

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, The White Mountain Apache Tribal Guidance Center has been merged under the directorship of the Tribal Health Authority, but will continue its former responsibilities of family and individual counseling, including but not limited to the problems of family violence, including spouse abuse, child abuse and abuse of elderly persons; and
- WHEREAS, the Tribal Council is advised that the Guidance Center is a recipient of federal funds from the Indian Health Service, thereby requiring the Guidance Center to comply with federal guidelines and requirements pertaining to patient rights, confidentiality of records and the Federal Privacy Act; and
- WHEREAS, these Acts and Regulations prohibit the Tribal Guidance Center or Health Authority to discuss a patient's placement, his or her records, or information pertaining to his or her file unless the patient has granted a written release for such disclosure; and
- WHEREAS, the treatment of persons who are victims of spouse abuse or child abuse, or generally family violence, sometimes requires the voluntary referral of a client to an off-reservation shelter home as an alternative to reservation based treatment due to circumstances or the wishes of the client; and
- WHEREAS, all of the social service programs on the reservation are likewise bound by the Privacy Act and regulations pertaining to confidentiality and patient rights; and
- WHEREAS, the Tribal Council is requested that prior to granting any request from relatives pertaining to clients or patients of the Health Authority or Tribal Guidance Center that representatives of those tribal agencies be first consulted for their professional advice so that the rights of patients may be preserved; and

WHEREAS, pursuant to Resolution No. 85-12, whereby the Tribal Guidance Center was directed to secure the return of an abused wife from the Seven-Mile Community to the reservation from an off-reservation shelter home where she had voluntarily placed herself may constitute a violation of her patient rights and right of confidentiality, regardless of the good intentions of the Resolution; and

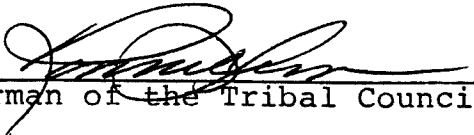
WHEREAS, the Tribal Council concurs with the request of the Tribal Health Authority, Tribal Guidance Center and other social agencies that inquiry should be made to those directors and persons responsible for managing those programs prior to granting requests by persons appearing before the Tribal Council that may violate patient rights and rights of confidentiality.

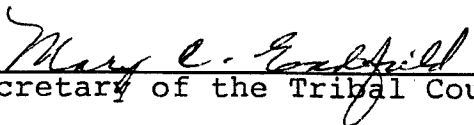
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution No. 85-12 to the extent that it requires the Tribal Guidance Center to return the abused wife from the Seven-Mile Community to the reservation from the off-reservation shelter home in which she has voluntarily placed herself.

BE IT FURTHER RESOLVED by the Tribal Council that it urges that the Tribal Guidance Center and Health Authority utilize the best of their professional counseling services to assist in the restoration of harmony to the family from the Seven-Mile Community with the end goal of attempting to reunite the family on a volunteer and sound basis.

BE IT FURTHER RESOLVED by the Tribal Council that henceforth requests for information and Tribal Council action pertaining to clients and patients of the Tribal Guidance Center and Health Authority shall initially be referred to the professional staff, and that professional staff will be given the opportunity to address the Tribal Council pertaining to those patients within the confines of patient rights and federal and tribal regulations pertaining to privacy and confidentiality of records.

The foregoing resolution was on March 7, 1985, duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)


Chairman of the Tribal Council


Secretary of the Tribal Council

RECEIVED

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FORT APACHE INDIAN
AGENCY
WINTERSVILLE, ARIZ.