



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-055

TITLE: Support for Legislation to Allow Observation Stays To Count for Medicare Beneficiaries Access to Skilled Nursing Care

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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, organizations such as American Association of Retired Persons (AARP) and National Association of Area Agencies on Aging (n4a) joined with the Society of Hospital Medicine and American College of Emergency Physicians and many other elderly advocates to call for legislation that would require counting the time spent in observation status in a hospital toward the three-day prior inpatient stay that provides Medicare Part A coverage to those needing skilled nursing center care, those left in observation status do not have drug coverage; those with Part D may not be able to use their preferred providers, and those needing skilled nursing care will need to pay the private rate, as well as medication and ancillary supply costs; and

WHEREAS, on September 30, 2013 the Long Term Care Commission recommended that the Centers for Medicare and Medicaid Services (CMS) count time spent in observation status toward meeting the prior three-day stay requirement; and

WHEREAS, the Notice of Observation Treatment and Implication for Care Eligibility Act (NOTICE) Act (P.L. 114-42) would provide better notice to the sick and elderly on the difference between observation and inpatient status, but it will still be difficult to convince them that they should be denied Part A coverage despite being in the hospital and receiving medical services for three days or more; and

WHEREAS, bipartisan bills "Improving Access to Medicare Coverage Act (of 2013 and 2014) were introduced in the 113th and 114th Congress; and

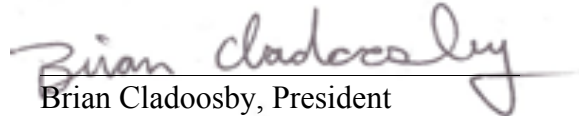
WHEREAS, the 2015 bills, S. 843 and H.R. 1571, have considerable support with 20 senators signing onto S. 843 and 125 representatives signing onto H.R. 1571, while time might have run out in the 114th Congress to get this passed and signed.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports legislation that would require counting the time spent in observation status in a hospital toward the three-day prior inpatient stay that provides Medicare Part A coverage to those needing skilled nursing center care; 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 Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9th- 14th 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary