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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/26/17

SPONSOR Clahchischilliage LAST UPDATED \_\_\_\_\_ HM 52

SHORT TITLE Keep Indian Health Improvement Act Intact SB \_\_\_\_\_

ANALYST Boerner

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Similar to SJM23 and HJM 13

Identical to SM67

Relates to HJM 7 which requests a study of the impact of a repeal of the ACA

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Indian Affairs Department (IAD)

### SUMMARY

#### Synopsis of Bill

House Memorial 52 (HM 52):

- Requests the New Mexico congressional delegation be urged to keep the federal Indian Health Care Improvement Act intact;
- Calls upon the U.S. Congress to protect Sections 2901, 2902 and 9021 of the Patient Protection and Affordable Care Act;
- Calls upon the U.S. Congress to ensure that any plan to change the manner in which state Medicaid costs are reimbursed by the federal government include a carve-out for services provided to American Indians and Alaska Natives so that the federal government obligation is not shifted to the states; and,
- Copies of the memorial be transmitted to the New Mexico congressional delegation, the interim legislative health and human services committee and any other appropriate interim committee.

## FISCAL IMPLICATIONS

None noted.

## SIGNIFICANT ISSUES

According to the federal Indian Health Service, the Indian Health Care Improvement Act (IHCIA) provides the legal authority for the provision of health care to American Indians and Alaska Natives. The original version was passed by Congress in 1976 and was made permanent when President Obama signed the bill March 23, 2010 as part of the Patient Protection and Affordable Care Act (ACA). In 2000, the authorization of appropriations for the IHCIA had expired and tribes and tribal organizations had strongly advocated for the update and reenactment of the IHCIA. Since the enactment of ACA in 2010, the Act has no expiration date. The version of the IHCIA signed into law in 2010 differs in several respects from the original version passed by Congress in 1976. It includes many major changes and improvements to facilitate the delivery of health care services, such as:

- Enhancement of the authorities of the IHS Director, including the responsibility to facilitate advocacy and promote consultation on matters relating to Indian health within the Department of Health and Human Services.
- Provides authorization for hospice, assisted living, long-term, and home- and community-based care.
- Extends the ability to recover costs from third parties to tribally operated facilities.
- Updates current law regarding collection of reimbursements from Medicare, Medicaid, and CHIP (Children’s Health Insurance Program) by Indian health facilities.
- Allows tribes and tribal organizations to purchase health benefits coverage for IHS beneficiaries.
- Authorizes IHS to enter into arrangements with the Departments of Veterans Affairs and Defense to share medical facilities and services.
- Allows a tribe or tribal organization carrying out a program under the Indian Self-Determination and Education Assistance Act and an urban Indian organization carrying out a program under Title V of IHCIA to purchase coverage for its employees from the Federal Employees Health Benefits Program.
- Authorizes the establishment of a Community Health Representative program for urban Indian organizations to train and employ Indians to provide health care services.
- Directs the IHS to establish comprehensive behavioral health, prevention, and treatment programs for Indians.

The provision of health services to members of federally-recognized tribes has grown out of a government-to-government relationship between the federal government and Indian tribes first established in 1787, based on Article I, Section 8 of the Constitution, and has been given form

and substance by numerous treaties, laws, Supreme Court decisions, and Executive Orders. The Indian Health Service (IHS) is the principal federal health care provider and health advocate for Indian people, and its stated goal is to raise their health status to the highest possible level. IHS administers a comprehensive health service delivery system for approximately 2.2 million American Indians and Alaska Natives who belong to 567 federally recognized tribes.

CB/al/jle