



2120 L Street, NW, Suite 700
Washington, DC 20037

T 202.822.8282
F 202.296.8834

HOBBSSTRAUS.COM

MEMORANDUM

April 5, 2018

To: Tribal Health Clients

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: *IHS Issues Draft Rule for Purchased/Referred Care Proof of Residency*

On March 30, 2018, the Indian Health Service (IHS) issued the attached proposed rule for a new authorization to collect proof of residency information from individuals receiving purchased/referred care (PRC). As required by the Paperwork Reduction Act, the IHS must provide information on and seek comment from the public about any new information collecting activities. *Comments are due by May 29, 2018* and should be submitted to Ms. Evonne Bennett-Barnes at: Information Collection Clearance, Officer, Indian Health Service, 5600 Fishers Lane, STOP 09E70, Rockville, MD 20857, by email at Evonne.Bennett-Barnes@ihs.gov, or by fax at (301) 594-0899.

As you know, eligible individuals may receive PRC medical services from private health care providers (non-IHS) when IHS direct care is insufficient. As set forth in the proposed rule, the IHS intends to collect proof of residency information from individuals receiving PRC to certify their eligibility. Additionally, this information would serve as legal documentation for IHS as it authorizes PRC by contracting providers. The proposal appears to be limited to individuals receiving PRC from the IHS itself, not from ISDEAA self-determination contracting and self-governance compacting tribes. However, the draft rule does not specify that it is intended to only apply to IHS.

The IHS is seeking comment to the following four questions, in relation to the collection of proof of residency for individuals receiving PRC medical services:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

If you have any questions about the proposed regulations or would like assistance drafting comments, please do not hesitate to contact Elliott Milhollin (emilhollin@hobbsstrauss.com or 202-822-8282), Geoff Strommer (gstrommer@hobbsstrauss.com or 503-242-1745), or Kelsea Raether (kraether@hobbsstrauss.com or 202-822-8282).