



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution # PDX-20-039

TITLE: Increase Telehealth Access and Funding in Tribal Communities

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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, coronavirus-19 (COVID-19) has dramatically increased the need to connect American Indian and Alaska Native (AI/AN) patients to telehealth for health care and behavioral health services, including primary care, specialty care, and chronic disease management; and

WHEREAS, the COVID-19 pandemic may last from 18 to 24 months, or longer, and telehealth services will be needed not only during the pandemic but indefinitely; and

WHEREAS, telehealth is the use of electronic information and communications technologies to support and promote distance clinical health care, patient and professional health-related education, and public health and health administration; and

WHEREAS, following the distribution of a COVID-19 vaccine, tribal communities will still need increased access to telehealth services; and

WHEREAS, the Communications Act of 1934 and Telecommunications Act of 1996 (Telecom Act) did not recognize the inherent rights and responsibilities of tribal nations and left tribal needs unaddressed, which is the basis for the lack of connectivity; and

WHEREAS, the 2000 Federal Communications Commission (FCC) Statement of Policy on Establishing a Government to Government Relationship with tribal nations, recognizes and promotes the “general trust responsibility with, and responsibility to, federally-recognized Indian Tribes” and also “recognizes the rights of Indian Tribal governments to set their own communications priorities and goals for the welfare of their membership;” and

WHEREAS, in 2010, the FCC released the National Broadband Plan, which focused on initiatives to spur economic growth, job creation, and makes advances in education, health care, homeland security, and other areas, and established the Office of Native Affairs and Policy to improve the level of broadband telecommunications service throughout Indian Country; and

WHEREAS, the Rural Health Care Program at the FCC provides funding to health care providers for telecommunications and broadband services necessary for the provision of health care; and

WHEREAS, FCC's annual funding to tribal nations has not been adequate to ensure that tribal communities and their broadband needs are met; and

WHEREAS, in December 2018, the U.S. Commission on Civil Rights Report, *Broken Promises: Continuing Federal Funding Shortfalls for Native Americans*, highlighted the broadband needs in Indian Country; and

WHEREAS, the lack of access to high-speed broadband infrastructure is a significant barrier for many AI/ANs and health care providers in rural communities attempting to use telehealth technology; and

WHEREAS, the Government Accountability Office (GAO) found that the broadband data collected by the FCC overstates service in tribal communities, meaning the number of residents without access is higher than what was reported by the FCC; and

WHEREAS, those tribal communities who do have broadband access were only able to take advantage of telehealth in limited use, due to restrictive federal policies, until restrictions were waived during the COVID-19 pandemic; and

WHEREAS, the Department of Health and Human Services (HHS) has approved important changes to temporarily allow for increased access to telehealth services, including: (1) allowing a patient's home to qualify as an "originating site"; (2) expansion of reimbursable telehealth services under Medicaid and Medicare; and (3) relaxation of Health Insurance Portability and Accountability (HIPAA) privacy rules to allow virtual health care visits via landline calls and video applications, such as Zoom or FaceTime; and

WHEREAS, other agencies such as the Drug Enforcement Agency (DEA), under the Department of Justice, has provided temporary waivers for e-prescribing of pharmaceutical drugs for behavioral and mental health care that have been invaluable in maintaining critical patient care; and

WHEREAS, the NCAI is concerned that access to health care services for vulnerable AI/AN patients is limited without broadband access, and that it is not financially feasible to purchase expensive telehealth equipment for a short term authority; and

WHEREAS, AI/AN patients and health care providers in tribal communities have benefited from the temporary waivers allowing for increased telehealth access and e-prescribing services, and these should continue permanently.

NOW THEREFORE BE IT RESOLVED that NCAI requests that HHS permanently increase telehealth services for AI/ANs to ensuring that the telehealth delivery system remains a viable option for the delivery of essential medical, mental, and behavioral health services across Indian Country; and

BE IT FURTHER RESOLVED, that NCAI requests that the Department of Justice, Drug Enforcement Agency, permanently allow e-prescribing of pharmaceutical drugs for behavioral and mental health care; and

BE IT FINALLY RESOLVED, that NCAI calls on Congress to enact legislation that will fund and promote broadband and telehealth infrastructure needs within tribal communities at the U.S. Department of Agriculture, Department of Health and Human Services, the Department of the Interior, the Department of Justice, the Department of Energy, and the Department of Veterans Affairs.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Virtual Annual Session of the National Congress of American Indians, held on November 8-13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary