Navajo Nation and COVID-19

Dikos Ntsaaígiíí – 19

DOREEN N. MCPAUL
NAVADO NATION ATTORNEY GENERAL
As of April 6

**COVID-19 Cases by IHS Area as of April 6, 2020**

Following guidance established by the Centers for Disease Control and Prevention, clinicians at IHS collect samples with swabs and access testing through laboratories in their jurisdictions. This is the standard testing procedure across the country and is not unique to the IHS. These data represent the total number of Indian Health Service patients tested for COVID-19, reported to the IHS as of 7:00 p.m. EDT on April 6, 2020. A confirmed case is defined as a person who has tested positive for 2019 novel coronavirus. Data is reported from IHS, tribal, and urban Indian organization facilities, though reporting by tribal and urban programs is voluntary. This is a rapidly evolving situation and the IHS will provide updated information as it becomes available and is verified.

<table>
<thead>
<tr>
<th>IHS Area</th>
<th>Tested</th>
<th>Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>1,035</td>
<td>7</td>
<td>365</td>
</tr>
<tr>
<td>Albuquerque</td>
<td>603</td>
<td>99</td>
<td>296</td>
</tr>
<tr>
<td>Bismarck</td>
<td>85</td>
<td>7</td>
<td>65</td>
</tr>
<tr>
<td>Billings</td>
<td>1,014</td>
<td>13</td>
<td>608</td>
</tr>
<tr>
<td>California</td>
<td>401</td>
<td>20</td>
<td>259</td>
</tr>
<tr>
<td>Great Falls</td>
<td>174</td>
<td>7</td>
<td>153</td>
</tr>
<tr>
<td>Nashville</td>
<td>71</td>
<td>3</td>
<td>45</td>
</tr>
<tr>
<td>Navajo</td>
<td>2,365</td>
<td>297</td>
<td>1,738</td>
</tr>
<tr>
<td>Oklahoma City</td>
<td>1,206</td>
<td>34</td>
<td>543</td>
</tr>
<tr>
<td>Phoenix</td>
<td>325</td>
<td>35</td>
<td>543</td>
</tr>
<tr>
<td>Portland</td>
<td>51</td>
<td>39</td>
<td>430</td>
</tr>
<tr>
<td>Tucson</td>
<td>242</td>
<td>1</td>
<td>169</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8,028</strong></td>
<td><strong>562</strong></td>
<td><strong>4,530</strong></td>
</tr>
</tbody>
</table>

*330 results pending*  
*87 less than NN Report*

**SOURCES:**  
HTTPS://NAVAJO-NATION-CORONAVIRUS-RESPONSE-NDOH-NEC.HUB.ARCGIS.COM/  
HTTPS://WWW.IHS.GOV/CORONAVIRUS/
5 NAIHS Service Units: Chinle, Crownpoint, Gallup, Kayenta, and Shiprock.

- Includes 4 hospitals, 3 satellite clinics, 9 health centers, 4 health stations.

5 P.L. 93-638 hospitals. Tribal health corporations authorized by the NNN: Tuba City, Winslow, Fort Defiance, Ganado, & Montezuma Creek, UT.

NDOH: Epidemiology Center and Public Health Emergency Preparedness Program
As of April 6, 2020

384 Cases, 15 Deaths

412 Cases, 4 Deaths

Population: 157,000

Population: 1.8 Million
Navajo Nation Public Health State of Emergency Declared (March 11)
  • Acknowledges NDOH Health Command Center and need to adhere to directives
  • AZ & NM (March 11), UT (March 6)

NN Board of Education recommends school closures through April 3 (March 12)
  • Extended by Resolution through school year (March 31)
  • Includes public schools, grant schools, private schools, BIE schools, 638 schools, higher education institutions, head start programs, etc.
  • Recommends alternative means of instruction (on-line or providing materials)
  • Continuing drive-thru breakfast and lunch services for students

Executive Order (March 13)
  • Closes Navajo Nation Government Offices through April 3
    • Extended by EO (March 31) through April 26
  • Except for Essential Services/Essential Personnel
    • Non-Essential Personnel on Admin Leave
Public Health Emergency Order # 1 to Limit Mass Gatherings (March 18)
- Mass gatherings (100+ people) prohibited
- Restaurants to operate at or below 50% occupancy and seating capacity
- Fast food to-go only

PHEO #2 Requiring Closure of Chilchinbeto Community (March 19)
- Police monitoring ingress/egress
- Shelter at home except for health, safety, welfare needs (i.e. medical attention, food/household goods brought in, or outdoor daytime exercise).
- Visitors to the community required to leave.
- Non-Essential businesses closed.
PUBLIC HEALTH EMERGENCY ORDERS

• PHEO #3 Shelter in Place (March 20)
  • Stay at home except for health, safety, welfare needs. Practice social distancing.
  • Visitors to the Nation required to leave
  • Non-Essential businesses closed.
  • AZ (March 31); NM (March 24); UT (No state-wide order yet, but at least 3 Counties have issued restrictions)
    • Grand Canyon Closed April 1. Last major national park to close.

• PHEO #4 Implementing a Curfew (March 29)
  • Extends shelter in place order (indefinitely)
  • Curfew from 8pm-5am
  • Businesses to limit operations before 6 am and after 7 pm for curfew
  • Essential businesses to operate on a curb-side/drive thru basis
    & provide disinfectant. Limit customers in stores and social distancing required.
  • Mandatory Coordination with Health Command Center

• PHEO #5 Implementing a 57-Hour Weekend Curfew (April 5)
NAVAJO NATION
CONFIRMED POSITIVE COVID-19 CASES
As of April 6, 2020

STAY HOME    STAY SAFE    SAVE LIVES

2,134 Negative COVID-19 Tests
as of April 6, 2020
EFFORTS TO FLATTEN THE CURVE

• Heath Command Center
• PHEOs, EOs
• Bi-Weekly Leadership Meetings
  • 3 Branches, All Divisions, 110 Chapters
• Daily Briefings
  • IHS/NDOH/638s/States Departments of Health
• Town Halls
• Radio Forums
• FEMA / National Guard
ENFORCEMENT OF PUBLIC HEALTH STANDARDS

• Health Command Center
  • Office of Environmental Health
    • Authority regarding environmental health, safety, and protection including disease vectors
  • Navajo Police Department enforcement of public health standards
    • Education, check points, criminal nuisance/trespass, citation & release
      • Office of the Prosecutor. Exclusion
  • Navajo Occupational Safety & Health Administration (NOSHA)
    • Enforcement of safety standards, including emergency closure of facilities
• Business non-compliance through NN Department of Economic Development
LEGAL ISSUES

- Free Exercise of Religion
  - Fundamental law / Modern law
  - Christian vs. Traditional Gatherings

- HIPAA

- Employment
  - Special Duty Pay
  - Mandatory FEMA ICS Training

- Liability

- Jurisdiction

- Local Governance

- Voting Challenges
  - The Nation is seeing a push by the States to move to vote-by-mail

- Census Impact

- COVID-19 Scams

- Risk Management
  - Insurance Policy Business Interruption Coverage
NAVAJO NATION JUSTICE SYSTEM

Courts

The NN Judicial Branch has issued a series of Administrative Orders.

Courts currently “accessible for limited services through electronic and teleconference means.”
  ◦ Challenge: “limited services” undefined and unclear how to provide access for rural parties who may not have cell phone service or internet connections.

Jails

Inmate Release decisions on case-by-case basis to balance public safety, public health and individual health of inmates. OTP actively involved.

- Release requires a court order. Challenge: see above.
EMERGENCY LEGISLATION

- $4M Funding for NDOH COVID-19 Emergency
- Emergency Funding for Chapters
- Waiving Donation Acceptance Requirements
- Tribal Roads Closed to Visitors

- Price Gouging law
ECONOMIC CHALLENGES

• Stay at Home orders have affected the NN economy, ex. food vendors and artists, who sell goods directly to consumers. Vendors who rely on tourism.
  • Unclear if small businesses on the NN will take advantage of SBA programs.
  • The Nation is looking into temporarily waiving rent for small businesses.
HEALTH CHALLENGES

1. Lack of Sufficient Test Kits
2. Insufficient PPE and other medical supplies and equipment
3. Medical staff shortages / burn out
4. Health facilities at or expected to exceed surge capacity
5. Population not staying home
6. No federal dollars yet
Goal remains the preservation of lives

Mandatory coordination with the Health Command Center at every level (public health expertise)

Continue to encourage people to stay home and stay safe

Continue to pursue financial support
COVID-19 Tribal Documents
COVID-19 Tribal Court Documents
COVID-19 State and Tribal Court Documents-Child Welfare

https://turtletalk.blog/covid-19-tribal-documents/

TURTLE TALK

THE LEADING BLOG ON LEGAL ISSUES IN INDIAN COUNTRY

TICA
TRIBAL IN-HOUSE COUNSEL ASSOCIATION

List-serve
https://tica.wildapricot.org/
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