



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

RESOLUTION 2013-28

ADOPTION OF THE POLICY FOR THE SUSPENSION OF TRIBAL SERVICES FOR ABUSIVE OR DISRUPTIVE CONDUCT

WHEREAS, the Paiute Indian Tribe of Utah (“Tribe”) is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribal Council is the official governing body of the Tribe; and

WHEREAS, Article V, Section 1 of the Tribe’s Constitution states that the Tribal Council is vested with all executive and legislative powers of the Tribe; and

WHEREAS, the Tribal Council believes it is in the best interests of the Tribe, its members and the community to adopt a policy to address abusive and disruptive behavior by recipients of tribal services and to provide a safe and healthy environment by adopting procedures for the suspension of tribal services to such individuals;

WHEREAS, the Tribal Council has reviewed and considered the Policy for the Suspension of Tribal Services for Abusive or Disruptive Conduct, attached hereto as Exhibit A, and has determined that the Policy furthers the goals of providing a safe and healthy environment by adopting procedures that will be followed when a recipient of tribal services engages in abusive, disruptive or inappropriate behavior; and

WHEREAS, the Tribal Council has also reviewed and considered the attached Agreement of Expectations for Provision of Tribal Services and the Code of Conduct for Recipients of Tribal Services, attached hereto as Exhibits B and C, respectively.

THEREFORE BE IT RESOLVED THAT the Tribal Council hereby adopts the attached Policy for the Suspension of Tribal Services for Abusive or Disruptive Conduct, the Agreement of Expectations for Provision of Tribal Services, and the Code of Conduct for Recipients of Tribal Services, attached hereto as Exhibits A, B and C, respectively, effective immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at a duly called meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstained this 10th day of August, 2013.


Gari Lafferty, Tribal Chairwoman

ATTEST:



Naomi Colorow, Tribal Council Secretary



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TABLE OF CONTENTS

I. Policy Statement3

II. Definitions.....3

III. Conduct of Recipients of Tribal Services4

IV. Procedure6

I. POLICY STATEMENT

The Paiute Indian Tribe of Utah is committed to providing a safe and healthy environment for tribal staff, service providers and others. The Tribe acknowledges that abusive and disruptive behavior by recipients of tribal services presents a significant risk. Abusive or disruptive behavior will not be tolerated. This Policy outlines the procedures that will be followed when a recipient of tribal services engages in abusive or disruptive behavior.

Persons receiving services from the Tribe are expected to treat others with respect, courtesy and dignity and to conduct themselves in a cooperative manner. Abusive or disruptive behavior, or behavior that otherwise poses a threat to the rights or safety of other persons or property, will be grounds for immediate and total suspension of tribal services, with possible civil and/or criminal action initiated, in accordance with this Policy and applicable federal and tribal law. Any person who engages in abusive or disruptive behavior will be asked to immediately leave the Tribal Business and Administrative Premises. If necessary, tribal staff will contact local law enforcement to assist in the removal of a disruptive or abusive person from the Tribal Business and Administrative Premises.

This Policy is adopted pursuant to the authority of the Tribal Council of the Paiute Indian Tribe of Utah under the Constitution of the Paiute Indian Tribe of Utah, Article V, Section 1.

II. DEFINITIONS

- A. "Bands" mean the five constituent Bands of the Paiute Indian Tribe of Utah: the Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes. "Band" means any one of the five constituent Bands.
- B. "Constitution" means the Constitution ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and any subsequently approved amendments thereto.
- C. "Contract Health Services" means the program operated by the Tribe through its P.L. 93-638 Contract with the Indian Health Service to provide services to eligible individuals in the Tribe's Contract Health Service Delivery Area (Counties of Iron, Millard, Sevier and Washington in the State of Utah), in accordance with 42 C.F.R. Part 136, Subpart C; Indian Health Manual, Part 2 – Services to Indians and Others, Chapter 3 – Contract Health Services; and IHS Medical Priorities.
- D. "Day" means a calendar day, unless otherwise stated.

- E. “Eligible Indian Beneficiary” means a recipient of tribal services who meets the eligibility requirements to receive such services under applicable federal and tribal law. In the case of health services, a patient who meets the Indian Health Service eligibility requirements, set forth at 42 C.F.R. Part 136, Subparts B (for direct care) and C (for contract health services) shall be considered an Eligible Indian Beneficiary.
- F. “IHS” means the Indian Health Service.
- G. “PITU” means the Paiute Indian Tribe of Utah.
- H. “Tribal Business and Administrative Premises” means those areas, lands and buildings where tribal affairs and businesses of the Paiute Indian Tribe of Utah are conducted, including but not necessarily limited to the tribal office and administrative building and the Tribal Health Clinics.
- I. “Tribal Council” means the Tribal Council of the Paiute Indian Tribe of Utah, which is the supreme governing body of the Paiute Indian Tribe of Utah.
- J. “Tribal Health Clinic(s)” means the clinic(s) owned and operated by the Paiute Indian Tribe of Utah.
- K. “Tribal law” means the Constitution of the Paiute Indian Tribe of Utah and all laws, ordinances, codes, resolutions and regulations now and hereafter duly enacted by the Tribe.
- L. “Tribe” means the Paiute Indian Tribe of Utah.

III. CONDUCT OF RECIPIENTS OF TRIBAL SERVICES

- A. **RESPONSIBILITIES OF RECIPIENTS OF TRIBAL SERVICES.** The responsibilities of recipients of tribal services include, but are not necessarily limited to, the following:
 - Recipients of tribal services are expected to conduct themselves in an orderly manner, and to acknowledge that abusive, disruptive or inappropriate behavior will not be tolerated.
 - When services are to be provided at the Tribal Business and Administrative Premises, recipients of tribal services must wait in the appropriate waiting area until called. Recipients of tribal services are expected to be courteous, respectful, and considerate to others at all times.
 - Recipients of tribal services are expected to supervise children in their care and to keep them reasonably quiet as a courtesy to tribal staff and others.

POLICY FOR THE SUSPENSION OF TRIBAL SERVICES FOR ABUSIVE OR DISRUPTIVE CONDUCT

Recipients of tribal services are expected to arrange for child care prior to their visit to the Tribal Business and Administrative Premises. The tribal staff is not responsible for supervising or caring for children.

B. **PROHIBITED BEHAVIOR.** Recipients of tribal services are expected to refrain from engaging in abusive, disruptive or inappropriate behavior. Abusive, disruptive and inappropriate behavior will not be tolerated, and may be cause for an immediate and total suspension of services, as set forth in this Policy. The following behaviors are prohibited:

- Possessing firearms or any weapon on the Tribal Business and Administrative Premises;
- Being intoxicated or under the influence of drugs, unless used as prescribed by a treating health care provider;
- Non-consensual physical contact with real and/or perceived aggressive overtones toward tribal staff and/or others;
- Throwing objects;
- Making verbal threats to harm another individual or destroy property;
- Intentionally damaging equipment or property;
- Making menacing gestures;
- Attempting to intimidate or harass other individuals;
- Making harassing, offensive or intimidating statements, or threats of violence or retribution through phone calls, letters, voicemail, email, or other forms of written, verbal or electronic communication;
- Racial or cultural slurs or other derogatory remarks associated with, but not limited to, race, language or sexuality;
- Committing any fraudulent or illegal act such as permitting use of his/her medical ID card by others, forging or altering a prescription, theft of prescription forms and/or theft of medications, or other criminal acts on the Tribal Business and Administrative Premises;
- Damaging, defacing, and/or stealing property belonging to the Tribe or tribal staff;
- Other dangerous, disruptive, or inappropriate actions/behaviors that threaten the safe operation of tribal business and administration and/or that threaten the safety of tribal staff and others; and
- Other forms of harassment, including, but not limited to, use of profanity or disrespectful language, blatant failure to respond to provider or staff requests and deliberate lack of cooperation without good cause.

C. **IMMINENT THREATS.** Behavior that poses an imminent threat to the safe operation of tribal business and administration and/or to the safety of tribal provider(s), staff and/or others will be cause for an immediate and total suspension of services, as set forth in this Policy. If necessary, tribal staff will contact local law enforcement to assist in the removal of any individual who poses an imminent threat from the Tribal Business and Administrative Premises.

IV. PROCEDURE

A. **REMOVAL OF PERSONS PRESENTING AN IMMINENT THREAT.** Any recipient of tribal services who presents an imminent threat will be asked to leave the Tribal Business and Administrative Premises immediately. If necessary, tribal staff will contact local law enforcement to assist in the removal of the individual from the Tribal Business and Administrative Premises.

B. **DOCUMENTATION AND RECORD-KEEPING.** Documentation of abusive, disruptive, or inappropriate conduct is critical. The following documentation and record-keeping steps will be taken.

1. Incident Report. Tribal staff shall promptly record any incident of abusive, disruptive, or inappropriate behavior by a recipient of tribal services, and shall report any such incident(s) to their supervisor. The incident report shall include:

- Date, time and location of the incident;
- Name of the individual(s) engaging in abusive, disruptive or inappropriate conduct;
- Statement of whether and how the behavior affected or involved the tribal provider(s), tribal staff and/or others;
- Names of any individual(s) who may have been involved in or witnessed the incident;
- A factual, objective description of the circumstances which precipitated the incident and the nature of the abusive, disruptive, or inappropriate behavior;
- Any action taken to intervene in, or remedy, the incident;
- Name and signature of the individual reporting the abusive, disruptive or inappropriate conduct and date and time of report; and
- Name of the supervisor to which the incident report was referred and the date and time of referral to the supervisor.

The supervisor shall promptly provide the incident report to the appropriate Tribal Director and to the Tribal Administrator.

2. Recording Abusive and Disruptive Behavior in the Individual's Case File. Tribal staff members who provide services to a potentially aggressive, abusive or violent individual should be aware of the person's background and history. Information on an individual's history of past violence, drug abuse, criminal history, or previous abusive or disruptive behavior will be kept on file with the Tribe, so that tribal staff are informed of potential risks and can take necessary precautions when providing services to that individual.

3. Protecting Confidentiality. All records and reports kept under this Policy shall protect confidentiality in accordance with applicable federal and tribal law.

C. **RESTRICTION OR SUSPENSION OF AVAILABLE TRIBAL SERVICES.** Depending upon the nature of the abusive, disruptive or inappropriate behavior, the Tribe may restrict or suspend tribal services, in accordance with applicable federal and tribal law.

1. Restriction or Suspension of Health Services at the Tribal Health Clinics. Patients who engage in abusive or disruptive behavior may be required to use InstaCare, or other alternate care, for their medical needs, rather than the tribal Health Clinics. Use of InstaCare, or other alternate care, must comply with Contract Health Service and tribal requirements, including prior authorization. To reduce prescription drug abuse, the Tribe may also require that the patient sign a pain contract prior to receiving pain medication and/or require any prescriptions for a patient be filled by Bulloch Drug, or other specified pharmacist.
2. Restriction or Suspension of Other Tribal Services. Any recipient of tribal services who is restricted or suspended from using the tribal service(s) will be informed of alternate services that may be available during the period of suspension.

D. **NOTICE.** Any recipient of tribal services who is removed from the Tribal Business and Administrative Premises for posing an imminent threat will be sent a letter from the Tribe or the tribal attorney describing the incident and notifying the patient of any restriction on available tribal services. The letter will be mailed to the recipient of tribal services at his/her last known address and/or hand-delivered. The letter shall include the following:

- The date(s), time(s) and location of the inappropriate or disruptive behavior;
- A factual description of the inappropriate or disruptive behavior;
- The consequences, if any, of the inappropriate or disruptive behavior, and any action(s) to be taken, the effective date of such action(s);
- Establish continuity of care (if the recipient of tribal services is a patient at the Tribal Health Clinics) and information regarding where and how alternate services may be obtained;
- If applicable, the right of the recipient of tribal services to request a hearing before the appropriate tribal forum if dissatisfied with the decision, including the address to which such a request should be submitted; and
- If applicable, a notice to the recipient of tribal services that failure to request a hearing within 20 days of the date of the notice will cause the decision to become final and not subject to appeal.

E. HEARING ON APPEAL.

1. Eligibility to Appeal. Only an “Eligible Indian Beneficiary” shall be entitled to appeal a decision to suspend tribal services. The following persons shall be considered an “Eligible Indian Beneficiary” for purposes of appeal.
 - a. Eligibility to Appeal from a Decision to Restrict or Suspend Health Services. A patient who meets the Indian Health Service eligibility requirements, set forth at 42 C.F.R. Part 136 (for direct care) and C (for contract health services) shall be entitled to request a hearing before the Tribal Health Committee regarding the restriction or suspension of tribal health services for inappropriate or disruptive behavior.
 - b. Eligibility to Appeal from a Decision to Restrict or Suspend Other Tribal Services. Individuals who are eligible to receive tribal services under the applicable federal and tribal law and regulations shall be entitled to request a hearing before the Tribal Council under this section.
2. Deadline to Request Hearing. An Eligible Indian Beneficiary must request a hearing within twenty (20) days of the date of the notice. If a hearing is not requested within twenty (20) days, the decision will become final and not subject to appeal.
3. Setting the Hearing Date. Upon receiving a timely request for hearing from an Eligible Indian Beneficiary, the Tribe shall set a hearing date as soon as practicable and give written notice of the hearing to the Eligible Indian Beneficiary.
4. Written Notice of Hearing. Written notice of the date of hearing will be delivered to the Eligible Indian Beneficiary within ten (10) days of the Tribe’s receipt of the request for hearing. Written notice of the hearing will include:
 - The date, time and location of the hearing;
 - A statement of the facts and issues giving rise to the appeal;
 - Notice of the Eligible Indian Beneficiary’s right to present his or her reasons for appeal;
 - Notice of the Eligible Indian Beneficiary’s right to present both oral and written evidence during the hearing;
 - Notice of the Eligible Indian Beneficiary’s right to confront and cross-examine witnesses at the hearing;
 - Notice of the Eligible Indian Beneficiary’s right to examine and copy, at a reasonable time before the hearing, his/her case record as it relates to the incident at issue.
5. Tribal Decision Final. The decision of the Tribe on appeal is final.

6. Record of Appeal. The Tribe shall keep a record of any request for appeal, a copy of the written notice of the hearing, and a thorough description of the hearing (including a description of evidence and witnesses presented), as well as the hearing outcome.



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AGREEMENT OF EXPECTATIONS FOR PROVISION OF TRIBAL SERVICES

I, [print name] _____, do hereby certify that on this date [insert date] _____, I received a copy of this Agreement of Expectations for Provision of Tribal Services and have read and understand its contents. I understand that the Tribe does not tolerate disruptive or abusive behavior, or any other behavior that threatens the rights or safety of other persons. I also understand that failure on my part to adhere to the expectations described in this Agreement may lead to the immediate and total suspension of tribal services, to the full extent permitted under federal and tribal law, and to possible civil and/or criminal action being initiated.*

PROHIBITED BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO:

- Possessing firearms or any weapon on the Tribal Business and Administrative Premises;
- Being intoxicated or under the influence of drugs, unless used as prescribed by a treating health care provider;
- Making non-consensual physical contact with real and/or perceived aggressive overtones toward tribal staff and/or others;
- Throwing objects;
- Making verbal threats to harm another individual or destroy property;
- Intentionally damaging equipment or property;
- Making menacing gestures;
- Attempting to intimidate or harass other individuals;
- Making harassing, offensive or intimidating statements, or threats of violence or retribution through phone calls, letters, voicemail, email, or other forms of written, verbal or electronic communication;
- Making racial or cultural slurs or other derogatory remarks associated with, but not limited to, race, language or sexuality;
- Committing any fraudulent or illegal act such as permitting use of his/her medical ID card by others, forging or altering a prescription, theft of prescription forms

* InstaCare and other emergency services are available during periods of suspension of tribal health services to eligible beneficiaries. Patients must follow Contract Health Service regulations and tribal policy in order for Contract Health to consider payment for such services, including obtaining prior authorization.

and/or theft of medications, or other criminal acts on the Tribal Business and Administrative Premises;

- Damaging, defacing, and/or stealing property belonging to the Tribe or tribal staff;
- Engaging in other dangerous, disruptive, antisocial actions/behaviors that threaten the safe operation of tribal business and administration and/or that threaten the safety of tribal staff and others; and
- Engaging in other forms of harassment, including, but not limited to, persistent inappropriate behavior.

I further understand that I may have the right to appeal any suspension of tribal services, and I agree to follow the established grievance procedure available to me.

Signed: _____ Date: _____

Code of Conduct for Patients of the Paiute Indian Tribe of Utah Tribal Health Clinics

In an effort to provide a safe and healthy environment for staff, visitors, patients and their families, the Paiute Indian Tribe of Utah expects visitors, patients and accompanying family members to refrain from unacceptable behaviors that are disruptive or pose a threat to the rights or safety of other patients and staff.

The following behaviors are prohibited:

- Possession of firearms or any weapon
- Intoxication or being under the influence of drugs, unless as prescribed by a treating health care provider
- Physical assault or inflicting bodily harm
- Throwing objects
- Climbing on furniture*
- Making verbal threats to harm another individual or destroy property
- Intentionally damaging equipment or property
- Making menacing gestures
- Attempting to intimidate or harass other individuals
- Making harassing, offensive or intimidating statements, or threats of violence through phone calls, letters, voicemail, email, or other forms of written, verbal or electronic communication
- Racial or cultural slurs or other derogatory remarks associated with, but not limited to, race, language or sexuality
- Forging or altering a prescription, and/or theft of prescription forms and/or medications
- Other dangerous, disruptive, or inappropriate actions/behaviors that threaten the safe operation of tribal business and administration and/or that threaten the safety of tribal staff and others

If you are subjected to any of these behaviors or witness inappropriate behavior, please report to any staff member. Violators are subject to removal from the Tribal Health Clinic and/or suspension of services in accordance with applicable federal and tribal law.

*Adults are expected to supervise children in their care.