

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE APPROVING NEGOTIATIONS WITH THE INDIAN HEALTH SERVICE FOR AMENDMENTS TO THE TRIBE'S PUBLIC LAW 93-638 COMPREHENSIVE MASTER HEALTH CONTRACT AND ANNUAL FUNDING AGREEMENT WITH THE INDIAN HEALTH SERVICE TO RECEIVE FULL FUNDING FOR THE OST AMBULANCE SERVICE PROGRAM, AND TO ASSUME ADDITIONAL PROGRAMS, FUNCTIONS, SERVICES AND ACTIVITIES, INCLUDING THE FUNCTION OF ORDERING THE PROVIDER OF AIR MEDICAL TRANSPORT FROM THE PINE RIDGE IHS HOSPITAL, THE KYLE IHS HEALTH CENTER, AND THE WANBLEE IHS HEALTH CENTER.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the 1934 Indian Reorganization Act (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Oglala Sioux Tribe is a constituent Tribe of the Great Sioux Nation and a signatory to the 1825 Treaty with the Sioune and Oglala Tribes 7 Stat. 252 (July 5, 1825), the Treaty of Fort Laramie of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Treaty of Fort Laramie of 1868, 15 Stat. 635 (Apr. 29, 1868: treaties between nations, and

WHEREAS, health care is a treaty right of the Oglala Sioux Tribe and a responsibility and obligation of the United States Government, as recognized by the United States Constitution, Article I, §8, the 1851 Treaty of Fort Laramie, the 1868 Treaty with the Sioux, numerous laws, U.S. Supreme Court cases, and Executive Orders, and

WHEREAS, the Oglala Sioux Tribe has entered into the Comprehensive Master Health Contract with the Indian Health Service (IHS) to provide Comprehensive Ambulatory Medical Care, Community Health services, Purchased/Referred Care, Health Promotion/Disease Prevention services, Health Education, Alcohol/Substance Abuse services, and Health Administration on the Pine Ridge Reservation and in the surrounding community, and

WHEREAS, the Oglala Sioux Tribe and the Indian Health Service recently approved amendments to the Tribe's Comprehensive Master Health Contract and its 2021 Annual Funding Agreement to implement such Contract, and

WHEREAS, the Oglala Sioux Tribe has been negotiating with the Indian Health Service about the operation of the OST Ambulance Service Program, specifically whether the Tribe would retrocede that Program to the Indian Health Service because the Indian Health Service was not fully funding the OST Ambulance Service Program, and

WHEREAS, as the Tribe's negotiations with the Indian Health Service about the OST Ambulance Service Program were occurring simultaneously with the Tribe's work to amend its 2021 Annual Funding Agreement, the Indian Health Service withheld an amount of funding for the OST Ambulance Service Program based on the understanding that such program would be retroceded on February 12, 2021, and

WHEREAS, OST Tribal Council Resolution 21-17 rescinded the Tribe's resolution to retrocede the OST Ambulance Service Program, and

WHEREAS, based on OST Tribal Council Resolution 21-17, the Tribe has determined that an amendment to the Tribe's 2021 Annual Funding Agreement is needed so that the Tribe can rightfully receive all of the funding for the OST Ambulance Service Program from the Indian Health Service as the Tribe is continuing to operate the Program, not the Indian Health Service, and

WHEREAS, the Tribe has also determined that it is in its best interest to negotiate assuming additional programs, functions, services and activities (PFSAs) in its Comprehensive Master Health Contract and associated funding to provide additional funding and support for its OST Ambulance Service Program, and

WHEREAS, the Tribe previously authorized through OST Tribal Council Resolution 20-172 the assumption of the specific PFSA of selecting and ordering the air medical service transport provider each time the Pine Ridge Hospital, Kyle Health Center, or Wanblee Health Center medical staff deems air medical service transport a medical necessity for a patient of one of those facilities; now

THEREFORE BE IT RESOLVED, that the Tribal Council of the Oglala Sioux Tribe does hereby authorize:

1. amending the Tribe's 2021 Annual Funding Agreement in order to receive full funding for the OST Ambulance Service Program in light of OST Tribal Council Resolution 21-17;
2. negotiating with the Indian Health Service for the Tribe to assume additional PFSAs in its Comprehensive Master Health Contract and associated funding, including redesign, to provide additional funding and support for its OST Ambulance Service Program; and
3. amending the Tribe's scope of work in its Comprehensive Master Health Contract and Annual Funding Agreement with the Indian Health Service to assume the specific PFSA of selecting and ordering the air medical service transport provider each time the Pine Ridge Hospital, Kyle Health Center, or Wanblee Health Center medical staff deems air medical service transport a medical necessity for a patient of one of those facilities, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council directs the Oglala Sioux Tribal President to submit this resolution to the Indian Health Service to begin the negotiations for the amendments set forth in the aforementioned resolved clause, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council authorizes the Health and Human Services Committee of the Oglala Sioux Tribal Council to be responsible for the negotiations with the Indian Health Service for the amendments set forth in the aforementioned resolved clause with Hobbs, Straus, Dean & Walker, LLP, providing legal counsel to the Committee for these negotiations with Elliott Milhollin from Hobbs, Straus, Dean & Walker, LLP, serving as lead negotiator for the Oglala Sioux Tribe, and the Oglala Sioux Tribal Council directs the Health and Human Services Committee to work with the Oglala Sioux Tribal President specifically on the amendment to the Tribe's scope of work for assuming the function of selecting and ordering air medical service transport provider to align with OST Resolution No. 20-172, with this clause superseding any conflicting clause in OST Tribal Council Resolution No. 20-172, and

RESOLUTION NO. 21-39

Page Four

BE IT FURTHER RESOLVED, that the Health and Human Services Committee shall provide regular reports to the Tribal Council on developments in the negotiations and the Tribal Council shall provide final approval on the amended documents and any other documents necessary to achieve and/or implement the amendments set forth in this resolution.

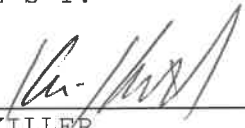
C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Resolution was enacted by a vote of: 21 For; 0 Against; 0 Abstain; 0 Not Voting; during a SPECIAL SESSION held on the 4<sup>th</sup> day of FEBRUARY, 2021.



STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
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KEVIN KILLER  
President  
Oglala Sioux Tribe