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SENATE MEMORIAL 67

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

John Pinto

A MEMORIAL

REQUESTING THAT THE UNITED STATES CONGRESS KEEP THE INDIAN HEALTH CARE IMPROVEMENT ACT INTACT.

WHEREAS, the federal Indian Health Care Improvement Act was made permanent on March 23, 2010 as part of the federal Patient Protection and Affordable Care Act; and

WHEREAS, the Indian Health Care Improvement Act constitutes the cornerstone legal authority for the provision of health care to American Indians and Alaska Natives; and

WHEREAS, the Indian Health Care Improvement Act is critical to modernizing and improving the health care provided to American Indians and Alaska Natives; and

WHEREAS, the Indian Health Care Improvement Act is a key component of the federal government's trust responsibility and honors the obligations of the United States' government-to-

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1 government relationship with American Indian tribes, including  
2 the promise of adequate health care; and

3 WHEREAS, key components of the Indian Health Care  
4 Improvement Act include major changes and improvements to  
5 facilitate the delivery of health care services; and

6 WHEREAS, now, the Indian Health Care Improvement Act  
7 provides authorization for hospice, assisted living, long-term  
8 care and home- and community-based care; and

9 WHEREAS, the Indian Health Care Improvement Act extends  
10 the ability to recover costs from third parties to tribally  
11 operated facilities and updates current law regarding  
12 collection of reimbursements from medicare, medicaid and the  
13 children's health insurance program by Indian health  
14 facilities; and

15 WHEREAS, the Indian Health Care Improvement Act authorizes  
16 the Indian health service to enter into arrangements with the  
17 United States department of veterans affairs and department of  
18 defense to share medical facilities and services; and

19 WHEREAS, the Indian Health Care Improvement Act allows for  
20 the establishment of a community health representative program  
21 for urban Indian organizations to train and employ American  
22 Indians to provide health care services; and

23 WHEREAS, the Indian Health Care Improvement Act directs  
24 the Indian health service to establish comprehensive behavioral  
25 health, prevention and treatment programs for American Indians;

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1 and

2 WHEREAS, the Indian health service provides a  
3 comprehensive health service delivery system for approximately  
4 one million nine hundred thousand of the United States'  
5 estimated three million three hundred thousand American Indians  
6 and Alaska Natives; and

7 WHEREAS, provisions exist within the Patient Protection  
8 and Affordable Care Act that are separate from the Indian  
9 Health Care Improvement Act that help to ensure that the Indian  
10 health delivery system remains viable; and

11 WHEREAS, Section 2901 of the Patient Protection and  
12 Affordable Care Act states that any Indian health service,  
13 tribal or urban Indian health system be the payer of last  
14 resort for services provided, notwithstanding any federal,  
15 state or local law to the contrary; and

16 WHEREAS, Section 2902 of the Patient Protection and  
17 Affordable Care Act grants Indian health service, tribal or  
18 urban Indian health providers with the permanent authority to  
19 collect reimbursements for all Medicare Part B services; and

20 WHEREAS, Section 9021 of the Patient Protection and  
21 Affordable Care Act ensures that any health benefits provided  
22 by a tribe to its members are not included as taxable income;  
23 and

24 WHEREAS, under current law, the federal government  
25 reimburses the states for one hundred percent of the cost of

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1 providing medicaid services to American Indians and Alaska  
2 Natives;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
4 OF NEW MEXICO that the New Mexico congressional delegation be  
5 urged to keep the federal Indian Health Care Improvement Act  
6 intact; and

7 BE IT FURTHER RESOLVED that the senate of the state of New  
8 Mexico call upon the United States congress to protect Sections  
9 2901, 2902 and 9021 of the Patient Protection and Affordable  
10 Care Act and urge the New Mexico congressional delegation to  
11 support measures to protect Sections 2901, 2902 and 9021 of the  
12 Patient Protection and Affordable Care Act; and

13 BE IT FURTHER RESOLVED that the senate of the state of New  
14 Mexico call upon the United States congress to ensure that any  
15 plan to change the manner in which state medicaid costs are  
16 reimbursed by the federal government include a carve-out for  
17 services provided to American Indians and Alaska Natives so  
18 that the federal government obligation is not shifted to the  
19 states and that the New Mexico congressional delegation be  
20 urged to support such a carve-out; and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 transmitted to the New Mexico congressional delegation, the  
23 interim legislative health and human services committee and any  
24 other appropriate interim committee.