



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
APPROVAL OF THE HO-CHUNK NATION DIRECTOR OF PHARMACY
TO BE DESIGNATED AS THE AUTHORIZING OFFICIAL UNDER THE
FEDERAL HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) AND
FEDERAL OFFICE OF PHARMACY AFFAIRS 340B PROGRAM**

RESOLUTION 10-07-14A

- WHEREAS**, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS**, Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS**, Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; and
- WHEREAS**, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

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WHEREAS, Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

WHEREAS, the Legislature established the Nation's Department of Health as an Executive Branch Department under the Constitution, through adoption of the Department of Health Act of 2009, codified as 1 HCC § 5 under Ho-Chunk law; and

WHEREAS, the Mission of the Department of Health is, among things, to promote the individual and collective health of the members of the Nation in keeping with the Ho-Chunk philosophy of holistic wellness and in keeping with the Nation's inherent cultural traditions, customs, and values; and

WHEREAS, in carrying out its Mission, the Department of Health is authorized to collaborate with tribal, state and federal agencies; and

WHEREAS, the Department of Health contains a Health Care Center Pharmacy and a House of Wellness Pharmacy, with a Director of Pharmacy, that has participated in the federal HRSA and OPA 340B program that allows them to purchase drugs for outpatient use at a significant discount, and for the benefit of tribal member patients; and

WHEREAS, participation in the 340B program has allowed the Nation's pharmacies to dispense critical drug therapies to the Nation's members and other Native American patients utilizing the Federal Indian Health Service Annual Funding Agreement funds; and

WHEREAS, the HRSA has started to require annual re-certification of eligible tribal entities in order to ensure that all covered entities update their pertinent information, including the status of the appropriate Authorizing Official; and

WHEREAS, if a covered entity fails to re-certify by the federal deadline, the entity's status is changed to an "ineligible" status, thus disallowing participation in the reduced drug pricing; and

WHEREAS, for the past two years, the Ho-Chunk Nation Vice President has been designated as the Authorizing Official responsible for the final steps of the re-certification process, while the Nation's Director of Pharmacy served as the point of contact responsible for facilitating re-certification; and

WHEREAS, in light of the strict deadlines imposed by the federal process, the need for quick turnaround, and the expertise of the Health Department, the Legislative Health, Social Services & Insurance Committee recently considered a request by the Director of Pharmacy to designate that position as the Authorizing Official from this point forward, to which the Committee so authorized and adopted a motion to that effect.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby designates the Ho-Chunk Nation Director of Pharmacy to be Authorizing Official responsible for completing the HRSA and OPA 340B Program re-certification process annually; and

BE IT FURTHER RESOLVED that as the Pharmacy Director carries out this function, he or she shall notify the Nation's Department of Justice and Office of Legislative Counsel that the re-certification process has been completed successfully.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 11 constituting a quorum were present at a meeting duly called and convened and held that on the **7th day of October, 2014**, adopted the foregoing resolution at said meeting by an affirmative vote of 10 members, 0 opposed, and 1 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Kathleen Lone Tree-Whiterabbit, Tribal Secretary

10.7.14
Date