

## **Eligibility Statement for Indian Health Service**

### **Direct Care Services**

In a January 10, 2000 letter to all Tribal Leaders, the Director of the Indian Health Service (IHS) reaffirmed how the IHS interprets and defines eligibility for health care services provided by the IHS and tribal governments, stating:

...the IHS is required to maintain services to Indian people based on the guidelines found in the current eligibility criteria at 42 Code of Federal Regulations (CFR), subpart A-G (1986). This regulation requires the IHS to serve all persons of Indian decent, regardless of tribal affiliation, who belong to the local Indian community. Therefore, we provide services to any persons of Indian decent who seek treatment at an IHS facility. We do not require a finding that they "belong to" the local Indian community. The eligibility regulation does not require a particular degree of Indian ancestry and does not define the term "Indian community." Therefore, the regulation has been construed liberally to include anyone who can reasonably be regarded as an Indian regardless of degree of Indian ancestry or tribal affiliation. When resources are insufficient to handle the volume of services required, priorities must be established based on relative medical need and access to resources other than the IHS-funded resources. Under section 105(g) of the Indian Self Determination and Education Assistance Act, tribes operating IHS health care programs through a Public Law 93-638 contract/compact must:

- Adhere to departmental regulations the same as the IHS would if it were operating the same health care program or facility;
- Serve the same population the Secretary of Health and Human Services would have served;
- Provide services to any eligible American Indian/Alaska Native who presents himself/herself at the tribal facility; and
- State in its compact or contract if services are limited to a specific segment of the population.

This definition only applies to programs and services funded by the IHS. In California most tribally operated health programs have multiple funding sources. In some cases, the IHS is not even the primary funding source. Most tribal programs augment their IHS funding with grants from others sources, both public and private, as well as funds generated from other tribal enterprises. Therefore, it is possible that certain services within the tribal health care system may not be equally available to all patients. In some cases, this funding source may be the State of California. State funding results in two unique conditions: (1) patients may be charged fees for services; and (2) programs using state funds must also serve non-Indians. You will need to consult the local program if you have questions.

### **Contract Health Eligibility Requirements**

The eligibility statement described above refers to direct services delivered by an Indian Health Service tribal government operated facility. The eligibility requirement for Contract Health Services (CHS) delivered by referral to a non-tribal facility or provider is stricter than for direct healthcare. To be eligible for CHS, an individual must reside within a CHS Delivery Area (CHSDA) and be members of a federally recognized tribe or descendant of an Indian who was living in California on June 1, 1852 and living on or near the established CHSDA.

For more information on how to trace your ancestry, please visit: [www.doi.gov/ancestry](http://www.doi.gov/ancestry)

### **Sanitation Facilities Construction Program Services**

Per Section 809 of P.L. 102-573, the following persons are eligible for Sanitation Facilities Construction Program Services:

- Any member of a federally-recognized Indian tribe
- Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant-
  - a. is living in California,
  - b. is a member of the Indian community served by a local program of the Service, and
  - c. is regarded as an Indian by the community in which the descendant lives.
- Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.
- Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

In addition, the applicant's homesite must meet other basic criteria to be eligible for service. Examples of other criteria include the homesite being located within the sponsor tribe's contract health service delivery area, the home being in like-new condition, and mobile homes being skirted and on a permanent foundation. Please contact the California Area Sanitation Facilities Construction Program at (916) 930-3945 for an IHS application for service and eligibility requirements.