

NCUIH Urges Protection of Indian Health Care Providers' Ability to Serve Native People Amid HHS Grant Rule Revisions

Category: Policy Blog

written by Alex Sampson | March 5, 2024

On January 18, 2024, the National Council of Urban Indian Health (NCUIH) submitted written comments to the Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) Director, Melanie Fontes Rainer, regarding the [notice of proposed rulemaking](#) (NPRM) to repromulgate and revise certain regulatory provisions of HHS' [Uniform Administrative Rule Requirements, Cost Principles, and Audit Requirements for HHS Awards](#) (the rule). NCUIH's comments urge HHS to ensure that the proposed revisions to not inadvertently impact Indian health care providers' ability to serve Tribal citizens.

Background

The NPRM pertains to the portions of the rule addressing applicability, and statutory and national policy requirements. Among the changes, HHS is proposing to repromulgate a section addressing discrimination and is including a section stating that HHS will follow all applicable Supreme Court decisions in administering its award programs. HHS is also proposing language providing for religious exemptions for certain provisions.

One of the ways in which the United States meets its trust obligation to provide services and resources to improve the health of American Indian and Alaska Native people is through awarding funding to Tribes, Tribal Organizations and urban Indian organizations (UIOs). HHS funding is critical to the success of the Indian Health Service, Tribes, and UIO (I/T/U) system and ensuring the federal government upholds the federal trust responsibility owed to American Indian and Alaska Native people.

NCUIH's Recommendations

In its comments, NCUIH recommended that OCR:

- Include language in the proposed rule that clearly states that nothing in the rule will limit ability of Tribes or UIOs to serve American Indian and Alaska Native people exclusively using HHS awards.
- Ensure OCR and HHS grant staff are properly trained on the unique political status of American Indian and Alaska Native people.

NCUIH will continue to monitor the rulemaking process for HHS' Uniform Administrative Requirements.