

PRC program dollars may be used to purchase health care provided in a foreign country if the beneficiary is eligible for the PRC program the purchase complies with the PRC regulations and the FAR.

Eligible Beneficiary

In order for IHS's PRC program dollars to be used to pay for health care provided in a foreign country, the person to whom the care was provided must be an eligible beneficiary.

Generally, this means persons who:

- (1) Reside within the United States and on a reservation located within a contract health service delivery area; or
- (2) Do not reside on a reservation but reside within a contract health service delivery area and:
 - (i) Are members of the tribe or tribes located on that reservation or of the tribe or tribes for which the reservation was established; or
 - (ii) Maintain close economic and social ties with that tribe or tribes. 42 CFR § 136.23.

The IHS will not authorize payment or be responsible for services under its PRC program to the extent that an eligible beneficiary is eligible for alternate resources, as defined by 42 CFR § 136.61(c), or would be eligible for alternate resources if he or she were to apply or would be eligible under State or local law or regulation but for their eligibility services from the IHS. 42 CFR § 136.61.

To be an eligible expense under the PRC program rules, the service provided must be within a Priority of Care currently funded by the PRC program. 42 CFR § 136.23(e) states "When funds are insufficient to provide the volume of contract health services, now known as purchased/referred care...priorities for service shall be determined on the basis of relative medical need."

If the health care expense meets all of the requirements of the PRC regulations, payment for these services must still comply with Part 25 of the FAR which relates to foreign acquisitions. This part applies to "Acquisition of foreign supplies, services, and construction materials," however most of the provisions of Part 25 apply to "supplies" and other products. The FAR contains general provisions such as sub-part 25.802 which directs Contracting Officers to "Determine the existence and applicability of any international agreements and ensure compliance with these agreements." 48 CFR § 25.802. In addition, certain countries may be prohibited sources as defined by sub-part 25.7 from which the United States could not purchase services. 48 CFR § 25.7. These general provisions may be applicable to the acquisition of health care in a foreign country. The most likely foreign for a PRC-eligible beneficiary to receive emergent health care would be Canada and Mexico.