

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

## *A Resolution Supporting HHS Making Permanent Telehealth Flexibilities and Reimbursement Rates for Telehealth*

### Resolution No. 22-20



Chúck Hoskin Jr.  
Principal Chief



Bill Anoatubby  
Governor



Gary Ballan  
Chief



David W. Hill  
Principal Chief



Lewis J. Johnson  
Chief

**WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Nation, representing approximately 815,000 Indian people throughout the United States; and

**WHEREAS,** during the public health emergency (PHE) declared in response to the COVID-19 pandemic, existing COVID-19 Medicare waivers in effect during the PHE applied to IHS and Tribal hospitals and allow them to bill for hospital outpatient services furnished remotely to Medicare beneficiaries. IHS and Tribal hospitals are reimbursed at the Medicare outpatient All-Inclusive rate (AIR) for services furnished remotely by hospital staff to Medicare beneficiaries during the PHE. This flexibility applies when the clinical staff are in person, at the beneficiary's home, or when telecommunications technology is used to connect the beneficiary and hospital staff. In these circumstances, assuming all other requirements are met, IHS and Tribal hospitals can bill and be paid as if the services were provided face-to-face; and

**WHEREAS,** prior to this waiver these services were paid under Medicare Part B Physician Fee Schedule; and

**WHEREAS,** these Medicare waivers for telehealth have achieved benefits well beyond preventing spread of COVID-19, including removing barriers related to transportation, work schedules, medical conditions, and other issues that make it difficult to travel outside of the home to receive health care; and

**WHEREAS,** technology has also greatly increased the tools available for health care providers to conduct health assessments and check symptoms remotely; and

**WHEREAS,** telehealth has proven especially beneficial for all behavioral health care services including therapy, which in some cases can be provided even more effectively using remote technology, whether by video or audio-only calls, due to greater patient comfort with these modes of communication; and

**WHEREAS,** telehealth flexibilities allowing more audio-only care has been especially useful in rural tribal communities without easy access to broadband Internet.

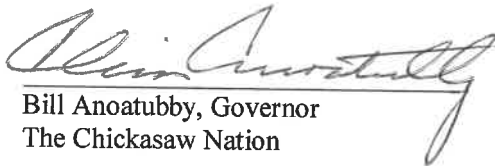
## The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

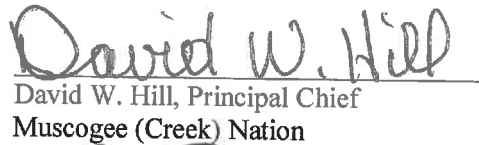
**NOW THEREFORE LET IT BE RESOLVED THAT**, the Inter-Tribal Council of the Five Civilized Tribes urges the U.S. Department of Health and Human Services (HHS) to make these Medicare waivers permanent so as to maintain the current reimbursement mechanism under these waivers for IHS and Tribal hospitals, so that we can collect the true cost of providing health care for our patients in the most effective way.

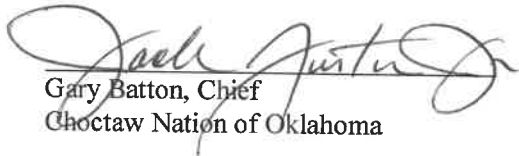
**BE IT FURTHER RESOLVED**, the Inter-Tribal Council of the Five Civilized Tribes urges HHS to make permanent Medicare waivers and flexibilities made available during the public health emergency, such as audio only telehealth.

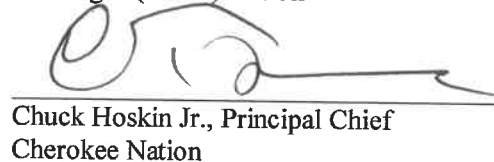
### CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Durant, Oklahoma on this 7<sup>th</sup> day of October, 2022, by a vote of \_\_\_\_\_ for \_\_\_\_\_ against and \_\_\_\_\_ abstentions.

  
Bill Anoatubby, Governor  
The Chickasaw Nation

  
David W. Hill, Principal Chief  
Muscogee (Creek) Nation

  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

  
Chuck Hoskin Jr., Principal Chief  
Cherokee Nation

  
Lewis J. Johnson, Chief  
Seminole Nation of Oklahoma