

ROSEBUD SIOUX TRIBE
Resolution No. 2020-120

- WHEREAS,** The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof; and
- WHEREAS,** The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and
- WHEREAS,** The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (l), (m), (p) and (q), and
- WHEREAS,** Article I, Clause 1 of the RST By-laws provide, in part, that “the President shall manage and administer the affairs of the Rosebud Sioux Tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the Rosebud Sioux Tribal Council”; and
- WHEREAS,** The Rosebud Sioux Tribal President has declared on March 13, 2020 that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19). Said declaration was made after the World Health Organization (WHO) declared on March 11, 2020 that COVID-19 was a global pandemic; and
- WHEREAS,** The RST has mobilized the COVID-19 Task Force, Rosebud Sioux Tribe Law Enforcement Services, the Rosebud Sioux Tribe Health Administration, as well as the CHR Office in the fight against community spread of COVID-19; and
- WHEREAS,** Congress passed the Health Insurance Portability & Accountability Act of 1996 (HIPAA) which, among other things, protected the health information of patients from being disclosed subject to certain exceptions; and
- WHEREAS,** In 2002-2003, The Department of Health and Human Services promulgated the Privacy Rule, which established how and under what circumstances that Protected Health Information (PHI) is disclosed; and
- WHEREAS,** 45 C.F.R. §164.512(b)(1) allows for PHI to be transmitted from a covered entity such as Indian Health Service (IHS), Monument Health Service and other such entities to a public health authority for public health activities and purposes such as deterring and preventing the spread of the Coronavirus (COVID-19) throughout the community; and
- WHEREAS,** 45 C.F.R. §164.512(b)(1)(i) specifically allows a public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority; and

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WHEREAS, The RST Council desires to authorize and identify the RST Health Administration as the entity that will collect and receive PHI-related to COVID-19 diagnoses from covered entities in order to engage in public health surveillance, public health investigations, and public health interventions; and

WHEREAS, The RST Council desires to authorize those persons working within Law Enforcement Services, RST Prosecutor's Office, RST Corrections Services, CHR Offices and others engaged in public health investigations, public health interventions, and public health surveillance to receive that COVID-19 diagnosis information from RST Health Administration for the limited purpose of preventing the spread of COVID-19; and

THEREFORE BE IT RESOLVED that the RST Council does hereby identify and authorize the RST Health Administration, as required by 45 CFR §164.512(b)(1)(i), as the entity that will collect and receive PHI that is related to the COVID-19 pandemic; and

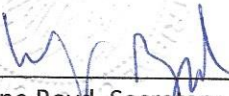
THEREFORE BE IT ALSO RESOLVED, that those persons working within Law Enforcement Services, RST Prosecutor's Office, RST Corrections Services, CHR Offices and others engaged in public health investigations, public health interventions, and public health surveillance are authorized to receive that COVID-19 diagnosis information from RST Health Administration for the limited purpose of preventing the spread of COVID-19 and enforcing laws related to mitigating the spread of communicable diseases in general; and

THEREFORE BE IT ALSO RESOLVED, that the RST Office of the Secretary shall distribute a copy of this resolution to the Chief of Police, the Chief Judge of the Rosebud Sioux Tribal Court, to the RST Prosecutor's Office, the RST Public Defender's Office, and wherever else required by law.


CERTIFICATION

This is to certify that the above Resolution No. 2020-120 was duly passed by the Rosebud Sioux Tribal Council in session on May 21, 2020, by a vote of eleven (11) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

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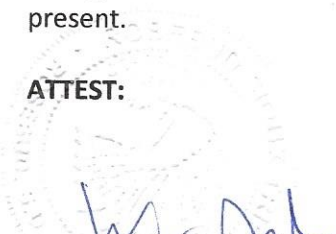
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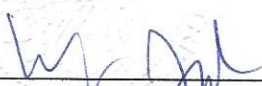
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Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 05 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/05/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2019-13 (Amended: 04/22/2020)
Resolution No. 2020-102
Resolution No. 2020-103
Resolution No. 2020-104
Resolution No. 2020-105
Resolution No. 2020-106
Resolution No. 2020-107
Resolution No. 2020-109
Resolution No. 2020-110

Resolution No. 2020-111
Resolution No. 2020-114
Resolution No. 2020-115
Resolution No. 2020-116
Resolution No. 2020-117
Resolution No. 2020-118
Resolution No. 2020-119
Resolution No. 2020-120
Resolution No. 2020-121

Sincerely,

Lee A. Beardt
Superintendent

Enclosure

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Wayne Boyd, Secretary
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Rodney M. Bordeaux, President
Rosebud Sioux Tribe

45 CFR § 164.512 - Uses and disclosures for which an authorization or opportunity to agree or object is not required.

- [CFR](#)
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-

§ 164.512 **Uses** and **disclosures** for which an authorization or opportunity to agree or object is not required.

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A [covered entity](#) may [use](#) or disclose [protected health information](#) without the written authorization of the [individual](#), as described in [§ 164.508](#), or the opportunity for the [individual](#) to agree or object as described in [§ 164.510](#), in the situations covered by this section, subject to the applicable requirements of this section. When the [covered entity](#) is required by this section to inform the [individual](#) of, or when the [individual](#) may agree to, a [use](#) or [disclosure](#) permitted by this section, the [covered entity](#)'s information and the [individual](#)'s agreement may be given orally.

(a) Standard: Uses and disclosures required by law.

(1) A [covered entity](#) may [use](#) or disclose [protected health information](#) to the extent that such [use](#) or [disclosure](#) is [required by law](#) and the [use](#) or [disclosure](#) complies with and is limited to the relevant requirements of such law.

(2) A [covered entity](#) must meet the requirements described in paragraph (c), (e), or (f) of this section for [uses](#) or disclosures [required by law](#).

(b) Standard: Uses and disclosures for public health activities -

(1) Permitted uses and disclosures. A [covered entity](#) may [use](#) or disclose [protected health information](#) for the public health activities and purposes described in this paragraph to:

(i) A [public health authority](#) that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of