

This chapter, referred to in subsecs. (b)(6)(A) and (I), was in the original “this Act”, meaning Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, known as the Indian Health Care Improvement Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (d)(3)(A), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Indian Self-Determination Act, referred to in subsecs. (k)(3) and (I), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

CODIFICATION

Amendment by Pub. L. 111-148 is based on sections 101(b)(2) and 127 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 were enacted into law by section 10221(a) of Pub. L. 111-148.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111-148 added subsec. (d) and struck out former subsec. (d) which related to mental health training and community education programs.

Subsec. (m)(6). Pub. L. 111-148 struck out par. (6) which authorized appropriations for fiscal years 1993 to 2000.

1992—Pub. L. 102-573, §902(3)(A), made technical amendment to section catchline.

Subsec. (b). Pub. L. 102-573, §902(3)(B), redesignated subsec. (c) as (b). Prior to amendment, no subsec. (b) had been enacted.

Subsec. (c). Pub. L. 102-573, §§217(b)(4)(A), 902(3)(B), redesignated subsec. (d) as (c) and struck out par. (5) which authorized appropriations of \$500,000 for fiscal year 1991 and \$1,000,000 for fiscal year 1992 to carry out this subsec. Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 102-573, §§217(b)(4)(A), (D), 902(3)(B), redesignated subsec. (e) as (d), substituted “this section” for “this subsection” in par. (3)(B), and struck out par. (6) which authorized appropriations of \$500,000 for fiscal year 1991 and \$5,000,000 for fiscal year 1992 to carry out this subsec., with certain amounts to be allocated for community education. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 102-573, §902(3)(B), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 102-573, §§217(b)(4)(A), 902(3)(B), redesignated subsec. (g) as (f) and struck out par. (4) which appropriated \$1,200,000 for fiscal year 1992 to carry out this subsec. Former subsec. (f) redesignated (e).

Subsec. (g). Pub. L. 102-573, §§217(b)(4)(A), 902(3)(B), redesignated subsec. (h) as (g) and struck out par. (5) which authorized appropriation of \$1,000,000 for fiscal year 1992 for purposes of providing training required under this subsec. Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 102-573, §§217(b)(4)(B), 902(3)(B), redesignated subsec. (i) as (h), struck out par. (1) designation before “The Secretary, acting”, redesignated subpars. (A) and (B) as pars. (1) and (2), respectively, substituted “paragraph (1)” and “paragraph (2)” for “subparagraph (A)” and “subparagraph (B)”, respectively, in closing provisions, and struck out former par. (2) which authorized appropriation of \$2,000,000 for fiscal year 1992 to carry out this subsec., to remain available until expended. Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 102-573, §§217(b)(4)(C), 902(3)(B), redesignated subsec. (j) as (i), struck out par. (1) designa-

tion before “Within one year”, and struck out par. (2) which authorized appropriation of \$500,000 for fiscal year 1992 to make the assessment required by this subsec. Former subsec. (i) redesignated (h).

Subsec. (j). Pub. L. 102-573, §§205(1), 902(3)(B), redesignated subsec. (k) as (j) and substituted “submit to the President, for inclusion in each report required to be transmitted to the Congress under section 1671 of this title, a report” for “submit to the Congress an annual report”. Former subsec. (j) redesignated (i).

Subsec. (k). Pub. L. 102-573, §§217(b)(4)(E), 902(3)(B), redesignated subsec. (l) as (k), and in par. (6) substituted “section” for “subsection” in second sentence and struck out first sentence which authorized appropriations of \$2,000,000 for fiscal year 1991 and \$3,000,000 for fiscal year 1992 to carry out purposes of this subsec. Former subsec. (k) redesignated (j).

Subsecs. (l), (m). Pub. L. 102-573, §205(2), added subsecs. (l) and (m). Former subsec. (l) redesignated (k).

STATEMENT OF PURPOSES

Pub. L. 101-630, title V, §503(a), Nov. 28, 1990, 104 Stat. 4556, provided that: “The purposes of this section [enacting this section] are to—

“(1) authorize and direct the Indian Health Service to develop a comprehensive mental health prevention and treatment program;

“(2) provide direction and guidance relating to mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services;

“(3) assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior;

“(4) provide authority and opportunities for Indian tribes to develop and implement, and coordinate with, community-based mental health programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams;

“(5) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to mental health services to which all such citizens have access; and

“(6) modify or supplement existing programs and authorities in the areas identified in paragraph (2).”

§ 1621i. Managed care feasibility study

(a) The Secretary, acting through the Service, shall conduct a study to assess the feasibility of allowing an Indian tribe to purchase, directly or through the Service, managed care coverage for all members of the tribe from—

- (1) a tribally owned and operated managed care plan; or
- (2) a State licensed managed care plan.

(b) Not later than the date which is 12 months after October 29, 1992, the Secretary shall transmit to the Congress a report containing—

- (1) a detailed description of the study conducted pursuant to this section; and
- (2) a discussion of the findings and conclusions of such study.

(Pub. L. 94-437, title II, §210, as added Pub. L. 102-573, title II, §206(b), Oct. 29, 1992, 106 Stat. 4549.)

§ 1621j. California contract health services demonstration program

(a) Establishment

The Secretary shall establish a demonstration program to evaluate the use of a contract care

intermediary to improve the accessibility of health services to California Indians.

(b) Agreement with California Rural Indian Health Board

(1) In establishing such program, the Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred, during the period of the demonstration program, in providing medical treatment under contract to California Indians described in section 1679(b)¹ of this title throughout the California contract health services delivery area described in section 1680 of this title with respect to high-cost contract care cases.

(2) Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the Board during such fiscal year.

(3) No payment may be made for treatment provided under the demonstration program to the extent payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 1621a of this title or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

(c) Advisory board

There is hereby established an advisory board which shall advise the California Rural Indian Health Board in carrying out the demonstration pursuant to this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under such demonstration, at least one half of whom are not affiliated with the California Rural Indian Health Board.

(d) Commencement and termination dates

The demonstration program described in this section shall begin on January 1, 1993, and shall terminate on September 30, 1997.

(e) Report

Not later than July 1, 1998, the California Rural Indian Health Board shall submit to the Secretary a report on the demonstration program carried out under this section, including a statement of its findings regarding the impact of using a contract care intermediary on—

- (1) access to needed health services;
- (2) waiting periods for receiving such services; and
- (3) the efficient management of high-cost contract care cases.

(f) “High-cost contract care cases” defined

For the purposes of this section, the term “high-cost contract care cases” means those cases in which the cost of the medical treatment provided to an individual—

- (1) would otherwise be eligible for reimbursement from the Catastrophic Health Emergency Fund established under section 1621a of this title, except that the cost of such treat-

ment does not meet the threshold cost requirement established pursuant to section 1621a(b)(2)¹ of this title; and

- (2) exceeds \$1,000.

(Pub. L. 94-437, title II, §211, as added Pub. L. 102-573, title II, §206(c), Oct. 29, 1992, 106 Stat. 4549; amended Pub. L. 104-313, §2(c), Oct. 19, 1996, 110 Stat. 3822; Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

REFERENCES IN TEXT

Section 1679 of this title, referred to in subsec. (b)(1), was repealed and a new section 1679 was enacted by Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935. Provisions describing California Indians, similar to those that appeared in former section 1679(b) are now contained in new section 1679(a).

Section 1621a of this title, referred to in subsec. (f)(1), was amended generally by Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935, and, as so amended, no longer contains a subsec. (b)(2).

CODIFICATION

Amendment by Pub. L. 111-148 is based on section 101(b)(3) 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

2010—Subsec. (g). Pub. L. 111-148 struck out subsec. (g) which authorized appropriations for fiscal years 1996 through 2000.

1996—Subsec. (g). Pub. L. 104-313 substituted “1996 through 2000” for “1993, 1994, 1995, 1996, and 1997”.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1621k. Coverage of screening mammography

The Secretary, through the Service, shall provide for screening mammography (as defined in section 1861(jj) of the Social Security Act [42 U.S.C. 1395x(jj)]) for Indian and urban Indian women 35 years of age or older at a frequency, determined by the Secretary (in consultation with the Director of the National Cancer Institute), appropriate to such women, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act [42 U.S.C. 1395j et seq.] and other cancer screenings.

(Pub. L. 94-437, title II, §212, as added Pub. L. 102-573, title II, §207(a), Oct. 29, 1992, 106 Stat. 4550; amended Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part B of title XVIII of the Act is classified generally to part B (§1395j et seq.) of subchapter XVIII of chapter 7 of

¹ See References in Text note below.