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# Roles and Responsibilities of Tribal Health Board Members



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# Instructor Information

**Richard Phelps**

[richard.phelps@falmouthinstitute.com](mailto:richard.phelps@falmouthinstitute.com)

1-800-992-4489 ext. 101



# 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



# 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?



# 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



# 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



# Budgeting

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



# Budgeting

- Preparation of the Budgets
- Zero-Base Budgets



# Performance Based Budgeting

- Strategic Planning
- Benchmarking Best Practices
- Using Performance Results
- Performance-Based Budgeting
- Contracting for Performance
- Creating and Sustaining a Supportive Environment





# Overview of the Indian Self-Determination Act

P.L. 93-638 as Amended



# 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**



# 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

- 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)



# HIPAA Regulations





# 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.



# Strategic Planning



# Strategizing

- 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



# Questions?

## Thank you!

