

Glossary and Regulations on Health Services for Non-Indians

Eligible Indian is not specifically defined, but the following helps determine who they are, Also see FAQ below:

- **Contract Health Services Eligible Person**
Now known as **Purchased/Referred Care (PRC) Eligible Person**. **A person of Indian descent** belonging to the Indian community served by the local IHS facilities and program who: resides within the United States (U.S.) on a reservation located within a Contract Health Service Delivery Area (CHSDA); resides within a CHSDA and is either a member of the tribe or tribes located on that reservation; or maintains close economic and social ties with that tribe or tribes.
- **Eligibility**
The established conditions as identified in the Federal Regulations that a person must meet in order to receive the health care services.
- **Federally Recognized Indian**
Individual who has obtained a Bureau of Indian Affairs Certificate Degree of Indian Blood for the Tribe under Federal supervision that they are a member.
- **Tribal Member**
A person who is an enrolled descendent of a tribe, or is granted tribal membership by some other criteria in the tribal constitution.

Frequently Asked Questions:

Q. Can non-Indians be eligible for PRC?

A: Yes, but only for three classes of non-Indians. These include (1) non-Indian women pregnant with an eligible Indian's child during pregnancy through postpartum (42 CFR 136.12(a)); (2) non-Indians under 19 who are the natural, adopted, step-child, foster-child, legal ward, or orphan of an eligible Indian (section 813(a)(1) of IHCA); and (3) non-Indian spouses of eligible Indians if all such spouses are made eligible through a tribal resolution (section 813(a)(2) of IHCA).

Q. What does Social, Economic Ties mean in 42 CFR 136.23(a)(2)(ii)?

A: Close social and economic ties are determined by the governing body, or designee, of the local Tribe. The IHS considers employees of the Tribe and spouses and children of eligible members of the Tribe to have close social and economic ties. The determination of eligibility applies if all individuals with the same circumstances are made eligible through a tribal resolution.

Q. If my PRC Program is operating on a strict budget, can PRC eligibility be suspended for non-Indians residing on and off the reservation?

A: Yes and no. No, for non-Indian children of eligible Indians made eligible under section 813(a)(1) of the IHCA and non-Indian women pregnant with an eligible Indians child made eligible under 42 CFR 136.12(a). Yes, for non-Indian spouses made eligible under section 813(a)(2) of the IHCA if the Tribe revokes the resolution which granted such individuals eligibility. No other non-Indians should be receiving PRC services.

Q. What is the citation that requires our PRC Program to provide PRC to non-Indian children?

A: See section 813(a)(1) of the IHCA. PRC applies to non-Indian children if they are the natural, adopted, step-child, foster-child, legal ward, or orphan of an eligible Indian.

Q. If we are guaranteed health care from our treaties as long as the water flows and the grass grows, why are Indians required to apply for AR?

A: It is required under 42 CFR 136.61, Payor of last resort. **While some treaties mention health care, the Indian Health Service is not an entitlement program, and therefore funding for PRC is not guaranteed by the Federal government. AR allow PRC funds to be conserved, thereby providing health care for more Indian beneficiaries.**