



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PSP-09-027

TITLE: In Support of Appropriate Access to Indian Health Service Held Data for Indian Health Service Funded Epidemiology Centers, Tribes and Tribal Organizations and Defining Tribal Epi Centers as Public Health Authorities

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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 Indian Health Service (IHS) has legislative authority to establish a national network of Tribal Epidemiology under section 214(a)(1) of the Indian Health Care Improvement Act (P.L. 94-437) and has consistently funded these Tribal Epidemiology Centers to provide public health surveillance and to develop community profiles of the Tribal communities they serve; and

WHEREAS, in carrying out these functions on behalf of the IHS under funds appropriated to the IHS these grantees are in fact public health entities as defined in the Privacy Act and are subject to provisions of the Health Insurance Portability and Accountability Act (HIPAA); and

WHEREAS, after fifteen years of grant funding by the IHS to Tribal Epidemiology Centers specifically to carry out these functions, the IHS has yet to establish a functional process for providing appropriate access to IHS controlled protected health information necessary to carry out these functions; and

WHEREAS, this continuing failure has limited the realization of the full potential of all Tribal Epidemiology Centers and more importantly limited the self awareness of Tribal Governments as well as individual American Indians and Alaska Natives of their true health status and the health risks to which they are exposed; and

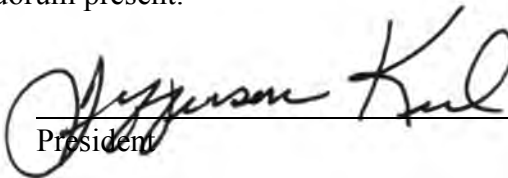
WHEREAS, NCAI supports the inclusion of Tribal Epi-Centers as a public health authority for the purposes of the HIPAA of 1996, as such entities are defined in Part 164.501 of Title 45, Code of Regulations.

NOW THEREFORE BE IT RESOLVED, that NCAI hereby recommends that within one year of passage of this resolution, that the IHS address this long standing deficiency by finalizing and releasing a standardized Data Sharing Agreement that provides for routine and special access to HIPAA defined Protected Health Information to each IHS funded Tribal Epidemiology Center and the subsequent transfer of the agreed data sets; 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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.



President

ATTEST:



Recording Secretary