

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART II – DEPARTMENTS; DIVISIONS
CHAPTER 2-5- HEALTH SERVICES DIVISION**

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**TITLE 2 – GOVERNMENT ADMINISTRATION
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Legislative History: Enacted on May 23, 2018 by Resolution No. C05-114-18 and Ordinance No.10-18.

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (2 PYTC § 2-5-10)

The purpose of this chapter is to establish the Health Services Division of the Pascua Yaqui Tribe and to provide authorization and guidance for its operation.

Section 20 Short Title; Codification (2 PYTC § 2-5-20)

- (A) This Ordinance shall be known as the “Pascua Yaqui Health Services Division of 2018.”
- (B) This Ordinance shall be codified at Title 2, Part II, Chapter 2-5 in the Pascua Yaqui Code.

Section 30 Establishment (2 PYTC § 2-5-30)

The Pascua Yaqui Health Services Division is hereby created as a Division within the Executive Branch of the Pascua Yaqui Tribe.

Section 40 Purpose of Division (2 PYTC § 2-5-40)

The purpose of the Health Services Division is to:

- (A) Develop and deliver quality health services to the Pascua Yaqui Tribe in the most efficient manner possible.
- (B) To develop and operate health services available to the Tribe based on its status as a Federally Recognized Indian Tribe, pursuant to the federal Indian Health Care Improvement Act, the Indian Self-Determination Act and other federal acts, and health related services made available to States, Local Governments and Indian Tribal governments through grants, contracts and agreements, and other health services authorized by the Tribal Council.
- (C) To monitor the health status of the Pascua Yaqui Tribe and to recommend and develop programs and services to improve the health status of its members and other patients deemed eligible by the reserve powers of the Tribal Council.
- (D) To promote healthy lifestyles and behaviors through program, services and education.
- (E) To monitor federal and state health policy and to ensure that the Tribe can respond on an appropriate government-to-government basis to policies impacting the Tribe.
- (F) To advise Tribal public policy aimed at improving member and community health and well-being.
- (G) To serve as a Public Health Authority with the responsibility to develop, recommend, implement, and enforce Public Health Tribal Codes and laws approved by the reserve powers of the Tribal Council.

Section 50 Mission (2 PYTC § 2-5-50)

The mission of the Health Services Division is to ensure that members of the Pascua Yaqui Tribe and other eligible patients have knowledge of and access to quality health care services, with priority to tribal members residing within designated services areas for which federal and state health care financing is provided and available.

SUBCHAPTER B EXECUTIVE DIRECTOR

Section 60 Creation and Appointment (2 PYTC § 2-5-60)

- (A) The position of Executive Director of the Health Services Division is hereby created.
- (B) The Executive Director shall not be deemed to be a “tribal officer” as defined in Article VII of the Constitution of the Pascua Yaqui Tribe; and
- (C) The Executive Director shall be nominated by the Chairperson and must be approved by the Tribal Council by majority vote of the entire Council(no less than 6 votes). Approval by the Tribal Council will constitute appointment to the position of Executive Director.
- (D) The Executive Director will be a full-time employee of the Tribe and will be paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation, if any, established by the Tribe.
- (E) The Executive Director must report to, and will be directly supervised by, the Chairperson.
- (F) The Executive Director serves at the pleasure of the Tribal Council, and may be removed from that position only by a majority vote of the entire Tribal Council(no less than 6 votes).

Section 70 General Duties of Executive Director (2 PYTC § 2-5-70)

- (A) To administer, supervise and direct the activities and resources of the Health Services Division.
- (B) To advise the Chairperson regarding all matters concerning the Health Services Division’s mission, objectives, policies, resources, and programs.
- (C) To recommend codes, policies, budgets and other decisions reserved to the Chairperson and/or Tribal Council.
- (D) Represents the Pascua Yaqui Health Services Division by name, title, as delegated, in carrying out the health programs.
- (E) To monitor applicable federal and state policies related to health services and public health and to advise the Tribal Council on such matters, and to recommend public health policies and codes for the safety and security of the Tribal community.
- (F) To review and implement agreements with federal, state and other governments, non-governmental organizations and to recommend changes as are appropriate to the Tribal Council.
- (G) To establish priorities for services within available resources.

Section 80 Supervisory Duties and Authorities of Director (2 PYTC § 2-5-80)

- (A) The Executive Director has authority to select, appoint, and hire employees necessary to carry out the laws, regulations, policies and programs adopted by the Tribal Council including, but not limited to;
 - (1) Hiring authority, subject to the policies and procedures of the Tribe’s Employee Handbook and personnel policies;
 - (2) Termination authority, subject to the policies and procedures of the Tribe’s Employee Handbook and personnel policies;
 - (3) Personnel discipline;
 - (4) Personnel performance review;

- (5) Personnel job assignments;
- (6) Establish salary and wage levels, merit pay for professionals, paraprofessionals, and staff consistent with the appropriate market to ensure that compensation is competitive for positions in the Division, provided that documentation shall be maintained of market surveys and other evidence to support compensation levels. This includes the authority to set compensation package to include, but not limited to, bonuses, recruitment, relocation, loan repayment, retention, and other special pay.
- (B) To develop and maintain financial and business plans, including recommended reserves, for submission in conjunction with recommended budgets and administer the approved budget for the Division.
- (C) Procurement and contracting authority, subject to the provisions of the Fiscal Management Code (2 PYTC 5-1) and its implementing policies and Article VI, Section 1(s) of the Constitution of the Pascua Yaqui Tribe.
- (D) To submit, grant applications for health programs as may be authorized by resolution of the Tribal Council pursuant to Article VI, Section 1(s) of the Constitution of the Pascua Yaqui Tribe.
- (E) Authority to develop and implement internal policies and protocols for the efficient and effective of the Division, including written operating policies, program descriptions, goals and objectives, quality standards and accountabilities and reporting requirements.
- (F) Exercise budgetary and signature authority for the Division.
- (G) The Executive Director has authority to delegate any function, powers, and authorities to other employees of the Division, except as may be prohibited by Tribal laws and policies.

SUBCHAPTER C ORGANIZATION

Section 90 Organization (2 PYTC § 2-5-90)

- (A) The Division shall consist of the Executive Director and such departments and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its long and short term goals and objects.
- (B) The Division may employ staff professionals, support personnel, and/or contract with professional service firms as the Executive Director determines, consistent with the laws of the Tribe and approved budgetary authority.
- (C) The Division shall maintain a current organizational chart. The organizational chart must accompany its annual budget submission and any budget modification requests during the fiscal year, in accordance with the Tribe's Fiscal Management Code.
- (D) The Division shall publish its organization structure, including functional statements, lines of authority and operational relationships.

SUBCHAPTER D AUTHORIZED PROGRAMS

Section 100 Authorized Programs (2 PYTC § 2-5-100)

- (A) The Division will have administrative responsibility and authority to operate programs authorized by the Tribal Council pursuant to Tribal law and policy including:
 - (1) Programs authorized by the federal Snyder Act, Indian Health Care Improvement Act and other acts of Congress for the benefits of Indians pursuant to grants, compacts and agreements authorized by the Tribal Council.

- (2) Other health related programs provided through federal or state contracts, grants and agreements authorized by Tribal Council.
 - (3) Other ambulatory, managed care, residential, preventive and health promotion programs, including cost reimbursable health programs authorized pursuant to business plans and budgets.
 - (4) Monitoring and reporting on the health status of the community and public health issues. Reporting of public health violations to appropriate enforcement entities and monitoring of enforcement and compliance.
 - (5) Participation and coordination with Tribal and other entities to plan for and address disasters and other public health emergencies, and emergency programs to protect and preserve life and health safety
- (B) If a program is authorized by the Tribal Council, it may terminate such program at any time, and such termination shall act as a revision to this Chapter.

SUBCHAPTER E PROGRAM EVALUATION AND MONITORING

Section 110 Program Evaluation and Monitoring (2 PYTC § 2-5-110)

- (A) The Executive Director shall be responsible to conduct ongoing evaluation of all programs operated by the Division.
- (B) The Director must monitor all programs under his or her control on a regular basis.
 - (1) In the event the Director discovers any irregularity in a program under his or her control, he or she must report that irregularity immediately to the Chairperson.

Section 120 Reporting (2 PYTC § 2-5-120)

- (A) The Executive Director will provide reports and meet with the Chairperson and the Tribal Council on the Division’s operations, program status, significant activities, and trends and important issues affecting health programs on a regular basis.
- (B) The Director must report to the Council on programs under his or her control on a schedule determined by the Tribal Council.

SUBCHAPTER F RESERVED POWERS

Section 130 Reserved Powers (2 PYTC § 2-5-130)

The following authorities are expressly reserved to the Tribal Council in addition to other powers expressed in the Constitution and not expressly delegated in this Chapter.

- (A) Authorization of the Health Services Division and approval of Tribal laws and public policy for public health and health services.
- (B) Adoption of business plans, budgets and appropriation of funds to support the health services.
- (C) Confirmation of the appointment of the Executive Director of Health Services Division and establishment of the duties and qualifications of the office.
- (D) Adoption of official tribal positions with respect to federal health program legislation, appropriations and regulations.
- (E) Approval of contracts pursuant to the Pascua Yaqui Fiscal Management Code and the Constitution of the Pascua Yaqui Tribe.

- (F) Approval of grants and other government-to-government agreements, and the conduct of government-to-government relationships between the Tribe and federal, state and local governments.
- (G) Approval of borrowing and financing arrangements or other financial transaction that are reserved to the Tribal Council pursuant to the Pascua Yaqui Fiscal Management.
- (H) Approval of policies regarding the extension of health services to persons other than members of the Pascua Yaqui Tribe.
- (I) Approval of new locations for the delivery of health services.

SUBCHAPTER G CODE REVISER, SAVINGS CLAUSE, EFFECTIVE DATE

Section 140 Code Reviser Discretion (2 PYTC § 2-5-140)

The Code Reviser of the Pascua Yaqui Tribe is authorized and directed to insert this Ordinance of the Pascua Yaqui Code, to include a section on legislative history, and to renumber the sections hereof in accordance with Title 1, Chapter 1 of the Pascua Yaqui Code, the Codification Ordinance, without further action or approval.

Section 150 Savings Clause (2 PYTC § 2-5-150)

If any section or part of this Chapter is later determined to be void or unenforceable, the remainder of this Chapter shall nevertheless remain in full force and effect, unless this Chapter, without said void or unenforceable section or part, fails in its purpose.

Section 160 Effective Date (2 PYTC § 2-5-160)

This Ordinance shall go into effect immediately.