



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-007

TITLE: Require the Indian Health Service to Comply with the Drug Enforcement Agency's Final Rule for Electronic Prescribing of Controlled Substances

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Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Resource and Patient Management System – Electronic Health Record (RPMS-EHR) system is the foundational electronic medical record, documentation, and healthcare tool used by tribal and Indian Health Service medical providers across the country; and

WHEREAS, the regular upgrading of electronic medical record systems is a healthcare industry standard that is critical to keep up with ever-changing regulatory and medical care needs; and

WHEREAS, the lack of regular upgrading of the Indian Health Services' (IHS) RPMS-EHR system has led to regulatory non-compliance and medical care deficiencies negatively impacting the efficient, safe, effective, and coordinated medical care of thousands of American Indians and Alaska Natives; and

WHEREAS, the Registration and Patient Management – Electronic Health Record (RPMS-EHR) system does not meet Drug Enforcement Administration's (DEA) Final Rule for Electronic Prescribing of Controlled Substances (21 CFR 1300, 1304, 1306 and 1311) that was published in the Federal Register on 3/31/2010 and effective on 6/1/2010; and

WHEREAS, the Indian Health Service (IHS) filed a waiver request with DEA to allow for continued electronic prescribing of controlled substances when the new regulations were published while modifications were made to the program (RPMS-EHR) to meet the newly published requirements but never was approved or communicated to healthcare facilities or tribal partners; and

WHEREAS, a second waiver request was subsequently submitted by IHS and then denied in writing by the DEA in a letter dated 11/30/2015 and again not communicated by IHS to tribal partners until 10 months after receipt of the denial; and

WHEREAS, in their initial and second waiver requests to DEA, IHS stated that their rationale for the delay requests were to essentially buy time while modifications were made to the program (RPMS-EHR) to allow it to meet the newly published requirements, it appears these waiver requests were made in bad faith by IHS, as is demonstrated by a lack of any systems-related improvements addressing electronic prescribing of controlled substances in a 6 year time-frame; and

WHEREAS, tribal health organizations (and all Federal IHS facilities) utilizing RPMS-EHR are now in the unfortunate position of having to take a major technological step backwards to requiring physicians to hand-write and sign all controlled substance prescriptions on pen and paper and therefore slowing provider workflow, increasing patient waiting times, increasing prescription error rates and driving down provider and pharmacy staff morale; and

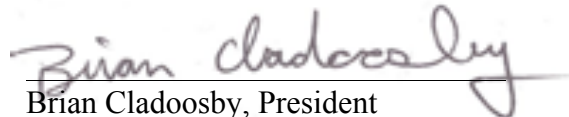
WHEREAS, there are currently no available commercial EHR systems (other than the IHS' RPMS-EHR system) that do not provide for electronic prescribing of DEA Class III-V controlled substances.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians advocate for a solution from Indian Health Service to come into compliance with the Drug Enforcement Agency's final rule for electronic prescribing of controlled substances and update the Resource and Patient Management System – Electronic Health Record system; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary