



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

A Resolution entitled, "A Resolution Amending the Three Affiliated Tribes Title I, Self Determination Annual Funding Agreement (AFA) to Accept Limitations on Charges for Healthcare Professional Services and Non-Hospital Base Care, Pursuant to 42 CFR PART 136, SUBPART I

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; 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, the Three Affiliated Tribes recognizes the long term and immediate need for continued quality health care for its members on the Fort Berthold Indian Reservation; and

WHEREAS, The Three Affiliated Tribes owns and manages its health care delivery system under the provision of P.L. 93-638 Indian Self Determination and Education Assistance Act (ISDEAA) contract and desires to improve the quality and efficiency of its services; and

WHEREAS, the Three Affiliated Tribes seeks to improve and further develop the health care management structure of its Purchased and Referred Care (PRC) Program; and

WHEREAS, 42 CFR Part 136, Subpart I (Mar. 21, 2016), 81 FR 14982, requires that a tribe or tribal organization which operates a health facility under an ISDEAA Title I Contract must agree in such contract to be bound by this Subpart I pursuant to 25 U.S.C. 5329 (formerly 25 USC 4501) and 5397(e) (formerly 458aaa-16(e)), as applicable, in order to exercise the Purchased/Referred Care (PRC) rates under this regulation; and



WHEREAS, the Three Affiliated Tribes operates a PRC Program on behalf of its beneficiaries and desires to purchase care for these beneficiaries based on reasonable cost;

WHEREAS, the Three Affiliated Tribes (“Tribe”) will be authorized by 42 CFR §136.203 to negotiate rates for payment to PRC providers that will be:

- A specific amount the Tribe has negotiated with a specific provider or supplier. The Tribe will pay that negotiated amount, provided that the amount is equal to or better than the provider or supplier’s Most Favored Customer Rate (MFC), as evidenced by commercial price lists or paid invoices and other related pricing and discount data. The MFC rate shall not apply if:
 - The prices offered are deemed by the Tribe to be fair and reasonable and in the best interest of the tribe.
- Where a negotiated rate is not available, the lowest of the following amounts:
 - The applicable Medicare rate; or
 - An amount not to exceed Most Favored Customer (MFC) rate; or
 - 65% of billed charges, in the event a Medicare rate does not exist and no other payment methodology described above is accessible or available.

WHEREAS, the Tribal Business Council recognizes that payment shall be made only for those items and services authorized by the Tribe’s PRC Program consistent with 42 CFR § 136, Subpart I.

NOW THEREFORE, BE IT RESOLVED, that the Tribal Business Council does hereby authorize the following language to be included as part of its Annual Funding Agreement (AFA):

“The Three Affiliated Tribes of North Dakota agree to be bound by the requirements of 42 CFR Part 136, Subpart I in the administration of Purchased and Referred Care Services (PRC) carried out under its contract with the Indian Health Service (IHS).”



BE IT FURTHER RESOLVED, that all other terms, conditions and authorizations existing in the contract shall remain in full force and effect, except as expressly amended by this Resolution.

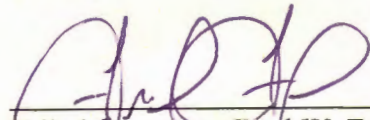
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 29th day of August 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

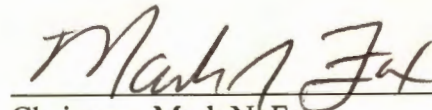
Chairman [X] Voting. [] Not Voting.

Dated this 29th day of August 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Chairman, Mark N. Fox
Tribal Business Council