

same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

**(2) Satisfaction of State or local licensure or recognition requirements**

Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian tribe, tribal organization, or urban Indian organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 1621t of this title, the absence of the licensure of a health professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

**(b) Application of exclusion from participation in Federal health care programs**

**(1) Excluded entities**

No entity operated by the Service, an Indian tribe, tribal organization, or urban Indian organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

**(2) Excluded individuals**

No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

**(3) Federal health care program defined**

In this subsection, the term,<sup>1</sup> “Federal health care program” has the meaning given that term in section 1320a-7b(f) of title 42, except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5.

**(c) Related provisions**

For provisions related to nondiscrimination against providers operated by the Service, an Indian tribe, tribal organization, or urban Indian organization, see section 1320b-9(c)<sup>2</sup> of title 42.

(Pub. L. 94-437, title IV, §408, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1320b-9 of title 42, referred to in subsec. (c), relates to improved access to, and delivery of, health care for Indians under subchapters XIX and XXI of chapter 7 of Title 42, The Public Health and Welfare. Subsec. (c) of section 1320b-9 of Title 42 contains definitions of terms.

CODIFICATION

Section 408 of Pub. L. 94-437 is based on section 156 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**§ 1647b. Access to Federal insurance**

Notwithstanding the provisions of title 5, Executive order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or an urban Indian organization carrying out programs under subchapter IV of this chapter shall be entitled to purchase coverage, rights, and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5 and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.

(Pub. L. 94-437, title IV, §409, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935; amended Pub. L. 116-260, div. FF, title XI, §1114, Dec. 27, 2020, 134 Stat. 3251.)

**Editorial Notes**

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in text, is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see section 1 of Pub. L. 93-638, set out as a Short Title note under section 5301 of this title and Tables.

The Tribally Controlled Schools Act of 1988, referred to in text, is part B (§§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, which is classified generally to chapter 27 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

CODIFICATION

Section 409 of Pub. L. 94-437 is based on section 157 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

AMENDMENTS

2020—Pub. L. 116-260 substituted “(25 U.S.C. 5301 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)” for “(25 U.S.C. 450 et seq.)”.

<sup>1</sup> So in original. The comma probably should not appear.

<sup>2</sup> See References in Text note below.

### § 1647c. General exceptions

The requirements of this subchapter shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 300gg-91(c) of title 42.

(Pub. L. 94-437, title IV, § 410, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

#### Editorial Notes

##### CODIFICATION

Section 410 of Pub. L. 94-437 is based on section 158 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

### § 1647d. Navajo Nation medicaid agency feasibility study

#### (a) Study

The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

#### (b) Considerations

In conducting the study, the Secretary shall consider the feasibility of—

(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX<sup>1</sup> of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).<sup>2</sup>

#### (c) Report

Not later than 3 years after March 23, 2010, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the

Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) the results of the study under this section;

(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

(Pub. L. 94-437, title IV, § 411, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a) and (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. Title XIX of the Social Security Act (relating to the State children's health insurance program), referred to in subsec. (b)(4), probably means title XXI of the Act, which is classified generally to subchapter XXI (§1397aa et seq.) of chapter 7 of Title 42 and relates to the State Children's Health Insurance Program. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

##### CODIFICATION

Section 411 of Pub. L. 94-437 is based on section 159 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

### SUBCHAPTER IV—HEALTH SERVICES FOR URBAN INDIANS

#### Editorial Notes

##### CODIFICATION

This subchapter was in the original title V of Pub. L. 94-437. Title IV of Pub. L. 94-437 is classified to subchapter III-A of this chapter.

### § 1651. Purpose

The purpose of this subchapter is to establish programs in urban centers to make health services more accessible to urban Indians.

(Pub. L. 94-437, title V, § 501, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4820.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1651, Pub. L. 94-437, title V, § 501, Sept. 30, 1976, 90 Stat. 1410; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3176, related to Congressional statement of purpose, prior to the general revision of this subchapter by Pub. L. 100-713.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be paragraphs "(1) through (3)."