

Councilor Crittenden inquired if they have a signed funding agreement. Ms. Knight stated it has been submitted.

Councilor Cowan Watts called for the question. Chair Cobb stated he has 3 additional Councilors wanting to speak. He stated he would allow their discussion.

Councilor Thornton inquired if the W.W. Hastings Hospital budget would come before the Council during budget hearings each year. Mr. Hembree stated it would be part of the comprehensive budget each year.

Councilor Glory-Jordan reminded the committee of amending the agenda to include an Act as new business item 3. She stated this Act goes further than the resolution

in regard to the clinics. Councilor Glory-Jordan asked Chief Smith about some wording changes. Councilor Cowan Watts called point of order. Chair Cobb inquired if this is pertaining to the motion on the floor. Councilor Glory-Jordan stated it goes toward the vote in item #2. Chair Cobb allowed her to complete her question. Councilor Glory-Jordan inquired if with the language changes made earlier the administration could live with the Act. Chief Smith stated he is unsure he agrees with a compromise that the current resolution ratifies the compact and stands by itself. He stated Councilor Jordan's proposed Act actually memorailizes Health's over all long term plan and the need to look at a comprehensive long term capitol budget. He stated they have no objection to the proposed Act but he sees it as a separate and more independent and encompassing than the resolution.

Chair Cobb stated there is a motion with a second on the floor along with a friendly amendment. Councilor Frailey stated she has several questions. Councilor Coates stated the question has been called. Mr. Hembree stated when the question is called it usually ends debate by acclimation however it is a motion that is not debatable or amendable and can go to a vote provided the Chair allows it. Councilor Cowan Watts withdrew her call for the question.

Councilor Frailey inquired if the advice of a health economist had been sought out and if so what was their recommendation. Ms. Knight stated during the planning process they acquired the services of a PHD who does health care financing. She stated he participated in the planning and in the negotiations. Councilor Frailey inquired what is the plan to overcome the bureaucracy of excessive paperwork. Ms. Gower stated they have several plans. She stated over the past few years all of the clinics have consolidated all of their databases. Currently Hastings is not included in this database. She stated they have a plan for health information technology. Councilor Frailey inquired if there is an independent health board or are there plans to form one to assure professional standards. Ms. Gower stated they have a quality council that consists of approximately 20 people ranging from health administrators and program directors. Councilor Frailey inquired if there is a plan or incentive to attract top notch doctors, nurses and so forth to rural Oklahoma. She asked if we would be more or less a general hospital or be more focuses on a specialty. Ms. Gower stated October first we will have a full time recruiter. They are implementing a recruitment plan that they began last year. She stated we were one of the pilot sites that got accepted in the plan care initiative. Of the fourteen nation wide sites we have performed the best. Councilor Frailey asked if we have measurable outcomes. Dr. Grim replied there are numerous measurable outcomes which are dictated by the federal government but also because we are accredited. They have a benchmark to see if they are above the national standards.

Councilor Cowan Watts made a motion for approval with amendments.

Councilor Anglen seconded the motion. Roll call is as follows:

Yea: 13 - David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Julia Coates and Chuck Hoskin, Jr.

Nay: 3 - S. Joe Crittenden; Tina Glory Jordan and Jodie Fishinghawk

3.

AN ACT ESTABLISHING ADDITIONAL CHEROKEE NATION HEALTH CLINICS, IDENTIFYING FUNDING AND ESTABLISHING TIME FRAMES FOR CONSTRUCTION

Sponsors: Councilor Glory Jordan, Councilor Hoskin,, Councilor Fishinghawk, Councilor Frailey And Councilor Crittenden

An Act establishing additional clinics and establishing timelines was handed out. Councilor Glory-Jordan stated she would like to sponsor before this body and stated

it has nothing to do with the assumption of Hastings Hospital. She stated this is a plan for future direction of the health area within the Cherokee Nation. This Act takes the clinics discussed over the last ten months and places them in one Act with a plan to establish the appropriate funding level for those clinics and the adoption of a master capitol improvement plan to construct these clinics. This Act also includes a paragraph covering the IPA agreements at Hastings. This gives assurances to the IPA classified employees at Hastings. The clinics would include a new medical clinic located in Tahlequah adjacent to W.W. Hastings Hospital, new medical clinic at Jay, a dental clinic at Salina and a new medical clinic in Vinita. She stated this Act not only gives guidance but a vision into the future. Councilor Glory-Jordan offered the opportunity for other Councilors to sponsor. Councilors Hoskin, Jr., Fishinghawk, Frailey and Crittenden asked to be co-sponsors. Councilor Glory-Jordan stated the timeline would be presented at the same time as the comprehensive plan.

Councilor Glory-Jordan made a motion for approval. Councilor Hoskin Jr. seconded the motion.

Councilor Cowan Watts voiced encouragement for additional health care facilities. She voiced concern for the Act being sprung on the committee today and includes a great deal of funds. She is in support of these facilities and the need for the comprehensive plan but the administration is bringing forward a plan that will include time frames and budget numbers at the budget hearings. She stated she could not be in support of this Act today. Councilor Jack Baker voiced concern for the wording stating the Tahlequah facility must be adjacent to Hastings Hospital. He questioned what would happen if the ideal site is found and it isn't adjacent to the hospital. Councilor Glory-Jordan stated she is open to amending the wording. Councilor Jack Baker offered a friendly amendment for the language to read a new medical clinic located in Tahlequah. Ms. Gower voiced concern due to the administration already having a long range plan and a health facility master plan. She questioned what pulling parts of the overall plan out to become part of this Act. She voiced concern for reach facility listed in the Act. Councilor Glory-Jordan accepted the friendly amendment. Councilor Hoskin Jr. stated he didn't see anything in the Act as limiting in nature. He stated the Council isn't in any way trying to prohibit anything from being done. This allows the administration flexibility to determine appropriate time frames for construction and allows the Council's need to embrace the health care facility master plan. It also within a reasonable time period ensures a funding source. This Act could be amended to include other clinics. Councilor Fishinghawk requested a short answer explaining when the Tahlequah clinic would be complete. Ms Gower stated she does not know. Councilor Fishinghawk requested a time line for the Jay clinic. Ms. Gower stated she could say what is on the capitol improvement plan that the design would begin in 2009. She stated if they apply for a joint venture it would provide more services for the area the application would go in after the first of the year and notification is given around May. If they receive approval for the joint venture the planning process begins. She stated she absolutely could not say when the clinic in Jay would be complete. She stated they need the funds to build the facility for the Salina dental clinic. They are carving out the operational dollars out of Muskogee to fund the operational piece of the dental clinic. Councilor Fishinghawk asked if funds had ever been identified for a dental clinic in Salina. Mr. Doug Evans stated several years ago part of an expansion effort in Salina was for the south end occupancy of a dental clinic. Councilor Hoskin Jr. requested a brief explanation of how a joint venture project works. Ms. Gower gave a brief overview. She gave a best guess of an overall time frame of three years once approved. Councilor Hoskin Jr. inquired if Mr. Hembree thought this Act would in any way limit the administration with their master plan. Mr. Hembree stated a legislative act is the law of the land. He stated it wouldn't prevent other things from being done but would require the items listed in this act be done. Councilor Glory-Jordan stated the only portion of the

proposed Act that hasn't been addressed is the IPA portion. She asked if there was any opposition to the wording in regard to the IPA section. Ms. Gower stated *intra* could be *inter*. She voiced concern that it is specific to a Tahlequah medical clinic. She stated the possibility exists that it may be better to build an inpatient facility and have the existing facility as the clinic. Councilor Glory-Jordan stated this is not limiting what our future health plan will be we are just reiterating what has already been discussed in written form. She stated this is to establish a forward thinking plan for the future and this Council be a part in establishing the plan. She stated this is only to establish that plan it is not to limit anything. She made a motion to correct *intra* to be *inter* as suggested by Ms. Gower. Councilor Hoskin accepted. Councilor Soap inquired as to how the medical clinics listed in this act fit into the sequence of the administrations plan. Ms. Gower stated the capitol improvement plan she has seen includes Jay clinic, Salina dental, Vinita, Bartlesville and the completed projects of Redbird, Nowata, and Muskogee. If Hastings is assumed it includes the development of the 45 acres adjacent to Hastings. It is proposed that the 45 acres would include a day care center, a retail building for doctor space, a Jack Brown center, medical storage facility, health programs and services building and a health services facility. This is all long term spread out over five years in the plan. She stated the financing piece of the plan is not done. The other three facilities were built by issuing health care construction public bonds. Councilor Soap inquired if there is issue with the act being very site specific. She stated Vinita would be Vinita due to already being approved. In Jay there hasn't been land purchased. She stated as long as it serves the Jay population it could be outside of Jay. The site selection is set once the joint venture is applied for. There are already 45 acres purchased in Tahlequah and the Salina dental would be a the part of the current clinics. Councilor Fullbright stated she has several questions and reservations. She stated she doesn't remember ever seeing a master improvement plan. She voiced concern for the need of a dialysis center in Sequoyah County. The Muskogee clinic is a ghost town and was a part of the big master plan. She voiced concern for not being included in the development of the master plan and site selection. She stated she isn't for the proposed act due to the feeling of being limited and she requested to see the master plan during budget hearings. Councilor Frailey inquired if there is an order of priority for the facilities listed in 5A in the proposed act. Councilor Glory-Jordan stated they are not in any certain order. Councilor Fishinghawk requested the opportunity to review the master plan during budget hearings. Ms. Knight announced Ms. Callie Catcher is bringing forward the capitol improvement plan along with a discussion in regard to the funding. Councilor Crittenden inquired as to the status of the dialysis center in the master plan. Ms. Knight stated they try to get third parties to leverage the cost as much as possible. Ms. Rachel McAlvain stated there are numerous companies that have expressed interest in the dialysis center but they must have a patient mix that weighs their financial gain. DEVEDA has expressed great interest and is in the process of proposing a financial plan for CNB to approve. She stated it has taken time to get the patient numbers needed. Councilor Thornton stated the annex at Sallisaw was pig tailed in the budget for the dialysis center. He stated we have the annex but no dialysis center. He questioned if the annex is large enough for a dialysis center. Dr. Grim stated the problem is it doesn't have the right plumbing or water source for a dialysis center nor is there enough space. Councilor Thornton stated he doesn't have a problem with the proposed act however the annex was completed without one. He stated he couldn't be against the act because it is for the people. Councilor Glory-Jordan asked Councilor THornton about adding the dialysis center to the act. Councilor Thornton stated he didn't think it would make a difference. Councilor Glory-Jordan called for the question.

Roll call for the motion for approval with amendments is as follows:

- Yea:** 10 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Chris Soap and Chuck Hoskin, Jr.
- Nay:** 6 - Don Garvin; Cara Cowan Watts; Buel Anglen; Curtis Snell; Bradley Cobb and Julia Coates

ANNOUNCEMENTS

Chair Cobb gave appreciation to everyone for their indulgence. He stated one of his concerns when becoming a Councilor was politics and the government didn't move fast enough. He stated he now understands there is at times a reason. He stated as a doctor he has practiced in a federal facility. He stated there have been some people on the Council and some not who wanted the process to move faster. He stated the Council is elected to be a voice of the people. He stated irregardless if some people thought too much time has been taken he felt people had questions that needed to be answered and would do the exact same thing again. He stated when he feels ample time has been given for questions to be answered then there would be a vote. He gave appreciation to the staff for their extra time and late nights.

ADJOURNMENT

Councilor Jack Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 3:45 p.m.

STAFF PRESENT:

<i>Vickie Hanvey</i>	<i>Charlie Soap</i>	<i>Doug Evans</i>
<i>Melanie Knight</i>	<i>Ida Webber</i>	<i>Chad Smith</i>
<i>Melissa Gower</i>	<i>Rachel McAlvain</i>	<i>Randy Gibson</i>
<i>Dr. Gloria Grim</i>		

VISITORS PRESENT:

<i>Ed McLemore</i>	<i>Dr. Doug Nolan</i>	<i>Todd Hembree</i>
<i>Mike Miller</i>	<i>Jim Ketcher</i>	<i>Mitch Thornbrough</i>
<i>Melinda Teehee</i>	<i>Cathy Holcroft</i>	

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____