

OPEN FOR COMMENT

Proposed Health Authority Ordinance

Comments must be received by July 23, 1999

The Tribal Council, in consultation with the Tribal Attorney's Office, has proposed adoption of a Health Authority Ordinance. The first reading of the proposed Health Authority Ordinance was presented at the June 9, 1999, Tribal Council Meeting. The purpose of the Ordinance is to ensure tribal members are afforded a high quality of health care. Among other things, the Ordinance does the following:

- Establishes the Grand Ronde Tribal Health Authority, the administrative body responsible for overseeing the general operation of the Clinic and other tribal health programs.
- Provides for a Board of Commissioners to run the Health Authority. The Board will have at least 5 but no more than 7 **voting** members appointed by Tribal Council.
- Provides for 2 Ex-Officio/**non-voting** members of the Board (at least one of which will be a Tribal Council member).

- Provides for hiring of a Clinic Director (by Council with recommendations from the Board) who will be responsible for overseeing the day-to-day operations of the Clinic.
- Sets forth the duties and powers of the Health Authority which duties and powers include: administering grants acquired by the Tribe for Health Services; hiring and disciplining personnel at the clinic; acquiring personal property necessary for conducting business, provided that, the Board must get Council approval for purchases over \$100K; setting charges and billing for services rendered; and adopting Bylaws for the conduct of business.

A copy of the entire Ordinance is printed below. The Tribal Council invites comment on the proposed new Ordinance. Please send your comments to the Tribal Attorney's Office, 9615 Grand Ronde Rd., Grand Ronde, OR 97347.

HEALTH AUTHORITY ORDINANCE

(a) **Authority.** The authority for this Ordinance is found under Article III, Section 1 of the Grand Ronde Constitution.

(b) **Background and Purpose:** Quality health care is a high priority of the Tribe. In order to ensure that tribal members are afforded a high quality of health care, the Council hereby establishes the Grand Ronde Tribal Health Authority ("Health Authority"). The purpose of the Health Authority shall be to oversee the operation of Grand Ronde Tribal Health Clinic and other tribal health programs providing services to Indian and non-Indian residents in the Grand Ronde Community and to ensure that the Clinic meets the standards for accreditation.

(c) **Definitions:**

- (1) "Council" means the Tribal Council of the Confederated Tribes of Grand Ronde;
- (2) "Health Authority" shall mean the Grand Ronde Tribal Health Authority, the Tribal Department and administrative body responsible for overseeing the general operation of the Tribal Health Clinic and other tribal programs;
- (3) "Board" means the Board of Commissioners of the Health Authority;
- (4) "Clinic" means the Grand Ronde Tribal Clinic;
- (5) "Clinic Director" means the person hired to oversee the day to day operations of the Clinic;
- (6) "Commissioner" means a voting member of the Health Authority Board of Commissioners; and
- (7) "Ex-Officio Member" means a non-voting member of the Health Authority's Board of Commissioners.

(d) **Board of Commissioners.** The Health Authority shall be administered by a Board of Commissioners. The makeup and general responsibilities of the Board shall be as follows:

- (1) The Board shall consist of at least five (5) but no more than seven (7) voting members, whom shall be appointed by a majority vote of the Council. At least three (3) of the members shall be tribal members. To the extent practicable, the Board shall have at least one member from each of the following fields: Public Health and/or Indian Health; Medicine; Business Administration; and Pharmaceuticals. Commissioners may not be employees of the Tribe.

(A) **Ex-Officio Members:** In addition to the voting Board members, there may be two Ex-Officio or non-voting members of the Board. One shall be a Tribal Council member and the other shall be a health care provider, not directly employed by the Health Authority. Ex-Officio Members shall be appointed by a majority of Council and shall serve a term of two years.

- (2) Commissioners shall serve three (3) year staggered terms. In order to establish staggered terms, the initial Commissioners shall be appointed as follows: one shall serve a 1-year term, two shall serve a 2-year term and two shall serve a 3-year term. After the initial term, all subsequent terms of appointment shall be for three years. Vacancies shall be filled by recommendation of the Board and a majority vote of Council. A Commissioner whose term has expired shall hold their seat until it is filled.

(3) Commissioners and Ex-Officio Members shall serve at the pleasure of the Tribal Council and may be removed from office prior to the expiration of their term, with or without cause, by a majority vote of Council.

(4) Commissioners and Ex-Officio Members shall be compensated for attendance at monthly meetings at a rate to be set by Council and shall be entitled to reimbursement for expenses, including travel expenses, reasonably incurred in the discharge of their duties.

(5) The Board shall adopt Bylaws for the conduct of business, which shall include the following provisions:

- (A) The Board shall select annually from its membership a chairperson, who shall preside over scheduled meetings of the Board and have the power to convene special meetings on not less than 24 hours notice to the other members of the Board.

(B) A quorum shall consist of three members, provided, however, that no Board action shall be taken by a vote of less than a majority of the full Board.

(C) Meetings of the Board shall be held at regular intervals as established by the Board, but not less than monthly.

(6) The Board shall give monthly reports to Council provided that, Council may, in its sole discretion, call for a longer reporting period. The reports shall include a

- (A) summary of Clinic activities for the month,
- (B) an explanation of significant problems and accomplishments,
- (C) plans for the future, and
- (D) such other information as the Authority or the Council shall deem appropriate.

(7) **Clinic Director:** Within a reasonable time after appointment, but no later than three months, the Board shall recommend three candidates for the position of Clinic Director. The Council shall select and hire a Clinic Director.

(A) The Clinic Director shall be responsible for overseeing the day-to day operations of the Clinic. The terms of the contract with the Clinic Director shall be negotiated by the Board and approved by majority vote of the Council.

(B) The Board shall be responsible for evaluating and overseeing the performance of the Clinic Director.

(8) The Board shall keep and maintain records of all Authority transactions, meetings and business, consistent with generally accepted practices.

(9) The Board shall administer, in accordance with federal, tribal and applicable state requirements, grants received by the Tribe in connection with the Tribe's provision of health care services.

(e) **Powers of the Health Authority.** The Council delegates to the Health Authority the authority to operate and manage the Tribe's health care facilities, including the Grand Ronde Health and Wellness Center, and other health programs consistent with this Ordinance and other tribal laws, and to engage in such other activities reasonably necessary to fulfill the purposes of this Ordinance. Notwithstanding the above, nothing in this Ordinance shall authorize the Health Authority to waive the sovereign immunity of the Tribe.

In furtherance of its general delegation of authority, the Health Authority shall have the following specific powers, which it may exercise consistent with the purposes for which it is established:

- (1) To hire (by written contract or otherwise), train, promote, assign, compensate, discipline and/or discharge in accordance with tribal laws, Clinic staff, consultants, and other tribal personnel necessary for the provision of health services, including but not limited to administrators, health professionals and support staff;
- (2) To acquire by purchase, lease or otherwise (in the name of and on behalf of the Tribe), equipment, materials, goods, services, and other personal property and commodities necessary for the conduct of business, provided, however, that purchases over \$100,000 dollars shall require the approval of Council;
- (3) To establish, in consultation with the Tribal Attorney's Office and Human Resources Department, personnel policies appropriate to the efficient operation of the Grand Ronde Health and Wellness Center; provided, however, that such policies shall be substantially similar to the Tribe's personnel policies and the Tribe's Human Resources Department shall oversee the administration of the policies;
- (4) To set the charges and bill for services rendered. (The Tribe's Finance Department shall manage all bank accounts and cash flows); and
- (5) To do all other things reasonably necessary, proper, and advisable to accomplish the purposes set forth above.

(f) **Compliance with Tribal Laws.** Except where expressly provided otherwise in this Ordinance or applicable Federal Law, the Board shall perform its duties and exercise its powers in a manner consistent with tribal ordinances and policies.