

COQUILLE INDIAN TRIBAL CODE

Chapter 148

Part 1 – General Governmental Affairs

Health and Wellness Division Ordinance

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148.000 Purpose and Background

The purposes of this Ordinance are to:

1. Authorize a new Health and Wellness Division (“Division”) to operate as a distinct Tribal Government component enjoying a measure of autonomy;
2. Create a structure that provides holistic, quality healthcare in a financially sustainable and effective manner and that utilizes tribal traditional knowledge as appropriate;
3. Allow healthcare experts, as members of the Health and Wellness Executive Board of Directors (“Executive Board”), to provide oversight and input;
4. Authorize a Health and Wellness CEO (“CEO”) to manage operations of the Division; and
5. Allow flexibility and efficient decision making for health care and wellness services.

The Tribal Council urges all divisions of Tribal government to interact in a spirit of friendship, cooperation, and collaboration, while working toward the goal of efficiently meeting the health care needs of Tribal member families.

148.010 Jurisdiction [RESERVED]

148.050 Definitions

1. **Culturally-Competent** means Health and Wellness Services that are informed of and attuned to the language, world view and culture of patients and their guardians.
2. **Health and Wellness**
 - (a) **Health** is a state of complete physical, mental and social wellbeing, and not just the absence of disease or illness.
 - (b) **Wellness** is the practice of supporting healthy habits to acquire better Health outcomes, so the family or individual is not just surviving but thriving.
3. **Health and Wellness Services**, are those services provided by the Division to promote Health and Wellness, including but not limited to public health, and human and social services.
4. **Tribal Affiliate** means an entity that is owned more than 50% by either the Tribe or an entity that is wholly owned by the Tribe, directly or indirectly.

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148.100 Establishment of Tribal Health and Wellness Division

To provide comprehensive, holistic, efficient and effective Health and Wellness Services for eligible members of the Coquille Indian Tribe (“Tribe”) and others, the Tribal Council hereby establishes and delegates healthcare operational authority to the Division, to be governed by the Executive Board as further described below.

148.150 Health and Wellness Division Goals

The Division shall:

1. Provide comprehensive, high-quality, Health and Wellness Services that are Culturally Competent while maximizing revenue, minimizing expenses, reducing the Tribe’s General Fund subsidy for Health and Wellness Services, and creating financial reserves;
2. Maintain high quality and stable workforces in safe and clean work environments;
3. Maintain well trained, well-educated and informed, competent, and ethical Executive Board members, CEO, and staff;
4. Achieve health-related and wellness-related goals identified annually by the Executive Board and the Tribal Council; and
5. Complete projects, achieve outcomes, and attain goals assigned by the Tribal Council.

148.200 Tribal Health and Wellness Division Executive Board of Directors

1. The Division shall be governed by the Executive Board.
2. The overall purpose of the Executive Board is:
 - (a) To provide oversight for effective, efficient Health and Wellness Services authorized by the Tribe, which may include medical, urgent care, lab, mental health and substance abuse, pharmacy, dental, public health, and family support services. and other complementary services as needed to promote, foster, and maintain Health and Wellness;
 - (b) To provide a high quality, accessible, responsive, and well-coordinated delivery system of Health and Wellness Services for the benefit of current and future Tribal members and other eligible persons, including, but not limited to public health, health education, and health promotion services;
 - (c) To serve as the governing body of the Division, which satisfies the requirements for accreditation or licensing authorities approved by the Tribal Council, subject only to the provisions of applicable law (including this Ordinance), approved Tribal budgets, and the oversight authority of the Tribal Council;

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- (d) To maintain fiscal accountability by closely monitoring and generating revenue, implementing cost control policies and procedures, obtaining and reviewing comprehensive monthly and year-end fiscal reports and providing Tribal Council with an accurate financial overview at quarterly combined meetings. The annual budget will be developed in conjunction with the Tribal Council’s budgeting process;
 - (e) To make budgetary and policy recommendations to the Tribal Council;
 - (f) To ensure that the Division adopts and implements an effective and safe quality improvement program that includes a patient complaint process;
 - (g) To communicate effectively with the Tribal Council regarding the Executive Board’s work and the achievement of goals identified in this Ordinance, other Tribal Council–directed goals, and any other outcomes or requirements identified in Division Policies; and
 - (h) To provide oversight and advice to the CEO.
3. Procedures and requirements regarding meetings, the number and qualifications of Executive Board members, and other Executive Board matters shall be addressed in Health and Wellness Division Policies.
 4. The Executive Board will utilize Tribal Council-established advisory committees to consider various perspectives and otherwise make well-informed decisions.
 5. The Executive Board and the Division shall comply with Tribal laws as they are adopted and amended from time to time, including but not limited to laws governing administrative matters, such as finance, hiring and procurement procedures.
 6. Tribal Council shall retain the sole authority to appoint, suspend and remove Executive Board members.

148.250 Indemnity of Tribal Health and Wellness Division Executive Board of Directors

Subject to Tribal law and to its applicable, then-existing and available insurance coverage, if any, the Tribe shall indemnify Executive Board members and Officers if the Executive Board member or officer at all times, acted in good faith, reasonably believed that their conduct or performance was not opposed to the Tribe’s best interests, and had no reasonable cause to believe that their conduct or performance was unlawful. The Tribe must not indemnify an Executive Board member in Proceedings in which the individual was adjudicated or determined to be liable to either the Tribe or a Tribal Affiliate , or proceedings in which the individual’s interests are adverse to the Tribe’s or to a Tribal Affiliate’s. As used in this Section, “Proceeding” shall mean any litigation, arbitration, or similar adjudicative forum before a duly

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authorized government court or recognized arbitration service that arises from an individual's service as a member or officer of the Executive Board.

148.300 Tribal Health and Wellness Division Executive Board of Directors Duties and Responsibilities

The Health and Wellness Division Policies shall identify duties and responsibilities of Executive Board members, in addition to any identified in this Ordinance.

148.500 Health and Wellness Division Policies

1. The Executive Board shall have authority and responsibility to establish Division Policies ("Policies") in accordance with Tribal law and Tribally approved budgets. All Policies adopted by the Executive Board shall be promptly provided to the Tribal Council.
2. The following Policies must be approved by the Tribal Council, provided that the Executive Board may recommend policies on these topics for Tribal Council consideration:
 - (a) Policies directly and materially affecting the type, quality and quantity of Division services or benefits targeted to Tribal members or Tribal member families, including but not limited to Purchased and Referred Care and Elders Benefits;
 - (b) Policies governing Executive Board service, tenure, appointment, removal, compensation, reimbursement, indemnification, procedures or actions, or related matters;
 - (c) Policies governing ethical standards and conflicts of interest;
 - (d) Policies governing the process to address quality improvement or risk management matters;
 - (e) Policies governing Executive Board duties and responsibilities; or
 - (f) Policies covering topics identified by the Tribal Council.
3. On its own initiative or in response to a recommendation from the Executive Board, the Tribal Council may adopt, amend, and repeal Policies.
4. Policies that conflict with Tribal law (including this Ordinance) shall be void.

148.650 Health and Wellness Division Chief Executive Officer

The Division shall have a Chief Executive Officer ("CEO"). Unless the Tribal Council determines otherwise by majority vote, management of the CEO shall fall under the Executive Board, provided that, unless it delegates this authority, hiring, termination, compensation and disciplinary action for the CEO shall be reserved to the Tribal Council.

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148.700 No Waiver of Sovereign Authority or Immunity

1. Nothing in this Ordinance is intended, nor shall be construed, to waive the sovereign immunity of the Tribe or the overall authority of the Tribal Council.
2. The Board shall not have the authority to waive sovereign immunity.

148.900 Emergencies

In the event of an emergency, the Tribal Council may suspend all or a portion of this Ordinance.

148.950 Severability

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.

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History of Amendments to Chapter 148 Health and Wellness Division Ordinance:

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