



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

(Approving changes to the Tribal Health Plan's Summary Plan Document)

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the White Mountain Apache Tribe provides a health benefit program for its members and employees; and
- WHEREAS,** this member and employee health benefit plan provides coverage for medical, dental, and vision services; and
- WHEREAS,** whereas the dental fee schedule has not been increased by the RAN network since approximately 2004; and
- WHEREAS,** one dental provider has stopped seeing tribal employees and others are threatening to drop out of the network and continue to provide services to members and employees on and out of network basis; and
- WHEREAS,** this would increase the cost of dental services to the Tribe, members and employees; and
- WHEREAS,** Pequot Plus recommends that the Tribe increase its dental fee schedule in order to retain the current dental providers; and
- WHEREAS,** Pequot Plus has estimated the cost of the increase to be approximately \$38,000.00 additional per year; and
- WHEREAS,** the current Summary Plan Document stipulates newborns born to an eligible member of the plan are not covered until the birth parent completes an enrollment form; and
- WHEREAS,** this is resulting in denial of benefits for those newborns for whom the enrollment form has not been completed, and whereby a more standard policy is needed to cover the newborn automatically for 31 days upon which time the parents of the newborns must complete an enrollment form or the newborn will be terminated from the plan; and
- WHEREAS,** the plan does not require notification of pregnancy to the medical plan; and
- WHEREAS,** the Human Resource Director recommends that the Tribal Council approve these changes to ensure that the Tribe continue to provide the highest possible quality health benefit program to its members and employees at the lowest possible cost; and

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WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to approve the above referenced changes to the Tribe's health benefit program; and

WHEREAS, given the fact that we may lose more of our current dental providers, the Tribal Council further finds that a decision regarding the proposed dental fee schedule needs to be considered and made outside of its regularly scheduled meeting; and

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that since the current dental fee schedule is place with the RAN network has not been updated since 2004 dentists are threatening to drop out of the network (an one currently has already stopped seeing tribal employee patients) thereby causing the Tribe, members and employees to incur greater costs, therefore RAN is authorized to contract directly with the dental community serving our members and employees at a fee schedule that is more current beginning effective immediately and converting at the time of the signed contract. In addition, the dental benefit in the Summary Plan Document shall be amended as follows:

In network benefits:

<u>Plan Pays</u>	<u>Service Category</u>
100% of fee schedule No deductible	Preventive
80% of fee schedule \$100 annual deductible*	Basic
50% of fee schedule \$100 annual deductible*	Major

* These are combined deductibles

Out of network benefits:

Annual \$100 deductible regardless of service category

Plan pays up to the contracted fee schedule and member is responsible for all other provider charges above this amount.

These changes are effective January 1, 2007.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that since the White Mountain Apache Tribe intends for legitimately eligible members to have their newborns covered for the first 31 days of life to ensure appropriate care, the Summary Plan Document shall be amended to read that all newborns are covered automatically for the first 31 days of life and that parents shall be required to complete and submit an enrollment form during this same time period or the newborn shall be terminated from the plan and not be eligible for enrollment until the next open enrollment period.


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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in an effort to proactively enroll newborns to the plan, the Summary Plan Document shall be amended to state that eligible pregnant females must notify the Benefits Office of their status as pregnant at the earliest possible time during the pregnancy.

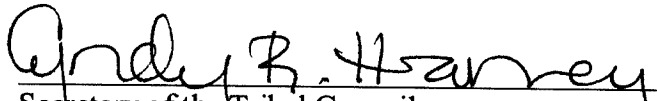
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on September 13, 2007, duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (k), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



ACTING Chairman of the Tribal Council



Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 09-2007-369 Initiated the 13th day of September 2007. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Ronnie Lupe
Tribal Chairman
Date Signed
TCS Initials

Margaret Baha Walker
Margaret Baha-Walker
Vice Chairwoman
Date Signed
TCS Initials

Arnold Beach, Sr.
Arnold Beach, Sr.
District I Council Member
Date Signed
TCS Initials

Evangeline Gatewood
Evangeline Gatewood
District I Council Member
Date Signed
TCS Initials

Lafe Altaha
District II Council Member
Date Signed
TCS Initials

Victoria Brewer
District II Council Member
Date Signed
TCS Initials

Alvin DeClay, Sr.
Alvin DeClay, Sr.
District III Council Member
Date Signed
TCS Initials

Kirk Massey, Sr.
Kirk Massey, Sr.
District III Council Member
Date Signed
TCS Initials

Noland Clay
District IV Council Member
Date Signed
TCS Initials

Wayne Colelay, Jr.
Wayne Colelay, Jr.
District IV Council Member
Date Signed
TCS Initials

Reno Johnson, Sr.
Reno Johnson, Sr.
District IV Council Member
Date Signed
TCS Initials

ATTEST:

Cyndy R. Harvey
Cyndy R. Harvey, Tribal Council Secretary
Date Signed



LEGAL DEPARTMENT WHITE MOUNTAIN APACHE TRIBE

Alexander B. Ritchie
Tribal Attorney
AlexanderB.Ritchie@tribe.nm.gov

Anthony J. Lee
Deputy Tribal Attorney
ALee@tribe.nm.gov

Wambli Sina Win
Assistant Tribal Attorney
WambliSinaWin@tribe.nm.gov

MEMORANDUM

TO: Suzie Tenjieth, Personnel Director

FROM: Anthony Lee, Deputy Tribal Attorney *AL*

DATE: September ^{12 *AL*} 2007

RE: Plan Document change

I am in receipt of your Memorandum dated September 5, 2007. I have reviewed the Plan language that you included and it is my legal opinion that the Tribal Council must make the decision to amend the Plan Document, especially in light of the increased cost. The Plan Documents states that the "employer shall have full charge of the operation and management of the Plan."

Please review the attached walk-thru Resolution that I drafted to effectuate the Plan amendments and let me know if it is acceptable to you. Please note that if you have not budgeted for the increase in the dental fee schedule, you may need to consult with the Tribe's Budget and Finance Committee.

Att.