



FALMOUTH  
INSTITUTE™

# Roles and Responsibilities of Tribal Health Board Members



FALMOUTH  
INSTITUTE.

**Tal D. Moore**  
**Director, Falmouth Consulting Division**

The Indian Pueblo Cultural Center

2401 12 Street NW - 200N

Albuquerque, NM 87104

505-891-6534

[tal.moore@falmouthinstitute.com](mailto:tal.moore@falmouthinstitute.com)



# Objectives:

- Review general and specific board roles
- Discuss **leadership** as a board role
- Define **officer** roles and responsibility
- Outline member **rights** and **obligations**
- **Maintain** and **evaluate** board effectiveness



# Roles and Responsibilities of Health Board Members



# Introduction

- List 3 current board challenges
- State one positive result of board action in the past 6 months
- Briefly, what is the mission of the board you serve?



# Critical Element One

- Recommend Policies that...
  - serve the community
  - serve the individual
  - have value and purpose
  - are measurable and achievable
  - ...make sense!



# Critical Element Two

- Monitor funds and assets by...
  - Knowing your financial condition
  - Understanding fiscal responsibility
  - Developing budget policy and procedure
  - Monitoring and read financial statements
  - Knowing the limitations of the board



# Policy Practice

- Write a policy using the following criteria:
  - Who is served?
  - How will they be served?
  - Use of quantitative language
  - Use of qualitative language
  - Who is accountable to the policy?





# Essential Functions

- Overall, how well are you doing?
- Identify 3 functions done well.
- Identify 3 functions to improve



# Before Taking Oath:

- Be prepared to:
  - Dedicate time
  - Represent your constituents
  - Be open minded
  - Challenge self and others
  - Question status quo



# Tribal Organizations & Boards

- Role of the Board
  - Leadership as a board role
  - Key board member functions



# Board Positions and Relationships

- Officers
- Board, President and staff
- Responsibilities of individual board members



# Officer Duties

- Chairperson
  - Presides over meetings
  - Maintains order
  - Communication link to staff
  - Evaluate actions
  - Assertive planner
  - Crisis intervention
  - Community spokesperson



# Officer Duties, (cont'd.)

- Vice-Chairperson
  - Runs meetings in absence of Chair
  - May oversee committee work
  - Could be Chair-Elect
  - Other duties?



# Officer Duties, (cont'd.)

- Secretary-Treasurer
  - Accurate and permanent records
  - Direct minutes of the meeting
  - Develops agenda with Chairperson
  - Gather financial reports
  - Disseminate financial information



# Do You Know and Exercise Your Rights?

- Check the inherent rights of your team
- Check the written rights of your team
- List those that are violated
- Add rights that are not on the list





# Maintaining Board Effectiveness

- Constitution
- By-Laws
- House Rules
- Unwritten Rules
- Parliamentary Procedures
- Strategic Planning
- Effective Committee Characteristics
- Effective Evaluation
- Communication



# Function: Policy-Making

- Tribal Goals
- Soliciting ideas from administrative and management staff
- Responsibilities:
  - Create policies to achieve goals
  - Create policies that are clear courses of action
    - Who will be served and how
    - Framework for management decision-making
  - Review progress and results



# Function: Organizational Planning

- Relationship between policies and goals
- Collective management results – *not* day-to-day management decisions
- Responsibilities
  - Establish organizational planning process
  - Establish organizational goals
  - Define problems
  - Set priorities
  - Delegate implementation to management
  - Evaluate and approve plans
  - Develop recommendations



# Function: Program Planning

- New programs or additions to existing programs
- Policy considerations
- Responsibilities
  - Evaluate program needs
  - Allocate resources
  - Ensure that program plans are compatible with organizational plans
  - Approve or disapprove plans



# Function: Funding

- Grants
- Loans
- Profit allocation
- Responsibilities:
  - Ensure adequate funds are available for operation and maintenance
  - Accountability for expenditures
  - Establish organizational budgets and monitor expenses



# Function: Organizational Continuity

- Policy Changes
- Changes in board and management staff
- Responsibilities
  - Establish organization's legal existence
  - Provide continuity in leadership
  - Select board members and use their strengths
  - Develop and maintain effective board and staff
  - Provide organizational direction and purpose
  - Select executive officer to administer management of board policies
  - Represent the organization in the community



# Responsibilities and Functions

- Organization Planning
- Program Planning
- Funding
- Organizational Continuity



# Ethics

- Public service values
- Personal values
- Finding ethical solutions





# Ethics (cont'd)

- Anti-Corruption Strategies
- Management Responsibility
- Conflict of Interest
- Financial Disclosure
- Use of Influence



# Standards of Conduct

- What action / inaction by tribal officials and employees ought to be restricted?
  - Criminal vs. Unethical Conduct





# Standards of Conduct

- Criminal Conduct
  - Kickback
  - Theft or Larceny
  - Misappropriation
  - Embezzlement
  - Bribery
  - Extortion





# Standards of Conduct (cont.)

- Unethical
  - Use of Influence/Power
  - Use of Tribal Property
  - Misconduct
  - Work Habits
  - Duty to Disclose the Illegal or Unethical





# Standards of Conduct

- Conflict of Interest
  - Confidentiality and Disclosure
  - Gifts
  - Employment Restrictions
  - Post Employment Restrictions





# Board Member Liability

- Tribal Sovereignty and Indian Organizations
- Liability defined
- Potential Liability in Indian Country



# Standard Rules of Liability

- The “Prudent Man” Rule
- A Conserving Approach
- An Informed Approach
- A Rational Approach
- The “Business Judgment” Rule
- The “Loyal Director” Rule
- Ultra Vires Rule
- Other liability issues



# Budgeting

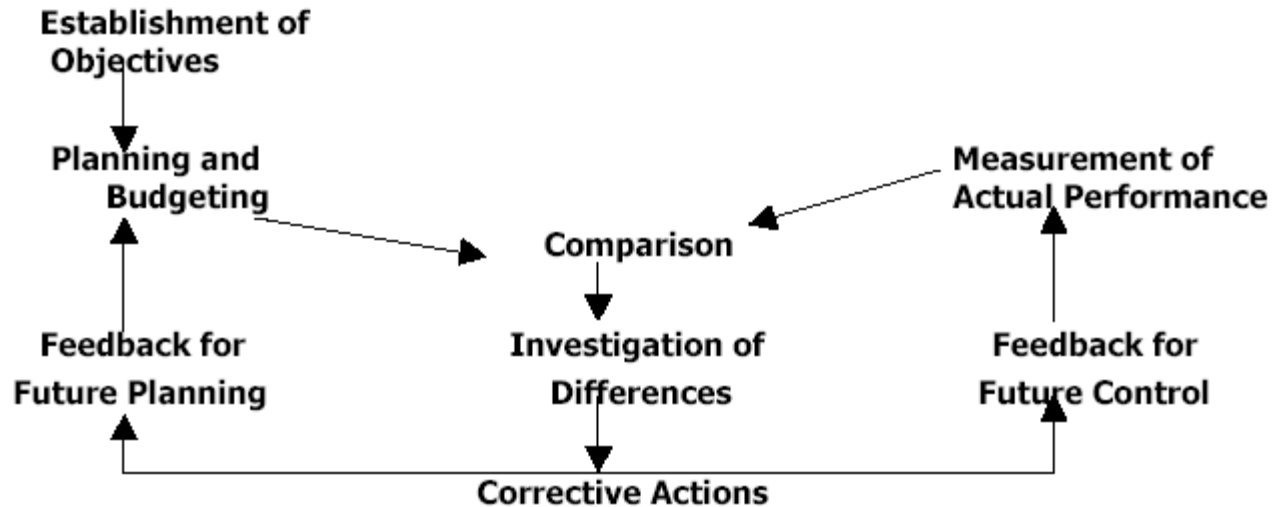
## Chapter 4





# Budgeting

- The Budgeting Process



# Budgeting

- The Advantages of Budgets
- The Scope of Budgeting
- Types of Budgets
- Master Budget Plan
- The Budget Period
- The Timing Concept
- Preparation of the Budgets



# Budgeting

- The Advantages of Budgets
- The Scope of Budgeting
- Types of Budgets
- Master Budget Plan
- The Budget Period
- The Timing Concept



# Budgeting

- Preparation of the Budgets
- Zero-Base Budgeting



# Performance-Based Budgeting

1. Strategic Planning
2. Benchmarking Best Practices
3. Performance Measurement
4. Using Performance Results
5. Performance-Based Budgeting
6. Contracting for Performance
7. Creating and Sustaining a Supportive Environment



# Budgeting

- 2006 IHS Budget Justification
- PART Program and its implications on funding



# Overview of the Indian Self-Determination Act

P.L. 93-638 as Amended

## Chapter 5



# Objectives

To Understand:

- The process for contracting under P.L. 93-638
- Administrative requirements under P.L. 93-638
- Responsibilities of the tribe and IHS





# Introduction to Contracting Under P.L. 93-638

- Controlling documents – the Act itself and regulations at 25 CFR Part 900
  - Not every part of the law has been addressed by regulations.
  - Congress minimized areas of the law where HHS and the Interior could write regulations.





# Definitions

P.L. 93-638 Sec 4

- **Self-Determination Contract**
- **Mature Contract**
- **Construction Contract**
- **Contract Funding Base**
- **Direct Program Costs**
- **Indirect Cost**
- **Indirect Cost Rate**





# Definitions (Cont.)

- **Indian**
- **Indian Tribe**
- **Tribal Organization**
- **Secretary**





# Reporting and Audit Requirements

P.L. 93-638 Sec 5

- Tribal contractor required to keep the records the Secretary requires by regulation.
- What the records must disclose...
- Required reports and information...
- Disagreements over reporting requirements subject to declination criteria.
- For a Mature Contract





# Additional P.L. 93-638 Elements

- Single Audit Act
- Wage & Labor Standard  
P.L. 93-638 Sec 7 b & c





# Self-Determination Contract Proposals

- Self-Determination Contracts
- Contract Proposal Contents for New Contracts (25 CFR Subpart C 900.8-14)





# Self-Determination Contract Proposals (cont.)

- Contract Proposal Contents for Renewals (25 CFR Subpart C 900.12)
- Review of Contract Proposals (25 CFR Subpart D 900.15-19)
- Declination (25 CFR Subpart E 900.20-33)





# Administrative Provisions

- Personnel
- Contract length
- Uniform Service Clause







# Administrative Provisions (cont.)

- Property
- Program Redesign
- Funding





# Administrative Provisions (cont.)

- Retrocession
- Re-assumption of Programs
- Disputes and Appeals
- Tort Claims



# HIPAA Regulations

## Chapter 6



# What is HIPAA?

- Policy that governs all health care entities that maintain or transmit “protected health information” (PHI) in paper or electronic form, including physician practices, hospitals, payers, and clearinghouses
- Aims to improve the efficiency and effectiveness of the healthcare system by encouraging the development of health information systems that utilize Electronic Data Interchange (EDI)
- Establish the required use of national transaction standards when performing these business transactions electronically.



# HIPAA May Protect You If You...

- Have lost or are changing jobs
- Are recently married or divorced
- Are gaining new dependents through birth or adoption
- Are moving from one state to another
- Have preexisting conditions or other health factors that make it difficult to get health coverage



# HIPAA May Protect You If You...

- Have had health coverage and are now being denied coverage
- Want to renew your health coverage
- Are a small employer and want to buy health coverage for your employees
- Are an employer and want to renew health coverage for your employees



# Who does HIPAA Apply To...

- **All health plans:** any individual or group plan that provides, or pays the cost of, medical care -- including public and private health insurance issuers, HMOs or other managed care organizations, employee benefit plans, the Medicare and Medicaid programs, military/veterans plans, and any other "policy, plan or program" for which a principal purpose is to provide or pay for health care services
- **All health care clearinghouses:** a public or private entity, including a billing service, repricing company, community health information system, and “value-added” networks and switches, that either processes or facilitates the processing of health information



# Who does HIPAA Apply To...

- **Any health care provider:** means a provider of medical or health services, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business





# Common Compliance Issues

- Are you a covered entity?
- Deciding on organizational structure
- Identifying business associate relationships
- Current PHI use and practices v. Privacy Rule
- Implementing policy and procedures
- Training workforce
- Designating privacy official
- Purchasing new, or adapt existing information systems to comply



# Penalties!

## Failure to Comply

- \$100 for each violation (can't exceed \$25,000)
- If can be proved person wasn't aware of compliance- no penalty
- If problem is corrected w/in 30 days- no penalty

## Wrongful Disclosure

- Discloses info- \$50,000 and a year in jail
- Committed under false pretenses- \$100,000 and 5 years jail
- Committed with intent to sell, distribute- \$250,000 and 10 years in jail



# Third Party Reimbursements

## Chapter 7



# Patient Registration

- The following information is needed to fill out a claim form:
  - Patient's full name, age, address, and employment information.
  - Spouse's name and employment information
  - Insurance information
  - Request copy of insurance card
  - Authorization of release of information



# Forms

- Billing Claim
- Clean Claim
- Superbill
- Follow-up of Claims
- EOB Reviews
- Coding



# Tribal Program Objectives

- Assess strength & weakness
- Develop structure for business office
- Identify Targets
- Implement Business Office Plan
- Evaluation



# Strategic Planning

## Chapter 8



# Strategic Planning

- Elements of Planning
- Steps in Strategic Planning
  - Directing
  - Assessing
  - Strategizing
  - Planning
  - Modifying
  - Evaluating





# A Native Perspective

- Differences?
- Corporate America v. Tribal Nation
- State Government v. Tribal Nation
- History v. Culture



# A Native Perspective (cont'd)

- Identify community needs
- Pursuing common goals
- Determine a strategic posture



# Steps in Strategic Planning

- Direct
- Assess
- Strategize
- Plan
- Modify
- Evaluate



# Management by Objectives

- What must be done
- What controls and corrective actions are needed
- When it must be done
- How much it will cost
- What represents a satisfactory performance level
- How much progress has been achieved relative to a standard
- How it must be done



# Assessing

- Analyze the Past...where have you been?
- Access the Present...where are you now?
- Project the Future...where do you want to be?



# Strategizing

- Defined: The formulation of strategy in terms of goals and objectives.
  - Deal in 4 parts reality – 1 part dream
  - Use judgment and creativity
  - Avoid perfect, i.e. - The “Perfect Plan”



# Strategizing (cont'd)

- Start with brainstorming
- Remember to state as goals
- Move to realistic ideas
- Focus on immediate issues
- Review the mission statement
- Keep the SWOT analysis close at hand
- Don't prioritize just yet



# Planning

- What you have all been waiting for!
  - Articulate the goals
  - Include staff
  - Include community
  - Seek assistance as needed





# Planning (cont'd)

- Your Role –
  - Look at the theater of war, not the field of battle
  - Look into the eyes of children, not the pocketbooks of strangers



# Planning (cont'd)

- The Physical Process –
  - Who, where, how, when
  - Establish expectations and rules
  - Internal v. external facilitation
  - Establish a committee
  - Provide completion goals
  - Presentation considerations
  - Other?



# Modifying

- Planning Includes
  - Flexibility
  - Willingness to change
  - Adapt or Adopt
  - Who is Accountable?



# Modifying (cont'd)

- Policy on planning
- Accountability
- Reporting
- Advising v. Controlling
- Communication



# Evaluating

- Evaluations are...
  - Often neglected
  - Not built into the plan
  - Critical for short and long term success
  - Allows for modification of current plan
  - Not difficult if designed with thought
  - Written measurement of performance



# Evaluating (cont'd)

- Procedures
  - Accountability assignments
  - Professional input
  - Monthly reports
  - Quarterly assessments
  - Annual audits
  - Annual retreats/focus meetings



# Step-By-Step

- Now-to-Now Planning
- Short term
- Long term
- Community wide
- Department/program specialist
- Budget issues
- Other?



# Step-By-Step (cont'd)

- Specify goals of the plan
- Develop tentative priorities
- Develop performance standards
- Analyze existing conditions
- Develop cost/benefit criteria
- Identify areas of deficiency
- Formulate alternative actions





# Step-By-Step (cont'd)

- Analyze consequence of alternatives
- Select effective actions
- Prioritize actions
- Assign time priorities
- Determine cost of priorities
- Identify resources
- Match resources with total needs



# Step-By-Step (cont'd)

- Select desired actions
- Gain cooperation
- Implement!
- Measure results
- Reevaluate strategies/goals
- Celebrate!



# Step-By-Step (cont'd)

- Time to write the plan...
  - 1-3 page posture statement
  - 1-3 page summary of goals
  - Needs assessment
  - Outline strategic policies
  - Timetable
  - Funds analysis
  - Staffing table



# Thank You!

## Questions?

