



NOTICE

Under Federal law, the Indian Health Service (IHS) has the right to recover the reasonable charges billed to third-party payers for the provision of services delivered by the IHS. This recovery right may not be abrogated by any policy provisions that serve to hinder or prevent the IHS's right of recovery. Specifically, the Indian Health Care Improvement Act (IHCIA), as amended, provides in pertinent part as follows:

The United States, an Indian tribe, or tribal organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party ... the reasonable charges billed by the Secretary ... in providing health services through the Service ... or, if higher, the highest amount the third party would pay for care and services furnished by providers other than governmental entities, to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if (1) such services had been provided by a nongovernmental provider; and (2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

IHCIA § 206, 25 U.S.C. § 1621e(a) (emphasis added). Whether or not the IHS participates in a health care plan or program, it is unambiguously entitled to at least the IHS's reasonable billed charges. Additionally, the right of the IHS to recover from a third-party payer is not extinguished by specific plan requirements, such as network participation. Non-payment of the claims due to these types of requirements/exclusions will not resolve the debt to the United States (U.S.) Government. Delinquent debt may be referred to the U.S. Department of Justice for enforcement action in accordance with 25 U.S.C. § 1621e(e), or may be submitted to the U.S. Department of the Treasury for offset.

If you have any questions regarding this matter, you may contact the IHS Business Office that sent you the bill for payment.

Sincerely,

Roselyn Tso
Director