PRESS RELEASE: Senators Smith, Lankford, McSally and Udall Introduce Bill to Expand Resources for Urban Indian Organizations amid Pandemic

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FOR IMMEDIATE RELEASE

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The long-needed fix would allow urban Indian organizations to direct funds back to the patients who need it most.

Washington, DC (May 8, 2020) – Yesterday, Senators Tina Smith (D-MN) and James Lankford (R-OK) introduced bipartisan legislation with Senators Tom Udall (D-NM) and Martha McSally (R-AZ) to expand Federal Tort Claims Act (FTCA) coverage to urban Indian organizations, giving them a desperately needed boost in resources as many suffer critical supply shortages, closures, and financial hardship as a result of the COVID-19 pandemic. The *Coverage for Urban Indian Health Providers Act* (S.3650), would amend the *Indian Health Care Improvement Act* to create parity within the Indian Health System. This is a companion bill to H.R. 6535, introduced on April 17, 2020 by Rep. Ruben Gallego (D-AZ) and Rep. Markwayne Mullin (R-OK).

Urban Indian organizations (UIOs) are doing everything they can to keep their doors open during this pandemic while still dealing with paying for costly medical malpractice insurance. Unfortunately, urban Indian organizations may be forced to make extremely difficult choices – facing competing priorities and expenses like increased PPE prices, trying to pay for testing and supplies, in addition to very costly malpractice insurance. S. 3650 would create parity within the Indian Health Service health system by extending FTCA coverage to urban Indian organizations, who currently are forced to divert resources away from health care in order to foot exorbitant liability costs themselves.

“We are extremely grateful for the leadership of Senator Smith, Lankford, McSally and Udall in introducing this bipartisan legislation for a long-needed fix to the medical malpractice liability protection, which ensures parity for Urban Indian Organizations (UIOs). A single UIO can pay as much as $250,000 annually, funds that could be spent on PPE and testing kits for the American Indians and Alaska Natives they serve – made even more essential as our communities are hit by this pandemic. As all other Indian Health Care Providers are covered by FTCA and Community Health Centers employees as well as volunteers are also covered, this legislative fix is critical to ensure continuity of health care in a time when it’s needed most,” said Francys Crevier, Executive Director of the National Council of Urban Indian Health (NCUIH).

“Minnesota’s urban Indigenous community has been hit hard by the coronavirus pandemic, yet many urban Indian health organizations are often forced to spend hundreds of thousands of dollars on costly liability protection instead of being able to use those resources to provide health care to Native community members,” said **Sen. Smith**. “This is unacceptable. We need to make sure that urban Indian organizations can use every dollar they have to give urban Indigenous individuals the

care they need. I'm glad to work in a bipartisan way to bring financial relief to these vital organizations."

"There are two prominent UIOs in Oklahoma that faithfully serve our Tribal communities' healthcare needs in addition to the other important Tribal health facilities around the state. I am glad our bill addresses this disparity in the law to help ensure equal access to medical malpractice liability coverage for the services they offer," said **Sen. Lankford**. "Federal tort law currently omits coverage for UIOs, and especially during the coronavirus pandemic, UIOs, like other already covered Tribal health facilities, need to have the peace of mind that they can utilize their funds for care, not court cases."

"Urban Indian health programs funded by the IHS are facing revenue shortfalls while ramping up services to combat the COVID-19 pandemic. And, as a result, many of these critical health care programs are struggling to keep the lights on and their doors open. They shouldn't be the only branch of the IHS that has to divert resources away from health care services to cover exorbitant liability costs," said **Sen. Udall**. "The federal government's trust and treaty responsibilities to Native Americans do not stop at reservation boundaries. Nearly 70 percent of American Indians and Alaska Natives live in urban areas and Congress must ensure they have access to quality health care — especially during this public health crisis. This legislation is a common-sense measure to provide Urban Indian Health Programs with the same federal protections given to all other Indian Health Care Providers."

"Arizona is home to four Urban Indian Organizations, all of which are forced to spend hundreds of thousands of dollars annually on liability insurance that could otherwise be spent on patients," said **Sen. McSally**. "Our legislation will fix this inequity by extending federal liability coverage to our urban Indian health groups, dramatically decreasing the cost of malpractice insurance while freeing up more money for patient care. Bringing parity to Urban Indian Health is an important step to improving Native American health care across the board."

"On behalf of the NCUIH and NATIVE Health in Phoenix, we appreciate the strong commitment from Arizona Senator McSally in ensuring parity for urban Indian health care providers. In addition to stretching already limited resources more thin, especially during this time of crisis, we are unable to share providers across our clinics. We are hopeful that Congress will act quickly to enact this bipartisan fix to allow our programs to have more resources to put directly back into patient care during this this pandemic," said **Walter Murillo, President of NCUIH, CEO of NATIVE Health.**

"Oklahoma City Indian Clinic has been operating on the front lines of this crisis with limited resources. We spend hundreds of thousands of dollars each year on liability insurance for our providers. With parity in FTCA, we would put every cent back into services which will allow us to fulfill our mission of providing excellent health care to American Indians. Increasing access to quality health care and preventive wellness services and producing positive health outcomes for urban American Indians living in central Oklahoma is the business we are in. We applaud the leadership of Senator Smith and Senator Lankford on helping redirect resources back to patients and families who rely on our services," said **Robyn Sunday Allen, NCUIH Vice-President and CEO of Oklahoma City Indian Clinic**.

"We are grateful to our Senator Tina Smith as well as Senators Udall, McSally and Lankford for introducing this important legislation to help Urban Indian Organizations like Indian Health Board of Minneapolis. Despite the coronavirus pandemic and its implication and impact that is has on our clinic as well as our community, IHB continues to provide health care services that are vital to the ongoing needs of the community we serve. We are hopeful for FTCA coverage to allow us to redirect those resources back to our patients during this pandemic," said **Dr. Patrick Rock, CEO of the**

Indian Health Board of Minneapolis.

Background

- S. 3650 Bill Text
- Press Release: U.S. Senators Tina Smith and James Lankford Introduce Bipartisan Legislation to Expand Health Care Resources for Urban Indian Health Organizations Amid Pandemic (May 8, 2020)
- NCUIH Press Release: Gallego, Mullin Introduce FTCA Bill to Reduce Burdens for Urban Indian Organizations (April 21, 2020)
- Press Release: Reps. Gallego, Mullin Introduce Bill Boosting Resources for Urban Indian Health Organizations (April 20, 2020)
- H.R. 6535 One Pager
- Inclusion of FTCA for UIOs in IHS FY 2021 budget (p. CJ-18 and CJ- 288)
- Discussion of FTCA in newly confirmed IHS Director RADM Weahkee's past testimony (p. 14)

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The National Council of Urban Indian Health (NCUIH) is the national non-profit organization devoted to the support and development of quality, accessible, and culturally-competent health and public health services for American Indians and Alaska Natives (AI/ANs) living in urban areas. NCUIH is the only national representative of the 41 Title V Urban Indian Organizations (UIOs) under the Indian Health Service (IHS) in the Indian Health Care Improvement Act (IHCIA). NCUIH strives to improve the health of the over 70% of the AI/AN population that lives in urban areas, supported by quality, accessible health care centers.