



## Legislation Text

File #: CNCA-63, Version: 3

### TITLE 63 PUBLIC HEALTH AND SAFETY (INCLUDES 2016 POCKET PART)

1. General Provisions [Reserved]
2. Cherokee Nation Comprehensive Care Agency Organic Act
3. Ninety Day Prescription Mandate Act

#### United States Code

Enforcement of state laws affecting health and education; entry of state employees on Indian lands, see 25 U.S.C. § 231  
Indian alcohol and substance abuse prevention and treatment, see 25 U.S.C. § 2401 et seq. Indian health care, see 25 U.S.C. §  
1601 et seq.  
Indian youth suicide prevention, see 25 U.S.C. § 1667 et seq.

### CHAPTER 1

#### GENERAL PROVISIONS [RESERVED]

### CHAPTER 2

#### CHEROKEE NATION COMPREHENSIVE CARE AGENCY ORGANIC ACT

##### Section

101. Short title
102. Purpose
103. Establishment
104. Board of Directors
105. Finances
106. Reporting

#### § 101. Short title

This act shall be known and may be cited as the Cherokee Nation Comprehensive Care Agency Organic Act.

##### History

**Source.** LA 3-04, eff. February 23, 2004.

#### § 102. Purpose

The purpose of this act is to establish a government agency to provide health and human services.

##### History

**Source.** LA 3-04, eff. February 23, 2004.

#### § 103. Establishment

The Cherokee Nation Comprehensive Care Agency (hereinafter "Agency") is hereby established within the Executive Branch of the government of the Nation.

Source. LA 3-04, eff. February 23, 2004.

## History

Indians 210, 410. Westlaw Topic No. 209.

## § 104. Board of Directors

### Library References

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

A. Number. The Board of Directors for the Agency shall consist of:

1. At least three (3) but no more than five (5) regular members;
2. Five (5) standing ex-officio members, which are the executive heads of Health Services, Human Services, and Home Health, or their designee(s), and the Chairs of the Council Health Committee and Tribal Services Committee. Ex-officio members shall not have a vote on the Board.

B. Terms. Regular members shall serve for terms of three (3) years and may hold their seat until they are retained or their replacement is seated. In order to stagger the expiration of office, of the first group of regular members appointed

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hereunder, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and any additional for terms of three (3) years.

C. Conflicts of interest. Except as authorized under the Constitution of Cherokee Nation, no regular member of the Agency shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution from any political organization, candidacy or other political purpose. No regular member of the Commission shall be a member of any tribal or local committee of a political party, or an officer or a member of a committee of a partisan political club, or a candidate for nomination or election to any paid tribal office, or take part in the management or affairs of any tribal political party or in any political campaign, except to exercise his or her right as a citizen privately to express his or her opinion and to cast his or her vote.

D. Qualifications. To be eligible to serve as a regular member, a person must:

1. be at least twenty-five (25) years of age;
2. have a bachelor's degree from a college or university in a Health, Finance, Legal, Administration or related field, or have four (4) years or more of related experience, which may include four (4) years or more as a professional provider of health care or social services to elderly or disabled adults;
3. be of high moral character or integrity;
4. never have been convicted of a criminal offense other than misdemeanor- or traffic offenses; and
5. be physically able to carry out the duties of office.

E. Selection. The Principal Chief of Cherokee Nation shall select the regular members of the Board, subject to confirmation by majority vote of the Council of Cherokee Nation.

F. Vacancy. In the event of a vacancy in the membership of the Board, the Principal Chief shall fill such vacancy for the unexpired term, subject to confirmation by a majority vote of the Council.

G. Removal. Regular board members shall serve their terms of office free from political influence from any department of the government of the Nation and may be removed only for cause, after a hearing by the Supreme Court under such rules and procedures as the Council prescribes. A petition for removal for cause may be brought by a majority vote of the Tribal Council, or the Principal Chief.

H. Authority. Subject to tribal and federal law, the Board of Directors shall have legal authority and responsibility for the following:

1. Governance and operation of the organization not inconsistent with the Constitution and laws of Cherokee Nation;

2. Development of policies consistent with the mission;
3. Management and provision of all services, including the management of contractors;

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4. Establishment of personnel policies that, at a minimum, address adequate notice of termination by employees or contractors with direct patient care responsibilities;
5. Fiscal operations;
6. Development of policies on participant health and safety, including comprehensive, systemic operational plan to ensure the health and safety of participants;
7. Quality assessment and performance improvement program;
8. Establishment of a consumer advisory committee to provide advice to the Board on matters of concern to participants. Participants and representatives of participants must constitute a majority of the membership of this committee;
9. Buy, sell, lease, or rent, real or personal property, as landlord or tenant, for authorized Agency activity, provided that facilities through which programs, services, functions or activities designated in paragraph 11 are carried out shall be considered facilities of Cherokee Nation and may be leased by Cherokee Nation to the Indian Health Service pursuant to 25 U.S.C. §§ 450j(1) and 458aaa-15(a);
10. Entering into service provider contracts, including contracts, agreements or grants with private or public entities to provide comprehensive care services authorized by this Act, provided, however, that Cherokee Nation reserves all rights with regard to intergovernmental compacts or government-to-government agreements, including but not limited to those authorized under P.L. 93-638 as amended, and such rights are not delegated to the Agency under this act;
11. Carrying out designated programs, services, functions and activities that are the responsibility of Cherokee Nation under agreements entered into by Cherokee Nation under P.L. 93-638, as amended;
12. Acquire or consolidate with other entities to enhance services provided;
13. Take any other action not prohibited by law that the Board finds to be in the best interest of the people served by the Agency.

#### History

**Source.** LA 3-04, eff. February 23, 2004.

#### United States Code

Application of other sections of this subchapter, see 25 U.S.C. § 458aaa-15. Contract or grant provisions and administration, see 25 U.S.C. § 450j.

#### Library References

Indians 210, 410. Westlaw Topic No. 209.

## § 105. Finances

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

A. Funds appropriated or transferred to the Agency by Cherokee Nation, including those funds acquired by Cherokee Nation pursuant to an Agreement entered into under P.L. 93-638, shall be used by the Agency for the purposes designated by Cherokee Nation. Other funds of the Agency earned or received,

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including third-party revenue generated on activities that the Agency is designated to carry out under 63 CNCA § 104(H)(11), shall be retained by the Agency and used to carry out the programs and services of the Agency for the benefit of its clients, patients, or participants.

B. The Agency shall establish and maintain its own management systems.

C. Regular Board members may be reasonably compensated pursuant to Board action, subject to available funds and any applicable law.

D. Upon dissolution of the Agency all assets shall become property of Cherokee Nation unless otherwise required by law.

#### **History**

**Source.** LA 3-04, eff. February 23, 2004.

#### **Library References**

Indians 210, 410. Westlaw Topic No. 209.

### **§ 106. Reporting**

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

The Board or the Chief Executive Officer of the Agency shall report at least annually to the Principal Chief and Tribal Council as to its programs, finances, employees, facilities, plans, and any other information the Board deems important to convey.

**Source.** LA 3-04, eff. February 23, 2004.

#### **History**

Indians 210, 410. Westlaw Topic No. 209.

#### **Library References**

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

## **CHAPTER 3**

### **NINETY DAY PRESCRIPTION MANDATE ACT**

#### **Section**

- 301. Short title
- 302. Purpose
- 303. Definitions
- 304. Ninety day prescription mandate

### **§ 301. Short title**

This Act shall be known and may be cited as the Ninety Day Prescription Mandate Act.

**Source.** LA 14-13, eff. October 1, 2013.

#### **History**

### **63 CNCA § 302**

### **§ 302. Purpose**

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The purpose of this Act is to assure Cherokee citizens that they will be disbursed prescription drugs every ninety (90) days.

#### **History**

**Source.** LA 14-13, eff. October 1, 2013.

### **§ 303. Definitions**

[Reserved]

**Source.** LA 14-13, eff. October 1, 2013.

## **History**

### **§ 304. Ninety day prescription mandate**

A. For purposes of effective accommodation and timely accessibility of medication for health patients of the Cherokee Nation, ninety (90) day prescription drug distributions are hereby mandated. When prescriptions are prescribed by physicians, each prescription shall be filled for ninety (90) days at a time, including refills for the same prescription.

B. In the event of certain exceptions, the Health Committee for the Council of the Cherokee Nation shall work with the Cherokee Nation Health Services Staff to develop policies and criteria for compliance of this Act and the Health Committee shall then conduct a final review and have final approval.

## **History**

**Source.** LA 14-13, eff. October 1, 2013.

## **Library References**

Health 305.

Westlaw Topic No. 198H.

C.J.S. Drugs and Narcotics §§ 15, 49 to 50, 110 to 111.