

RESOLUTION NO 07-25

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING HEALTH CARE SERVICES TO INDIVIDUALS
NOT OTHERWISE ELIGIBLE FOR SERVICES FROM THE INDIAN HEALTH
SERVICE THROUGH THE CHEROKEE NATION GADUGI EMPLOYEE HEALTH
CLINIC AND OTHER SERVICES**

WHEREAS, the Cherokee Nation (“Nation”) since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee people;

WHEREAS, the Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Nation has exclusive tribal jurisdiction over the Cherokee Nation Reservation, the geographic scope of which is defined in federal and Cherokee Nation law;

WHEREAS, Cherokee Nation has a long-standing and indispensable relationship with the United States as to the delivery of health services to Cherokee citizens, principally through the federal Indian Health Service (IHS) and through a self-governance Compact with the Secretary of the U.S. Department of Health and Human Services entered into under the Indian Self-Determination and Education Assistance Act (ISDA) to operate the programs, services, functions and activities of IHS;

WHEREAS, Section 813 of the Indian Health Care Improvement Act, as amended, 25 U.S.C. § 1680c, authorizes the governing body of a Tribe carrying out health services of the IHS under the ISDA to determine whether health services should be provided under the Tribe’s funding agreement with the IHS “to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law,” 25 U.S.C. § 1680c(c) (2);

WHEREAS, Section 813 provides that in making such a determination, the governing body of the Tribe shall “take into account” whether the provision of health care services to such individuals will result in the denial or diminution of health services to American Indians or Alaska Natives;

WHEREAS, the Council of the Cherokee Nation has carefully considered the factors identified in Section 813 and understands the non-beneficiaries the Nation intends to serve make up a small percentage of the patients receiving care from the Nation’s facilities and practitioners, and the Council has determined that the limited services provided to non-beneficiaries as set forth in Cherokee Nation Department of Health policy will not result in the denial or diminution of services to IHS beneficiaries;

WHEREAS, the Council of the Cherokee Nation acknowledges that the probation of services provided to non-beneficiaries described above include, but may not be limited to, health services

provided through the Cherokee Nation "Gadugi" employee health clinic and the provision of public health services, such as vaccinations, at events open to the general public;

WHEREAS, the Nation has established billing and collection procedures to ensure that non-beneficiaries are billed in an amount that results in recovery of actual costs for the health services they receive from the Nation's providers;

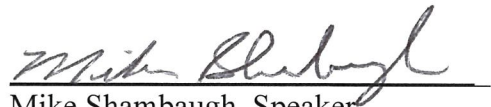
WHEREAS, the Nation will enter into agreements to ensure payment for services offered to indigent non-beneficiaries, if services are actually extended to this population, as required by Section 813;

WHEREAS, the Council of the Cherokee Nation has determined that Section 813 of the Indian Health Care Improvement Act, as amended, 25 U.S.C. § 1680c, is satisfied.

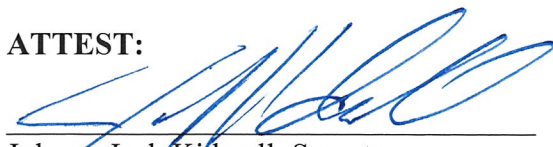
BE IT RESOLVED BY THE CHEROKEE NATION, that the Nation is authorized to extend limited health services to non-beneficiaries on the Cherokee reservation in accordance with Department of Health policy; that the Executive Director of the Department of Health, or his or her designee, is authorized and directed to limit or eliminate access to such health services by non-beneficiaries should provision of such services diminish the provision of health services to IHS beneficiaries; that the Department of Health shall charge these non-beneficiaries for services provided.

CERTIFICATION

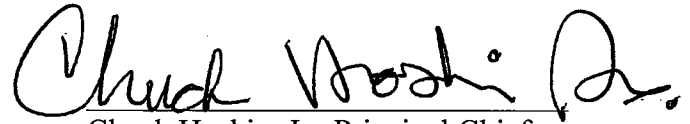
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 10th day of February, 2025, having 14 members present, constituting a quorum, by the vote of 14 yea; 0 nay; 0 abstaining.


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:

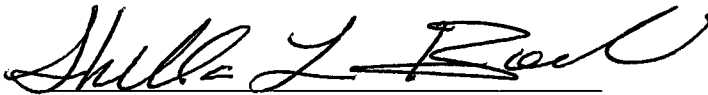

Johnny Jack Kidwell, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14th day of February, 2025.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Shella Bowlin, Secretary of State
Cherokee Nation

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

**Treasurer (Required:
Grants/Contracts/Budgets):**

Signature/Initial Date

Government Relations:

Signature/Initial Date

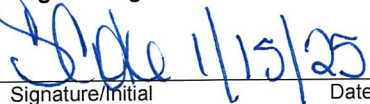
Administration Approval:



Signature/Initial Date

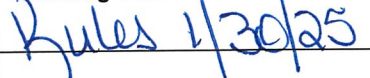
LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:



Signature/Initial Date

Standing Committee & Date:



Chairperson:



Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

☐ Act

☒ Resolution

TITLE:

**A RESOLUTION AUTHORIZING HEALTH CARE
SERVICES TO INDIVIDUALS NOT OTHERWISE
ELIGIBLE FOR SERVICES FROM THE INDIAN
HEALTH SERVICE THROUGH THE CHEROKEE
NATION GADUGI EMPLOYEE HEALTH CLINIC
AND OTHER SERVICES**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Canaan Duncan

COUNCIL SPONSOR: Speaker Mike Shambaugh,
Kevin Easley, Mike Dobbins,
Joe Deere

NARRATIVE:

JAN 15 '25 PM 3:14