

**HEALTH COMMISSION ORDINANCE**  
Ordinance #25-150-06

**Article I. Purpose; Findings**

- 1.01. *Purpose.* The Little River Band of Ottawa Indians has determined that it is in the best interests of its members to establish a Health Commission to promote optimal delivery of quality health services through the Health Department and the Be-Da-Bin Substance Abuse & Mental Health Services; to ensure the community receives the services it needs most; to develop policies in line with applicable laws; and to ensure the proper fiscal management of tribal health facilities.
- 1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds:
- a. That the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members. *Article IV, Section 7(a)* of the LRBOI Constitution.
  - b. That providing for the mental, physical, and spiritual health of Tribal Members is an essential element of providing for the peace, and general welfare of the Tribe;
  - c. That the Tribal Council has a responsibility under the Constitution to ensure that services budgeted under compact with the federal government are being delivered and managed in accordance with the compact provisions. The services in question include the following budget areas: Health Services Management; Purchased and Referred Care; Community Health Services; Direct Care Services including Tribal Pharmacy; Health Planning and Development; and Behavioral Health Services - Be-Da-Bin Substance Abuse & Mental Health Services.

**Article II. Adoption; Amendment; Severability**

- 2.01. *Adoption.* This Ordinance is adopted by Resolution# 25-XXXX-XXX.÷
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act - Ordinance.

- 2.04. Severability Clause. Any provision of this Ordinance which is determined to be illegal by a court of competent jurisdiction or an administrative body having jurisdiction over this Ordinance, or which is otherwise determined to be unenforceable, shall be ineffective to the extent necessary without invalidating the remaining provisions of this Ordinance. This Ordinance will be deemed modified to the extent necessary to render enforceable the remaining provisions of this Ordinance.

### **Article III. Definitions**

- 3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.
- 3.02. *Commission* means the Health Commission as created in this Ordinance, with the powers and authority vested therein pursuant to this Ordinance.
- 3.03. *Commissioner* means a member of the Health Commission.
- 3.04. *Federal government* includes the Bureau of Indian Affairs, Indian Health Services, and/or any other agency or instrumentality of the United States of America, corporate or otherwise.
- 3.05. *Health Services* means any service provided to members by the Health Department and Be-Da-Bin Behavioral Health within the framework of the Indian Health Services Compact or any other mandated agreement, as well as those services provided by the Family Services Department regarding Health Services, Extended Health Assistance Program, and services provided by Be-Da-Bin Behavioral Health.
- 3.06. *Official Action* means the official vote of all Commissioners present at a duly noticed Regular or Special meeting of the Commission at which a quorum is present on any motion or resolution which is properly before them.
- 3.07. *Quorum* shall mean three fifths of all Commissioners appointed to the Commission at the time that action is to be taken by the Commission, including one Officer of the Commission.

#### **Article IV. Health Commission**

4.01. *Creation of Health Commission; General Authority.* There is hereby created a Health Commission for the purposes described in Article I of this Ordinance. As a subordinate entity of the Tribal Council, the Health Commission is charged with the oversight of all tribally run health facilities, all health programs operated independently by the Tribe, as well as those programs run under compact/contract with the federal government to ensure the health policies of the Tribe as established by the Tribal Council are being properly implemented. In addition, the Commission shall promulgate such regulations as are reasonable or necessary to affect its purposes. The Commission shall also establish a process for receiving, investigating, and reporting to the Tribal Council on complaints from patrons of the programs under its oversight so the Tribal Council can properly exercise its authority to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members.

4.02. *Composition of Commission*

- a. The Commission shall consist of five (5) commissioners. All Commissioners shall be appointed according to the Constitution and the Commissions Ordinance.
- b. Any Tribal Member eighteen (18) years of age or older may be nominated for appointment to the Commission, however, preference shall be given to those persons who currently work in health care services as defined under 42 U.S.C. § 234(d)(2) or who have previous work experience in the area.
- c. No person shall be barred from appointment to the Commission, or once so appointed, from fully and actively participating in matters before the Commission solely because they have previously received care from the programs under the Commission's supervision or are currently receiving such care.
- d. Employees of the Health Department or Be-Da-Bin Behavioral Health shall not be eligible to be appointed as a Commissioner.
- e. No person shall be permanently barred from being appointed as a Commissioner because they had previously been employed at the Health Department or the Be-Da-Bin Behavioral Health. However, in the best interests of the Commission, a person may not be appointed to serve as a Commissioner until at least six (6) months have elapsed from the date of separation from their employment at the Department.

4.03. *Terms of Office.* Commissioners shall serve the following terms of office:

- a. *Commissioners.* Commissioners shall serve four (4) year terms unless the Tribal Council in its sole discretion authorizes a longer or shorter term in order to provide for the stability of the Commissions operations.
  - b. *Officer.* Once elected, officers will serve for a term of one (1) year, however, a commissioner may be elected for multiple successive years in the same office.
- 4.04. *Officers.* The Commission shall elect from amongst its number the following officers of the Health Commission: Chair and Secretary.
- a. The Chair shall conduct all meetings of the Commission. The Chair shall ensure a quorum is present before conducting business and shall be responsible for the orderly conduct of all meetings of the Commission and shall also ensure the Commission follows all requirements of this Ordinance.
  - b. The Secretary shall ensure that minutes of all meetings of the Commission are recorded and approved by the Commission. The Secretary shall also ensure that an approved copy of the minutes is kept in both the records of the Tribal Council and in the records of the Commission. The Secretary shall fulfill the duties of the Chair in the Chair's absence, incapacity, or during any other time the Chair is unable to perform their duties.
- 4.05. *Removal.* Commissioners may be removed from office for any of the reasons set forth in the Commissions Ordinance. In addition, they may be removed from office for any of the reasons set forth below:
- a. Conviction of a felony in Tribal, State, or Federal court during a term of office, unless such conviction stems from performance of a legal duty to the Tribe;
  - b. Conviction of a criminal offense involving fraud or conspiracy to commit fraud; or the making of a material misrepresentation in any official report or filing;
  - c. Neglect or malfeasance in the performance of duties and responsibilities under this Ordinance.
  - d. If the Commission fails to meet at least twice in any three (3) month period, the Commission is eligible to be dissolved, and the commissioners are likewise eligible to be removed from their positions with proper notice.
  - e. Any Commissioner who has been removed from their position for cause shall not be eligible to serve on the Commission again for a period of two (2) years from the date of their removal.

## **Article V. Meetings of the Health Commission**

5.01. *Public Informational Meeting.* At least once per year the Commission shall hold a public informational meeting. The Commission shall give adequate notice of the meeting to allow the greatest number of Tribal Members to attend. The Commission will hold the meeting in a centrally located facility large enough to contain the Commission and all attendees. The Commission shall ensure the meeting is available electronically for those attendees unable to attend in person. The meeting will also be subject to the following requirements:

- a. The Commission shall publish notice of the meeting in the Tribal Newsletter no later than one (1) month before the meeting and longer if necessary to be included in the last publication before the date of the meeting. The Notice shall include the agenda the date, time, location, and duration, of the meeting.
- b. The Commission will ensure in advance that a quorum will be present at the meeting.
- c. The Commission will schedule sufficient time to allow for public comment by Tribal Members on any concerns or issues related to the Commission's purpose.
- d. Complete minutes of the meeting shall be taken and retained in the records of the Commission as well as the records of the Tribal Council and shall become a part of the regulatory history of the Commission.

5.02. *Regular Meetings.* The Commission shall hold regular meetings on a monthly business to conduct the business of the Commission. The Commission shall:

- a. Provide notice of the date, time, and location of the Regular Meetings in time to be published in the annual publication of meeting dates.
- b. Any changes to the date, time, or location of Regular Meetings shall be posted with as much notice as possible in the Tribal Media and provided to the Commissioners and the Tribal Liaisons as soon as is possible but under no circumstances less than seven (7) days prior to the new date or to the existing date, whichever shall be earlier.
- c. Meeting notice shall be deemed to be provided upon adoption of the annual publication of meeting dates. Changes to any meeting date, time, or location shall be deemed received by personal notice to the commissioners or may be sent by e-mail.

5.03. *Special Meetings.* Special meetings of the Commission may be called by the Chair or any two commissioners upon receipt of seventy-two (72) hours written notice stating the reason for the Special Meeting delivered to all members of the Commission. Special Meetings may only be called when necessary to protect the health, welfare, peace, or safety of Tribal Members. The Commission may only discuss the business stated in the notice of the Special Meeting. If the business to be conducted falls within the provisions of Section 5.04 of this Ordinance, all or a portion of the meeting may be closed. Minutes shall be kept in accordance with Section 5.05(c)4 of this Ordinance.

- a. Notice shall be deemed to have been provided upon being sent by e-mail.
- b. All other provisions applicable to regular meetings shall apply to special meetings of the Commission including those provisions regarding the keeping of minutes for open and closed meetings.

5.04. *Closed Meetings.* All meetings of the Commission shall be open to the Tribal Membership. However, the Commission may, by a majority vote of the Commissioners present at a Regular or Special meeting at which a Quorum exists, vote to meet in a closed session for the reasons outlined in Article IV, Sections 6(d)1 & 2 of the LRBOI Constitution or to safeguard the personal health information of patients when it is impossible to protect the anonymity of the individual(s) receiving services.

5.05. *Conduct of Meetings.* Regular and special meetings shall be conducted pursuant to the following additional rules:

- a. Official Action. The Commission shall only act through Official Action as it is defined in 3.06 above.
- b. The Commission shall only act by motion or resolution. All successful motions shall be recorded in the minutes of the meetings of the Commission and be a part of regulatory history.
- c. The Commission shall keep minutes of all regular and special meetings. The minutes shall be kept in a permanent file which shall be maintained in the office of the Tribal Council and in the files of the Commission. The minutes shall contain the following information:

- 1. The date, time, and place of the meeting. The name of all Commission

members and whether they were present or absent from the meeting.

2. The name of any other persons present during the meetings, and if they were presenting before the Commission, the subject of their presentation.
3. A summary of the discussion except that when a portion or all of a meeting is closed pursuant to Section 5.04 above, the open minutes shall simply reflect that the meeting was closed and the times the Commission went into the closed session.
4. The minutes for any closed meetings or for any portions of a meeting which are closed shall be kept in a permanent file in the confidential files of the Commission. Such minutes may be released only upon a majority vote of the Commission explicitly authorizing the release, by a majority vote of the Tribal Council authorizing the release, or by judicial order.
5. An accurate record of all motions made and all votes of the commission including the number of votes in favor, against, and abstaining.
6. A copy of the Agenda for the meeting as amended and approved.
7. The opening and closing times for the meeting.

## **Article VI. Authority, Powers, and Responsibility of the Commission**

6.01. *Authority of the Commission.* The Primary responsibility of the Commission is to oversee the delivery of health services to Tribal Members whether delivered under the auspices of the Health Services, Be-Da-Bin Behavioral Health, Direct Pay, or through Extended Care (“Services”). The Commission shall meet regularly with the Directors of Health Services and of Be-Da-Bin Behavioral Health to receive updates on the services being delivered to Tribal Members by their departments. This information shall be delivered in an anonymous fashion to not compromise the confidentiality of patients or to violate HIPAA or any other applicable federal law. In addition, the Commission shall solicit feedback from Tribal Members regarding their satisfaction with the quality of the Services and the quality of care being delivered.

- a. The Commission shall have the authority to promulgate regulations governing the health services provided under the Tribe’s jurisdiction. All regulations promulgated by the Commission shall be approved by the Tribal Council prior to taking effect. The

Tribal Council retains the authority to return the regulations to the Commission with recommendations for improvement.

- b. In order to ascertain the satisfaction of the Tribal Members with the services being provided and whether there are additional services the Tribal Members need, the Commission shall develop surveys and assessments of the health service programs under the Tribe's jurisdiction.
  - c. Based upon the results of these surveys, the Commission shall develop regulations consistent with this Ordinance and any other Ordinances governing the delivery of health services to ensure the services delivered are of the best quality and that the rights of Tribal Members are respected.
  - d. The Commission shall also promulgate any regulations necessary to implement any federally funded contracts or compacts regarding health services, including the delivery of dental, optical, or pharmaceutical services.
  - e. The Commission shall have the authority to review the program budgets and the statistical service reports administered by the Health and Family Services Departments.
  - f. The Commission shall prepare and present to the Tribal Council a proposed budget requesting an appropriation of funds to permit the Commission to carry out the responsibilities of this Ordinance and all ordinances related to programs over which the Commission is delegated authority.
- 6.02. Beginning the second month the Commission has enough Commissioners to formally conduct business and every month thereafter, the Chairman shall cause to be presented to the Tribal Council a report on the health services provided within the Tribe's reservation based upon the Commission's review of the information provided by the Departments. To the best of the Commission's ability, this report shall include the following information:
- a. The number of patients seen broken down by facility and by the nature of the services being provided.
  - b. A summary of the accounts receivable and the accounts payable for the month being reported on.
  - c. Any significant problems or issues reported either by the Departments or by Tribal Members.
  - d. Any significant plans to expand or change the nature of the services being provided that will impact the Tribal Members.
  - e. Any recommendations or requests received for expanding the services provided.
  - f. Any other information requested to be added to the reports by Tribal Council.



## **CERTIFICATION**

I, Susan Thall, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Health Commission Ordinance permanently adopted by the Tribal Council on July XX, 2025

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Susan Thall, Tribal Council Recorder

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