



2020 Virtual Mid-Year Convention

RESOLUTION #2020 – 18

“INCREASE TELEHEALTH ACCESS AND FUNDING IN TRIBAL COMMUNITIES”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the 2019 Novel Coronavirus (COVID-19) has dramatically increased the need to connect American Indian and Alaska Native 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 the lack of broadband infrastructure and restrictions on telehealth services and funding must be addressed immediately; and

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

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

WHEREAS, the 2000 FCC Statement of Policy on Establishing a Government to Government Relationship with Indian Tribes, 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 make 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 annual funding to tribes has not provided the broadband that is needed to all tribal communities; 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 high-speed broadband infrastructure and/or access is a significant barrier for many American Indians and Alaska Natives and health care providers in rural tribal communities to access or use telehealth technology, respectively, which have lower rates of broadband than anywhere else in the nation; and

WHEREAS, those tribal communities with broadband access had limited use of telehealth due to restrictive federal policies until restrictions were lifted with 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 have been invaluable in maintaining critical patient care; and

WHEREAS, the ATNI is concerned that access to health care services for vulnerable American Indian and Alaska Native patients is limited without broadband access and permanent federal policies supporting telehealth in tribal communities; and

WHEREAS, American Indian and Alaska Native patients and health care providers in tribal communities have benefited from the temporary changes to access telehealth and e-prescribing services and these should continue permanently; now

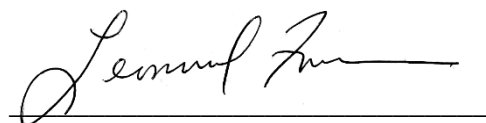
THEREFORE BE IT RESOLVED that ATNI requests that Department of Health and Human Services permanently increase telehealth services for American Indians and Alaska Natives by: (1) allowing a patient's home to qualify as an "originating site"; (2) expanding reimbursable Medicaid and Medicare telehealth services for IHS, tribal and urban Indian facilities at the Office of Management and Budget All-Inclusive Rate; (3) relaxing 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

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

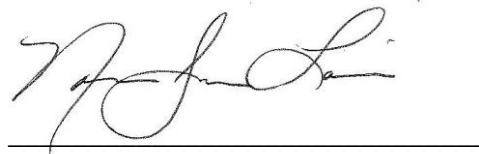
BE IT FINALLY RESOLVED that ATNI calls on Congress to enact legislation that will fund and promote broadband and telehealth infrastructure needs within tribal communities at the U.S. Department of Agriculture, Department of Health and Human Services, the Department of the Interior, the Department of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

CERTIFICATION

The foregoing resolution was adopted at the 2020 Virtual Mid-Year Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on June 30 – July 2, 2020, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary