



# Council of the Cherokee Nation

Cherokee Nation Tribal Council  
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Tahlequah, OK 74464

## Legislation Details (With Text)

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**On agenda:** 5/16/2011      **Final action:** 5/16/2011  
**Enactment date:** 5/16/2011      **Enactment #:** R-43-11

**Title:** A RESOLUTION EXPRESSLY AUTHORIZING THE CHOICE OF LAW AND CHOICE OF VENUE CLAUSE, AS IT APPLIES TO THE OKLAHOMA HEALTH CARE AUTHORITY AND CHEROKEE NATION MEDCAID BILLING AGREEMENT

**Sponsors:** Bradley Cobb, Janelle Fullbright

**Indexes:** Agreement, Health, Waiver of Sovereign Immunity

**Code sections:** N/A - Not Applicable

**Attachments:** 1. R-43-11.pdf

Date	Ver.	Action By	Action	Result
5/25/2011	1	OFFICE OF THE CHIEF	Signed	
5/16/2011	1	TRIBAL COUNCIL	Approved	Pass
4/28/2011	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

### **A RESOLUTION EXPRESSLY AUTHORIZING THE CHOICE OF LAW AND CHOICE OF VENUE CLAUSE, AS IT APPLIES TO THE OKLAHOMA HEALTH CARE AUTHORITY AND CHEROKEE NATION SOONERCARE GENERAL PROVIDER AGREEMENT**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

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

**WHEREAS**, the Council of the Cherokee Nation hereby authorizes the Principal Chief of the Cherokee Nation to agree to the choice of law and choice of venue clause in the General Provider Agreement between Cherokee Nation Health Services and the Oklahoma Health Care Authority. Specifically, the agreement calls for federal law to govern the Agreement and for the venue for any actions arising from the Agreement to be the United States District Court, Western District of Oklahoma. The Oklahoma Health Care Authority requires Cherokee Nation to enter into a General Provider Agreement to bill SoonerCare for services provided by the Cherokee Nation Health Services. The General Provider Agreement has the above mentioned choice of law and venue clauses. Cherokee Nation Health Services and the Cherokee Nation Office of the Attorney General have requested these clauses to be stricken from the agreement but the Oklahoma Health Care Authority will not agree to strike said clauses.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Principal Chief is authorized to sign the Agreement with the Choice of Law and Venue clauses mentioned above, as it applies to the Oklahoma Health Care Authority and Cherokee Nation SoonerCare General Provider Agreement.