

FALMOUTH INSTITUTE

Roles and Responsibilities of Tribal Health Board Members

Instructor Information

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Falmouth Information

- Falmouth's history
- Focus on Indian Country issues
- Other course offerings
- On-site training
- Consulting services
- Falmouth Customer Service:
1-800-992-4489
- www.falmouthinstitute.com

Participant Information:

- What is on your business card?
- Where are you from?
- Why are you here?
- How can we serve you?

Main Topics

- Group Dynamics
- Role of the Board
- Rights of the Board

Main Topics

- Responsibilities
- Budgets
- Planning

Main Topics

- HIPAA
- Ethics
- Tort Claims

Main Topics

- Self-Determination

Roles and Responsibilities of Health Board Members

Introduction

- List 3 current board challenges
- State one positive result of board action in the past 6 months
- Briefly, what is the mission of the board you serve?

Critical Element One

- Recommend Policies that...
 - serve the community
 - serve the individual
 - have value and purpose
 - are measurable and achievable
 - ...make sense!

Critical Element Two

- Monitor funds and assets by...
 - Knowing your financial condition
 - Understanding fiscal responsibility
 - Developing budget policy and procedure
 - Monitoring and read financial statements
 - Knowing the limitations of the board

Policy Practice

- Write a policy using the following criteria:
 - Who is served?
 - How will they be served?
 - Use of quantitative language
 - Use of qualitative language
 - Who is accountable to the policy?

Essential Functions

- Overall, how well are you doing?
- Identify 3 functions done well.
- Identify 3 functions to improve

Before Taking Oath:

- Be prepared to:
 - Dedicate time
 - Represent your constituents
 - Be open minded
 - Challenge self and others
 - Question status quo

Tribal Organizations & Boards

- Role of the Board
 - Leadership as a board role
 - Key board member functions

Board Positions and Relationships

- Officers
- Board, President and staff
- Responsibilities of individual board members

Performing

- Set tone
- Monitor
- Set Goals
- Evaluation

Board Member Rights

- Participate
- Express
- Make motions

Board Member Rights

- Express opinion
- Committee

Board Effectiveness

- Organization
- Work effectiveness

Officer Duties

- Chairperson
 - Presides over meetings
 - Maintains order
 - Communication link to staff
 - Evaluate actions
 - Assertive planner
 - Crisis intervention
 - Community spokesperson

Officer Duties, (cont'd.)

- Vice-Chairperson
 - Runs meetings in absence of Chair
 - May oversee committee work
 - Could be Chair-Elect
 - Other duties?

Officer Duties, (cont'd.)

- Secretary-Treasurer
 - Accurate and permanent records
 - Direct minutes of the meeting
 - Develops agenda with Chairperson
 - Gather financial reports
 - Disseminate financial information

Do You Know and Exercise Your Rights?

- Check the inherent rights of your team
- Check the written rights of your team
- List those that are violated
- Add rights that are not on the list

Maintaining Board Effectiveness

- Constitution
- By-Laws
- House Rules
- Unwritten Rules
- Parliamentary Procedures
- Strategic Planning
- Effective Committee Characteristics
- Effective Evaluation
- Communication

Function: Policy-Making

- Tribal Goals
- Soliciting ideas from administrative and management staff
- Responsibilities:
 - Create policies to achieve goals
 - Create policies that are clear courses of action
 - Who will be served and how
 - Framework for management decision-making
 - Review progress and results

Function: Organizational Planning

- Relationship between policies and goals
- Collective management results – *not* day-to-day management decisions
- Responsibilities
 - Establish organizational planning process
 - Establish organizational goals
 - Define problems
 - Set priorities
 - Delegate implementation to management
 - Evaluate and approve plans
 - Develop recommendations

Function: Program Planning

- New programs or additions to existing programs
- Policy considerations
- Responsibilities
 - Evaluate program needs
 - Allocate resources
 - Ensure that program plans are compatible with organizational plans
 - Approve or disapprove plans

Function: Funding

- Grants
- Loans
- Profit allocation
- Responsibilities:
 - Ensure adequate funds are available for operation and maintenance
 - Accountability for expenditures
 - Establish organizational budgets and monitor expenses

Function: Organizational Continuity

- Policy Changes
- Changes in board and management staff
- Responsibilities
 - Establish organization's legal existence
 - Provide continuity in leadership
 - Select board members and use their strengths
 - Develop and maintain effective board and staff
 - Provide organizational direction and purpose
 - Select executive officer to administer management of board policies
 - Represent the organization in the community

Responsibilities and Functions

- Organization Planning
- Program Planning
- Funding
- Organizational Continuity

Ethics

- Public service values
- Personal values
- Finding ethical solutions

Ethics (cont'd)

- Anti-Corruption Strategies
- Management Responsibility
- Conflict of Interest
- Financial Disclosure
- Use of Influence

Standards of Conduct

- What action / inaction by tribal officials and employees ought to be restricted?
 - Criminal vs. Unethical Conduct

Standards of Conduct

Criminal Conduct

Kickback

Theft or Larceny

Misappropriation

Embezzlement

Bribery

Extortion

Standards of Conduct (cont.)

Unethical

Use of Influence/Power

Use of Tribal Property

Misconduct

Work Habits

Duty to Disclose the Illegal or Unethical

Standards of Conduct

Conflict of Interest

Confidentiality and Disclosure

Gifts

Employment Restrictions

Post Employment Restrictions

Board Member Liability

Tribal Sovereignty and Indian Organizations

Liability defined

Potential Liability in Indian Country

Standard Rules of Liability

The “Prudent Man” Rule

A Conserving Approach

An Informed Approach

A Rational Approach

The “Business Judgment” Rule

The “Loyal Director” Rule

Ultra Vires Rule

Other liability issues

Overview of the Indian Self-Determination Act

P.L. 93-638 as Amended

Objectives

To Understand:

The process for contracting under P.L. 93-638

Administrative requirements under P.L. 93-638

Responsibilities of the tribe and IHS

Introduction to Contracting Under P.L. 93-638

Controlling documents – the Act itself and regulations at 25 CFR Part 900

Not every part of the law has been addressed by regulations.

Congress minimized areas of the law where HHS and the Interior could write regulations.

Definitions

PL 93 638 Sec 4

Self-Determination Contract

Mature Contract

Construction Contract

Contract Funding Base

Direct Program Costs

Indirect Cost

Indirect Cost Rate

Definitions Cont

Indian

Indian Tribe

Tribal Organization

Secretary

Reporting and Audit Requirements

PL 93 638 Sec 5

Tribal contractor required to keep the records
the Secretary requires by regulation

What the records must disclose

Required reports and information

Disagreements over reporting requirements
subject to declination criteria

For a Mature Contract

Additional PL 93 638 Elements

Single Audit Act

Wage & Labor Standard
PL 93 638 Sec 7 b & c

Self Determination Contract Proposals

Self Determination Contracts

Contract Proposal Contents for New
Contracts 25 CFR Subpart C 900 8 14

Self Determination Contract Proposals cont

Contract Proposal Contents for Renewals 25 CFR
Subpart C 900 12

Review of Contract Proposals 25 CFR Subpart D 900 15
19

Declination 25 CFR Subpart E 900 20 33

Administrative Provisions

Personnel

Contract length

Uniform Service Clause

Administrative Provisions cont

Property

Program Redesign

Funding

Administrative Provisions cont

Retrocession

Re assumption of Programs

Disputes and Appeals

Tort Claims

Federal Tort Claims Act

Amendments to the Indian Self-Determination Act

Coverage of the FTCA extended to Indian tribes, tribal organizations and Indian contractors

Medical and non-medical related claims

Non-Indians who are eligible for services from IHS in accordance with federal law *may* file FTCA claims

Federal Tort Claims Act

General guidance provided for claims against self-determination contractors

Claims not covered by FTCA

Claims that may not be pursued under FTCA

Remedies excluded by FTCA

Insurance coverage

Tail liability coverage

HIPAA Regulations

What is HIPAA

Policy that governs all health care entities that maintain or transmit protected health information PHI in paper or electronic form, including physician practices, hospitals, payers, and clearinghouses

Aims to improve the efficiency and effectiveness of the healthcare system by encouraging the development of health information systems that utilize Electronic Data Interchange EDI

Establish the required use of national transaction standards when performing these business transactions electronically.

HIPAA May Protect You If You

Have lost or are changing jobs

Are recently married or divorced

Are gaining new dependents through birth or adoption

Are moving from one state to another

Have preexisting conditions or other health factors that make it difficult to get health coverage

HIPAA May Protect You If You

Have had health coverage and are now being denied coverage

Want to renew your health coverage

Are a small employer and want to buy health coverage for your employees

Are an employer and want to renew health coverage for your employees

Who does HIPAA Apply To

All health plans any individual or group plan that provides, or pays the cost of, medical care including public and private health insurance issuers, HMOs or other managed care organizations, employee benefit plans, the Medicare and Medicaid programs, military veterans plans, and any other policy, plan or program for which a principal purpose is to provide or pay for health care services

All health care clearinghouses a public or private entity, including a billing service, repricing company, community health information system, and value-added networks and switches, that either processes or facilitates the processing of health information

Who does HIPAA Apply To

Any health care provider means a provider of medical or health services, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business

Common Compliance Issues

Are you a covered entity

Deciding on organizational structure

Identifying business associate relationships

Current PHI use and practices v Privacy Rule

Implementing policy and procedures

Training workforce

Designating privacy official

Purchasing new, or adapt existing information systems to
comply

Penalties

Failure to Comply

\$100 for each violation
can't exceed \$25,000

If can be proved person
wasn't aware of compliance
no penalty

If problem is corrected w/in
30 days no penalty

Wrongful Disclosure

Discloses info \$50,000 and a
year in jail

Committed under false
pretenses \$100,000 and 5
years jail

Committed with intent to
sell, distribute \$250,000 and
10 years in jail

Third Party Reimbursements

Patient Registration

The following information is needed to fill out a claim form

Patient's full name, age, address, and employment information.

Spouse's name and employment information

Insurance information

Request copy of insurance card

Authorization of release of information

Forms

Billing Claim

Clean Claim

Superbill

Follow-up of Claims

EOB Reviews

Coding

Tribal Program Objectives

Assess strength & weakness

Develop structure for business office

Identify Targets

Implement Business Office Plan

Evaluation

Strategic Planning

Strategic Planning

Elements of Planning

Steps in Strategic Planning

Directing

Assessing

Strategizing

Planning

Modifying

Evaluating

A Native Perspective

Differences

Corporate America v Tribal Nation

State Government v Tribal Nation

History v Culture

A Native Perspective cont'd

Identify community needs

Pursuing common goals

Determine a strategic posture

Steps in Strategic Planning

Direct

Assess

Strategize

Plan

Modify

Evaluate

Management by Objectives

What must be done

What controls and corrective actions are needed

When it must be done

How much it will cost

What represents a satisfactory performance level

How much progress has been achieved relative to a
standard

How it must be done

Assessing

Analyze the Past where have you been

Access the Present where are you now

Project the Future where do you want to be

Strategizing

- Defined The formulation of strategy in terms of goals and objectives.

Deal in 4 parts reality 1 part dream

Use judgment and creativity

Avoid perfect, i e The Perfect Plan

Strategizing cont'd

Start with brainstorming

Remember to state as goals

Move to realistic ideas

Focus on immediate issues

Review the mission statement

Keep the SWOT analysis close at hand

Don't prioritize just yet

Planning

What you have all been waiting for

Articulate the goals

Include staff

Include community

Seek assistance as needed

Planning cont'd

Your Role

Look at the theater of war, not the field of battle

Look into the eyes of children, not the pocketbooks
of strangers

Planning cont'd

The Physical Process

Who, where, how, when

Establish expectations and rules

Internal v external facilitation

Establish a committee

Provide completion goals

Presentation considerations

Other

Modifying

Planning Includes

Flexibility

Willingness to change

Adapt or Adopt

Who is Accountable

Modifying cont'd

Policy on planning

Accountability

Reporting

Advising v Controlling

Communication

Evaluating

Evaluations are

Often neglected

Not built into the plan

Critical for short and long term success

Allows for modification of current plan

Not difficult if designed with thought

Written measurement of performance

Evaluating cont'd

Procedures

Accountability assignments

Professional input

Monthly reports

Quarterly assessments

Annual audits

Annual retreats focus meetings

Step By Step

Now to Now Planning

Short term

Long term

Community wide

Department program specialist

Budget issues

Other

Step By Step cont'd

Specify goals of the plan

Develop tentative priorities

Develop performance standards

Analyze existing conditions

Develop cost/benefit criteria

Identify areas of deficiency

Formulate alternative actions

Step By Step cont'd

Analyze consequence of alternatives

Select effective actions

Prioritize actions

Assign time priorities

Determine cost of priorities

Identify resources

Match resources with total needs

Step By Step cont'd

Select desired actions

Gain cooperation

Implement

Measure results

Reevaluate strategies goals

Celebrate!

Step-By-Step cont'd

Time to write the plan...

1-3 page posture statement

1-3 page summary of goals

Needs assessment

Outline strategic policies

Timetable

Funds analysis

Staffing table

Current Health Issues

Cancer

Diabetes

Chemical Abuse Alcoholism

Obesity

Mental Health

Women's Health

Heart Disease