



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

JUN 09 2017

PORTLAND AREA
INDIAN HEALTH SERVICE
1414 NW NORTHROP, Suite 800
PORTLAND, OREGON 97209

Dear Nooksack Tribal Members:

I am writing to advise you that the Indian Health Service (IHS) will reassume all IHS-funded health care delivery to the Nooksack Indian Tribe, effective on June 13, 2017.

The IHS regrets the disruption to your normal health care services; unfortunately, the Agency cannot enter into its usual contract with the Nooksack Indian Tribe because a Federal Court ruled that the Tribal Council in place after March 24, 2016, is not valid because the U.S. Department of the Interior (DOI) does not recognize the Tribal leadership.¹ As a result, the IHS cannot enter into a contract with the Nooksack Indian Tribe until it has a Tribal Council that is recognized by the DOI. In accordance with this decision, the holdover council does not have standing to represent the Nooksack Indian Tribe in a Government-to-Government relationship with the IHS, as well as other Federal agencies.

The IHS is taking action to ensure all eligible Nooksack Tribal members receive quality health care. The IHS is working to ensure the continuity of care during this transition period. To provide health care delivery to each Nooksack Tribal member, the IHS has contracted with Sea Mar Community Health Centers (Sea Mar). Sea Mar will provide direct care services to Nooksack Tribal members and their descendants, as well as other eligible beneficiaries from the Nooksack community. The IHS will pay related costs charged by these two facilities, such as co-pays, that the facility normally charges patients without health insurance. Each Tribal member will need to register with **both** the IHS and Sea Mar to receive care. Please see the enclosed IHS application. The IHS application is also available online at <https://www.ihs.gov/portland/>.

The two authorized Sea Mar locations are:

3350 Airport Drive
Bellingham, WA 98226
(360) 734-5458

Everson Medical Clinic
6884 Hannegan Road
Everson, WA 98247
(360) 354-0766

Additional information on Sea Mar is available at their Web site at:
http://www.seamar.org/county.php?xestado=56&xcondado=1&xcondado_n=Whatcom

At this time, if you would like the IHS to cover any associated out-of-pocket cost and/or referrals related to your health care, you must be seen at either the Bellingham or Everson Sea Mar

¹ *Nooksack Indian Tribe v. Zinke, et al.*, No. 2:17-cv-00219 (W.D. Wa. filed Feb. 13, 2017).

location. You may choose to be seen at any Tribal or private sector facility, but you will be responsible for any associated out-of-pocket costs.

For Purchased/Referred Care, at this time only Priority Level I (Emergent or certain Acutely Urgent Care Services) will be approved for Nooksack Tribal members living in the Whatcom County service delivery area. A referral is **required** from Sea Mar unless it is an emergency situation as defined on the Frequently Asked Questions (FAQ) sheet (enclosed). If you have a medical emergency, please dial 911. Emergency care must be reported within 72 hours; please contact Ms. Peggy Ollgaard, Purchased/Referred Care, Portland Area IHS, by telephone at (503) 414-5592.

Additionally, if you or your family members have Medicaid, Medicare, Department of Veterans Affairs (VA) benefits, or private insurance, you may choose to be seen at any provider of your choice. However, if you would like the IHS to pay any associated out-of-pocket cost of your care, you must be seen at an authorized Sea Mar **and** be registered with the IHS.

Please see the enclosed FAQ for answers to commonly asked questions during the Nooksack - IHS community meeting, which was held in Bellingham, Washington, on May 31, 2017.

The IHS does not take such action lightly; the Agency must however, act promptly to carry out health services where there is not a recognized governing body as required to enter into an Indian Self-Determination and Education Assistance Act contract with the IHS. Please be aware that any health services provided by the Nooksack Indian Tribe after June 13, 2017, are no longer considered covered services by the IHS.

IHS health delivery will continue until the DOI recognizes a newly-elected Nooksack Indian Tribal Council and the IHS is able resume a Government-to-Government relationship and discuss the potential for contracting with Nooksack again in the future.

If you have questions regarding this letter, please contact Mr. Terry Dean, Director, Office of Tribal and Service Unit Operations, by telephone at (503) 414-5555.

Sincerely,

/Dean M. Seyler/

Dean M. Seyler
Director

Enclosures