



04-122-RP

Resolution No —

**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Approval of Memorandum of Understanding between the Three Affiliated Tribes and United States Department of Health and Human Services, Indian Health Service for RPMS Access at the Parshall and White Shield Clinics."

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted and Constitution and By-laws pursuant to said Act; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribe; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article V, Section 5 (d) authorizes and empowers the Tribal Business Council to negotiate with the federal government; and
- WHEREAS,** the Three Affiliated Tribes has constructed, operates and owns tribal health clinics in the Parshall Segment and the White Shield Segment which are free standing wholly owned tribal clinics;
- WHEREAS,** the Indian Health Service maintains protected health care information in the Resource and Patient Management System (RPMS) and the Three Affiliated Tribes have requested that the Parshall and White Shield Clinics be authorized to access such information to provide more efficient and convenient health care services to its members and to facilitate billing of third party resources; and
- WHEREAS,** the Indian Health Service has agreed to authorize such access provided that such access is granted through a Memorandum of Understanding between the parties that will ensure that records that are accessed are protected and that the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, 45 CFR Parts 160 and 164, Subparts A and E (Privacy Rule) are complied with; and
- WHEREAS,** the Indian Health Service has agreed to enter into said Memorandum of Understanding with the Tribes through a modification to the Tribes' Self Determination Contract # 241-02-0007 with the Indian Health Service; and
- WHEREAS,** the Tribal Business Council has reviewed said Memorandum of Understanding and said Contract Modification and finds that it is in the best interest of the



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Resolution No.

Mandan, Hidatsa and Arikara Nation and its members to enter into said Memorandum of Understanding and Self Determination Contract Modification.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribe hereby approves the Memorandum of Understanding between the Three Affiliated Tribes and the U.S. Department of Health and Human Services, Indian Health Services for the purpose of providing the Parshall and White Shield Clinics access to the I.H.S.'s Resources and Patient Management System (RPMS) and authorizes Tribal Chairman Tex G. Hall to sign said Memorandum of Understanding.

BE IT FURTHER RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby approves Modification No. 23 to Self Determination Contract No. 241-02-007 between the U.S. Department of Health and Human Services, Indian Health Service and the Three Affiliated Tribes and authorizes Tribal Chairman Tex G. Hall to sign said Contract Modification.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8 day of July, 2004; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of ___ members, ___ members opposed, ___ members abstained, ___ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this ___ day of _____, 2004.

Randy Phelan

Secretary, Randy Phelan
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council

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Resp. for follow-up

Resolve HIPPA Complaint
Present

DSB gone 6-0