



NCA 14-107

CLASSIFICATION: #22. HEALTH AND SAFETY

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 22, CHAPTER 4, §4-108 ENTITLED "ADMINISTRATION OF DEPARTMENT OF HEALTH"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 22, Chapter 4 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**SECTION TWO. AMENDMENT.** MCNCA Title 22, §4-108.C.1 is hereby amended, and adding a subsection 4-108.C.3, to read as follows:

**§ 4-108. Administration of Department of Health**

**C. Personnel.**

1. Hiring and termination. The Director Secretary of Health shall be responsible for the hiring and termination of Department of Health personnel in accordance with personnel policies and procedures of the Nation, including the hiring of Health Administrator(s); provided that all employment contracts shall be subject to review by the Attorney General. The CMO shall be responsible for the granting of hospital privileges. The Director Secretary of Health shall determine the personnel needs of the Department of Health and has the authority to permit Department of Health personnel to be assigned at more than one health care facility owned by the Muscogee (Creek) Nation if the need for such assignment arises. All Health employees shall become Muscogee (Creek) Nation employees no later than October 1, 2009. Health employees' benefits, including accrued annual leave, accrued sick leave, insurance and retirement benefits shall remain intact; provided that the Controller is not authorized to expend or obligate funds related to transfer of employee benefits unless

such funds were expressly appropriated or obligated for such purposes as of October 1, 2009.


**3. Third Party Contracting. Nothing in the laws of the Muscogee (Creek) Nation shall prohibit any medical provider employed by the Department of Health from contracting with a third-party source to provide medical staffing duties at any medical facility owned by the Muscogee (Creek) Nation so long as the medical provider abides by the following requirements:**

- a. **The medical provider provides notice and obtains prior approval from the Secretary of Health;**
- b. **The medical provider has no financial interest in the third-party source other than to receive financial compensation for medical provider services rendered under the contract with the third-party source;**
- c. **The medical provider shall not permit the services provided under any contract with a third-party source to interfere or be in conflict with the normal duties and working hours of the medical provider as an employee of the Department of Health, and;**
- d. **While providing medical staffing duties under any contract with a third-party source, the medical provider shall not hold himself/herself out to be an employee of the Muscogee (Creek) Nation and shall not represent that he/she is performing duties within the scope of employment for the Muscogee (Creek) Nation.**

**SECTION THREE. EFFECTIVE DATE.** These Amendments shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this **26<sup>th</sup>** day of **July, 2014.**

**IN WITNESS WHEREOF,** the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.

  
\_\_\_\_\_  
Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

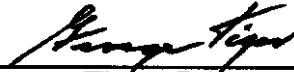
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **26<sup>th</sup>** day of **July, 2014** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **0** against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



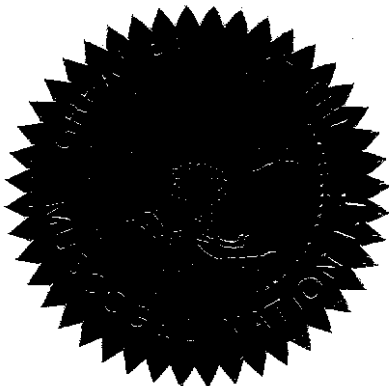
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Rebecca Crowels, Acting Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **30<sup>th</sup>** day of **July**, 2014 to the above Law, **NCA 14-107** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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George Tiger, Principal Chief  
Muscogee (Creek) Nation





## NCA 14-107

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- a. The medical provider provides notice and obtains prior approval from the Secretary of Health;
- b. The medical provider has no financial interest in the third-party source other than to receive financial compensation for medical provider services rendered under the contract with the third-party source;
- c. The medical provider shall not permit the services provided under any contract with a third-party source to interfere or be in conflict with the normal duties and working hours of the medical provider as an employee of the Department of Health, and;
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**SECTION THREE. EFFECTIVE DATE.** These Amendments shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 26<sup>th</sup> day of July, 2014.

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.

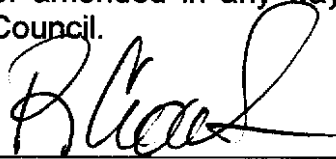


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Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **26<sup>th</sup>** day of **July, 2014** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **0** against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

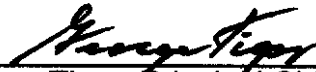


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Rebecca Crowels, Acting Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 30<sup>th</sup> day of July, 2014 to the above Law, **NCA 14-107** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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George Tiger, Principal Chief  
Muscogee (Creek) Nation

