The Lummi Nation’s Alternate Care Site Planning

Presented by:
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Information contained herein is not intended to constitute legal advice.
“Today we are in the same position as our ancestors when the Great Flood arrived. Like our ancestors, we are doing everything possible to ensure that our children have everything they need in their canoes to survive. We want to make it clear that our children need the teachings from their elders; we refuse to give up any of our elders during this flood.”  

LIBC Chairman Lawrence Solomon Community Update on COVID-19
What is an alternate care site?

• A location that is not currently providing healthcare services that is converted to enable the provision of healthcare services to support inpatient care required after a declared catastrophic emergency.
Alternate Care Site-Fitness Center

- Lummi Tribal Health Center team (Dr. Dakotah Lane, Executive Medical Director, Dr. Justin Iwasaki, Dr. Cristina Toledo-Cornel, Public Health Director, Tara Olsen, Health Care Administrator) recommended operating a low-acuity in-patient hospital overflow unit.
- In Whatcom County, there are 1.1 beds per 1,000 population. In contrast, Italy has 3.18 beds per 1,000 people.
- The LTHC team repurposed the Lummi Fitness Center into a 20 bed in-patient unit.
Authority

• The Lummi Nation has the inherent authority to operate an Alternate Care Site;
• The LIBC has the authority under Article VI, Section 1 of the Lummi Constitution to safeguard and promote the peace, safety, morals, general welfare, and public health of the Lummi Reservation;
• LIBC enacted Resolution 2020-054 directing the operation of an alternate care site

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Barriers

• Lack of access to IV medications and supplies
• Contracting issues with pharmaceutical benefit managers (PBMss) as they were not accepting new clients.
• Lack of support from the Indian Health Service and our local hospital PeaceHealth St. Joseph’s
Economic Impacts

• It is unclear to what extent FEMA and HHS will reimburse for the expenses of the alternate care site.
• In the short term, the Nation has had to utilize funding that was reserved for the construction of a new tribal health center.
• No support in the operation of the Alternate Care Site from the IHS.
  ▫ In the Portland Area, there is not a single IHS funded hospital for American Indians/Alaska Natives.
  ▫ If the 253 hospital beds in Whatcom County are full, the Lummi community has no other option for in-patient care.
Legal Impacts

• Federal Tort Claims Act Coverage: IHS has indicated that there are limitations within the Lummi Nation’s self-governance compact to allow the Nation to operate the Site.
  ▫ There are no federal uniform liability protections that apply during declared emergencies.
  ▫ Defining crisis standards of care.
• The lack of public health emergency planning by the IHS.

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Questions?

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