



# HOUSE OF REPRESENTATIVES

SB 1238

advisory council; Indian health care  
NOW: tribes; child safety; health care  
Prime Sponsor: Senator Begay, LD 7

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**DP** Committee on Health

**DPA** Caucus and COW

**X** House Engrossed

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## OVERVIEW

SB 1238 allows an authorized tribe to request, a federal name-based background check and within 15 days the submission of a full set of fingerprints to obtain a state and federal criminal records check when an emergency placement for child is offered. Updates the Arizona Advisory Council on Indian Health Care's (Council) membership and duties.

## PROVISIONS

1. Allows an authorized tribe to request, if a child is removed from the custody of the child's parent, guardian or custodian and an emergency placement is offered by an authorized tribe, each person who is at least 18 years of age and who is residing in a home where the potential placement is to be made consent to both of the following:
  - a. A preliminary state and federal name-based background check.
  - b. Within 15 days after the name-based background check is conducted, the submission of a full set of the person's fingerprints to an authorized tribe for the purpose of obtaining a state and federal criminal records check. The Arizona Department of Public Safety (DPS) may exchange this fingerprint data with the Federal Bureau of Investigations.
2. Requires an adult who consents to name-based and fingerprint background checks to submit to an authorized tribe a full set of fingerprints and written permission authorizing the tribe to submit the fingerprints to DPS for processing. DPS must provide the results of the name-based and fingerprint background checks to the authorized tribe.
3. Permits an authorized tribe to place a child in the home pending the outcome of the fingerprint background check, if the name-based background check demonstrates that none of the adults residing in the home where the placement is to be made have been convicted of a disqualifying criminal offense.
4. Prohibits an authorized tribe from placing a child in a home, where an adult resides, if the adult refuses to consent to a request for name-based and fingerprint background checks. If the child was already placed in the home, the child must be removed immediately.
5. Specifies that if an authorized tribe requests name-based and fingerprint background checks, the authorized tribe may not make an emergency placement or continue an emergency placement in a home where an adult resident has been convicted of a disqualifying criminal offense.
6. Stipulates that if an emergency placement is denied due to a name-based background check, the adult within 15 days after the denial, may submit to an authorized tribe a complete set of fingerprints for the purpose of obtaining a state and federal criminal records check.

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7. Defines *authorized tribe*, *disqualifying criminal offense* and *emergency placement*.
8. Includes a purpose statement for the Council.
9. Outlines Council membership as follows:
  - a. Twenty-two representatives of the federally recognized American Indian tribes in Arizona who are appointed by the Governor. Each federally recognized American Indian tribe in Arizona may recommend to the Governor the names of persons to represent the tribe on and for appointment to the Council. Representatives must be appointed from those names submitted by the tribes. Recommended representatives may have experience serving the elderly, youth, children or families or persons with disabilities.
  - b. One representative from the Inter-tribal Council of Arizona who is recommended by the President of the Inter-tribal Council of Arizona and who is appointed by the Governor.
  - c. One representative from an urban Indian health organization in Arizona that receives Indian health services funding who is recommended jointly by the urban Indian health organizations and who is appointed by the Governor.
  - d. One representative from the Arizona Health Care Cost Containment System (AHCCCS) who is appointed by the Director of AHCCCS (existing member).
  - e. One representative from the Arizona Department of Health Services (ADHS) who is appointed by the Director of ADHS (existing member).
  - f. One representative from the Arizona Department of Economic Security (ADES) who is appointed by the Director of ADES (existing member).
  - g. One representative from the Arizona Early Childhood Development and Health Board (Board) who is appointed by the Executive Director of the Board.
10. Requires a majority of the Council members to be members of federally recognized American Indian tribes in Arizona. The council must contact each tribe to solicit names of persons to recommend for expired terms.
11. Requires the Council to invite federal representatives of the Centers for Medicare and Medicaid Services, the Indian Health Service, the United States Social Security Administration and the United States Department of Veterans Affairs to serve as technical advisors to the Council. These representatives must be ex-officio members and may serve a three year term on the Council.
12. Prohibits a member of the Council from being an employee of the state, except the representatives from AHCCCS, ADHS, ADES and the Board.
13. Allows, rather than requires, the Governor to appoint a new member within 30 days
14. Clarifies that members are not eligible to receive compensation, but are eligible for reimbursement of expenses.
15. Changes the term of appointed members from two years to three years.
16. Requires the Council to elect a Chairperson and Vice Chairperson from the persons appointed from:
  - a. The federally recognized American Indian tribe in Arizona;
  - b. The Inter-tribal Council of Arizona; and
  - c. An urban Indian health organization.
17. Changes the election from the first Monday in October every year to the second Monday in July every other year.

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18. Modifies the term of office from one year to two years.
19. Requires the Council to:
  - a. Assist tribes and urban Indian health organizations to develop comprehensive medical and public health care delivery and financing systems to meet the needs of American Indian tribes in Arizona. In doing so the Council must:
    - i. Recommend new Title XIX and XXI programs, services, funding options, policies and demonstration projects to meet the needs of American Indian tribes and urban Indian health organizations;
    - ii. Facilitate communications, planning, advocacy and discussion among tribes and urban Indian health organizations in Arizona and with state and federal agencies regarding operations, financing, policy and legislation relating to Indian medical and public health care;
    - iii. Recommend and advocate tribal, state and federal policy and legislation that support the design and implementation of medical and public health care delivery and financing systems for tribes and urban Indian health organizations in Arizona;
    - iv. Conduct and commission studies and research to further the purpose of the Council and to address identified Indian health care disparities in Arizona;
    - v. Conduct periodic public hearings to gather input and recommendations from tribal populations on their health care issues and concerns;
    - vi. Apply for and seek grants, contracts and funding to further the purpose of the Council. Funding must supplement and not diminish annual appropriations for the council; and
    - vii. States that in conjunction with AHCCCS and a tribe that operates a Temporary Assistance for Needy Families (TANF) program, request a federal waiver from the United States Department of Health and Human Services that allows tribal governments that perform eligibility determinations for TANF programs to perform the Medicaid eligibility determinations.
20. States that all members currently serving on the Council may continue to do so until the expiration of their normal terms.
21. Makes technical and conforming changes.

**CURRENT LAW**

A.R.S. §§ 36-2902.01 and 36-2902.02 outline the current membership and duties of the Council.