COVID-19 AND ITS IMPACT ON TRIBAL COMMUNITIES IN NM

SOUTHWEST WOMEN’S LAW CENTER

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APRIL 2, 2020
OVERVIEW

• The concern is that there is NO equal access to COVID-19 testing and treatment
  • Yet this is an “equal opportunity crisis” but the impact and burden will not be shared equally among all communities
    • American Indian/Alaska Native (AI/AN) will carry the brunt of this as immigrants, and other people of color

• Federal Responsibility and the Indian Health Service (IHS)

• Additional Challenges that Tribes have

• The Navajo Nation Experience
  • Challenges

• Federal Action
FEDERAL RESPONSIBILITY & IHS

• The U.S. Government has a Trust Responsibility to AI/AN Tribes through the COTUS, Treaties, Executive Orders, Statutes
  • The trust relationship establishes a responsibility for a variety of services and benefits to Indian people based on their status as Indians, including health care.

• IHS is founded in 1955 to meet the needs of AI/AN Tribes (within US Health and Human Services)

• IHS has significantly been underfunded by the U.S. Government throughout the years

• IHS is reliant on third party reimbursement (Medicaid and Medicare, and private insurance)
COVID-19 (AKA CORONAVIRUS)

• Best offense and defense against COVID-19
  • Prevention is the best
    • Washing hands, social distancing, not traveling, and staying home
  • Testing is also recommended

• Similar to other hospitals and providers, IHS is not ready to address the COVID-19.
  • There are not enough Personal Protection Equipment, and even doctors, nurses, other providers
  • The IHS has 71 or fewer ventilators and 33 intensive care unit (ICU) beds at the 24 hospitals it runs. (See https://www.healthaffairs.org/do/10.1377/hblog20200331.659944/full/)
  • COVID-19 testing is limited
## IHS COVID-19 TESTING - ALL SERVICE AREAS & NAVAJO & ALBUQUERQUE AREAS

Source: IHS.GOV/CORONAVIRUS

### As of 3/29/20

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<thead>
<tr>
<th>IHS areas</th>
<th>tested</th>
<th>positive</th>
<th>negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total (12 areas)</td>
<td>3083</td>
<td>165</td>
<td>1804</td>
</tr>
<tr>
<td>Navajo Area</td>
<td>1275</td>
<td>110</td>
<td>839</td>
</tr>
<tr>
<td>ABQ Area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* I did not record this

### As of 4/1/20

<table>
<thead>
<tr>
<th>IHS service areas</th>
<th>tested</th>
<th>positive</th>
<th>negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total (12 areas)</td>
<td>4667</td>
<td>268</td>
<td>3179</td>
</tr>
<tr>
<td>Navajo Area</td>
<td>1984</td>
<td>176</td>
<td>1619</td>
</tr>
<tr>
<td>ABQ Area</td>
<td>143</td>
<td>4</td>
<td>71</td>
</tr>
</tbody>
</table>
CHALLENGES THAT TRIBES FACE

“Covid-19 could be a perfect storm for Indian Country”

Dante Desiderio (Native American Financial Officers Association)

• Some tribes do not have access to clean drinking water and lack infrastructure for water
• Overcrowded homes – 17% of AI/AN households are overcrowded making social distancing a challenge
• Health – Native Americans have high rates of preexisting conditions (i.e. diabetes, hypertension, heart disease, cancer) that impact the immune system and may contribute to poor outcomes for COVID-19 patients
• Right now, there are limited economic opportunities because tribal casinos and hotels were closed due to the COVID-19 pandemic which
  • Significantly impacts households headed by AI/AN women
  • May lead to employees being laid off and therefore have to apply for unemployment
  • Hurts tribes immediately and the long run because there are no revenues coming in for tribal operations (i.e. gaming profits supports tribal health, education, and economic development)

THE NAVAJO NATION EXPERIENCE (AZ, NM, UT)

- Navajo Nation has largest outbreak among tribes in the U.S.
- Navajo Nation President has issued stay at home order (as early as March 17, 2020) and a curfew
- On 4/1/20, according to the Navajo Nation President, Jonthan Nez, the number of positive tests for COVID-19 reached a total of 214 and 7 confirmed deaths related to COVID-19.
- The 214 cases include the following counties:
  - Navajo County, AZ: 97
  - Apache County, AZ: 22
  - Coconino County, AZ: 49
  - McKinley County, NM: 14
  - San Juan County, NM: 22
  - Cibola County, NM: 3
  - San Juan County, UT: 7
NAVAJO NATION CHALLENGES

• There are limited number of IHS and Tribal 638 clinics and hospitals on the Navajo Nation covering an area the size of West Virginia.
  • Navajo is one of the largest AI/AN Tribes by population, including living on reservation
  • New Mexico sites include Crownpoint, Shiprock, Gallup
  • Arizona sites include Kayenta, Tuba City, Chinle, Pinon, Winslow

• Challenges:
  • Rural and frontier lands (2-4 hour drives to major towns)
  • High poverty rates and unemployment rates (now likely worsened by the COVID-19 as the rest of the country)
  • Lack of drinking water, and limited access to internet
  • Stark health conditions
  • Slow federal and state responses (AZ and UT had a slower response compared to NM)
  • Limited food supply and food desert (not many grocery stores)
  • Transportation for families to have AI/AN children participate in school breakfast and lunch programs
FEDERAL ACTION

• H.R. 6074 – Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, signed March 6, 2020
  • $8.3 billion for medical and pharmaceutical research, relief for small businesses and public health funding
  • Includes at least $40 million in direct set-aside funding for tribal nations, organizations, and urban Indian organizations.
  • CDC to distribute funds to Tribes.
    • Tribes have asked DHHS to transfer money from CDC to IHS
  • Recommendation: Federal government should increase the set aside from $40 million to $120 million as Tribes have recommended
• Declaration of Emergency
  • President Trump declared a National Emergency in regards to COVID-19 on March 13, 2020
    • Opens up FEMA funds at 75% cost share
    • Tribal nations can request a waiver of their 25% cost share
    • Allows DHHS to release national stockpiles and waive Medicare, Medicaid, Children’s health insurance regulations
      • Navajo Nation President recently reported that they got some of the equipment from the national stockpiles, but it sounds like it wasn’t enough (as states have also reported)
FEDERAL ACTION (CONTINUED)

• H.R. 6201 - Families First CoronaVirus Response Act (aka Phase 2), signed March 18, 2020
  • Includes $64 million to be appropriated to Indian Health Services account
  • Additionally, H.R. 6201:
    • Includes coverage of testing for COVID-19 at no cost for AI/AN regardless of where services have been authorized
    • Lastly $10 million set aside for grants for Indian Programs with Older Americans Act.

• Recommendation: More funding should be provided to Tribes to combat COVID-19
S. 3528, Coronavirus Aid, Relief, and Economic Security Act or CARES Act (aka Phase 3), signed March 27, 2020

- $2 trillion stimulus package to battle COVID-19
- For individuals:
  - Native American taxpayers can get $1200 (individuals) and $2400 for married couples.
  - Native Americans who become unemployed or underemployed can apply for their state’s unemployment insurance
  - Native Americans can apply for SNAP (formerly Food stamps)
    - $15.5 billion going to cover the expected costs of new applications
- Other federal/state programs are on-going such as Medicaid and ACA enrollment for Native Americans
For tribal government and businesses, CARES

- creates a $150 billion CoronaVirus Relief Fund for state, local, and tribal governments
  - $1.25 billion for New Mexico (and other smaller states, this is the minimum) and all 562 federally recognized tribes share $8 billion.
- $45 billion for Disaster Relief Fund for immediate needs of state, local, tribal and territorial governments
- $453 million to Bureau of Indian Affairs to prepare for and respond to Coronavirus for Public Safety, Welfare and social services programs, and other tribal government assistance
- US Department of Treasury’s Loans and Guarantee Loans § 4002 makes Tribes and their businesses eligible for the $454 billion loan guarantee fund
  - Tribal casinos likely will not be able to access more than $350 billion in emergency loans available through the U.S. Small Business Association, which is prohibited from lending money to casinos or gaming operations by federal law

For more information, see http://www.ncai.org/Covid-19/legislative-updates/hr-748
FUTURE

• 4\textsuperscript{th} phase?
  • There are some reports that a 4\textsuperscript{th} federal package is underway

• Other?
  • U.S. should uphold its trust responsibility and invest in AI/AN healthcare facilities, services and infrastructure so that AI/AN can be prepared for the next pandemic.
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