

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #03/02

LICENSING OF CLINICAL PHARMACY SPECIALISTS

Adopted by Resolution #1359/02 of the Fond du Lac Reservation
Business Committee on December 5, 2002.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #03/02

LICENSING OF CLINICAL PHARMACY SPECIALISTS

CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 Authority

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq., the Indian Health Care Improvement Act, 25 U.S.C. § 1601 et seq., the Tribal Self-Governance Act of 1994, 25 U.S.C. § 458aa et al., and Article VI of the Revised Constitution of the Minnesota Chippewa Tribe.

Section 102 Purpose

The purpose of this Ordinance is to establish a system for licensing Clinical Pharmacy Specialists (CPS) as health care providers in order to foster excellence in patient care on the Fond du Lac Reservation through the following:

- a. Establishment of uniform competency of pharmacists who serve the Fond du Lac Band through the adoption of the Standards of Practice and CPS qualifications employed by the Indian Health Service;
- b. Definition of the scope of practice of CPS pharmacists in the total therapeutic management of the patient;
- c. Definition of CPS pharmacists as Health Care Providers through the adoption of qualifications, standards, and the establishment of procedures, terms and limitations of licensure; and

- d. Establishing the credentials of CPS Health Care Providers who are qualified under the standards established by this Ordinance to serve as vendors of medical care under the authority of the Fond du Lac Band.

Section 103 Scope

The requirements and standards established by this Ordinance apply to CPS pharmacists who are seeking licensure as health care providers while in the employment or in the exclusive service of the Fond du Lac Band.

Section 104 Reservation of Rights

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the power of the Reservation Business Committee. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 General Definitions

- a. "Clinical Pharmacy Specialist" or "CPS" shall mean any pharmacist who is licensed under this Ordinance to prescribe medications and deliver primary health care to eligible individuals.
- b. "Compliance Coordinator" shall mean the position assigned by the Reservation Business Committee to review and monitor the professional credentials of staff employed in the Human Services Division.
- c. "Fond du Lac Band" shall mean the Fond du Lac Band of Lake Superior Chippewa.
- d. "Fond du Lac Reservation" shall mean all land owned by the Fond du Lac Band or lying within the boundaries of the Fond du Lac Reservation, regardless of the fee status of such land.
- e. "Human Services Division" shall mean the Fond du Lac Human Services Division, through which the Reservation Business Committee administers the health care and pharmaceutical services provided by the Fond du Lac Band.
- f. "Indian Health Service" or "IHS" shall mean the United States Department of Health and Human Services, Indian Health Service, with which the Fond du Lac Band entered into a Compact of Self-Governance on September 30, 1994 pursuant to the Tribal Self-Governance Act of 1994, 25 U.S.C. § 458aa et al.
- g. "Licensing Board" shall mean the Fond du Lac Reservation Pharmacist Licensing Board, as established under Chapter 3 of this Ordinance.
- h. "Medical Services Director" shall mean the Medical Services Director of the Fond du Lac Human Services Division, as designated by the Reservation Business Committee.

- i. "Pharmacy Coordinator" shall mean the supervisory pharmacist of the Fond du Lac Human Services Division, as designated by the Reservation Business Committee.
- j. "Reservation Business Committee" shall mean the governing body of the Fond du Lac Band.

Section 202 Interpretation

The provisions of this Ordinance shall be interpreted and administered in a manner which is intended to improve the quality of health care provided by the Fond du Lac Band through its Human Services Division.

CHAPTER 3

**ESTABLISHMENT OF THE FOND DU LAC RESERVATION
PHARMACIST LICENSING BOARD**

**Section 301 Establishment and Composition of the Fond du Lac
Reservation Pharmacist Licensing Board**

The Fond du Lac Reservation Pharmacist Licensing Board is hereby established, and shall be comprised of the incumbent members of the Reservation Business Committee. There shall be no proxy members of the Licensing Board.

Section 302 Meetings of the Licensing Board

- a. The Licensing Board shall hold meetings in the same manner as the Reservation Business Committee in Executive Session, except that such meetings shall be specifically convened as a meeting of the Licensing Board, and minutes of the Licensing shall be taken and maintained separately from those of the Reservation Business Committee.
- b. At least five (5) days prior to each meeting of the Licensing Board, copies of all application materials to be considered shall be distributed to the Board members by the Medical Services Director of the Human Services Division, who shall maintain all records required under this Ordinance.

**Section 303 Consultation with Medical Services Director and
Pharmacy Coordinator**

- a. The Licensing Board shall consult with the Medical Services Director and Pharmacy Coordinator of the Fond du Lac Human Services Division in its determination of qualifications of any applicant who is licensed under this Ordinance.
- b. The Medical Services Director shall receive all license applications submitted pursuant to Chapter 4 of this Ordinance, and shall review each application package as to its completeness prior to its submission to the Board. Each application package shall be accompanied by written confirmation from the Medical Services Director and Pharmacy Coordinator that the applicant meets or exceeds

CHAPTER 4

ELIGIBILITY FOR LICENSURE; APPLICATION PROCESS; LICENSING DECISIONS; CONDITIONS OF LICENSURE

Section 401 Eligibility Conditions

- a. Eligibility for Application. Any FDL pharmacist with an unrestricted active state license and credentialed as an IHS National Clinical Pharmacy Specialist (see NCPS Scope of Practice and Qualifications) shall be eligible to apply for licensure under this Ordinance as a Pharmacist Health Care Provider. For the purposes of this requirement, the term "unrestricted" means that there are no restrictions, special conditions, periods of monitoring, or probation associated with the license, certification, or registration that restricts or inhibits the ability of the practitioner to practice his or her profession in the specialty or clinical area for which the practitioner is being considered. This includes any stipulations that may have a potentially significant adverse impact on the patients, the medical staff, or the efficiency of the facility.
- b. A completed application (see Application for FDL Pharmacist Healthcare Providers) must be submitted to the Medical Services Director. All required documents must be on file with the Medical Services Director to be considered, and no application will be submitted for recommendation to the Board until all documentation required is on file.

Section 402 Application Requirements

The following documents must be submitted by an applicant to the Medical Services Director before an application package is complete:

- a. A completed, signed, and dated Application for Fond du Lac Reservation Pharmacist Health Care Provider licensure;
- b. A copy of the applicant's active state pharmacy license;
- c. A copy of the applicant's active IHS National Clinical Pharmacy Specialist Certification. In the event that the

IHS NCPS Certification is no longer available, certification from the Director of Medical Services that the applicant has achieved an equivalency of qualifications, scope of practice, and credentials to IHS NCPS Certification;

- d. A letter of attestation from the Pharmacy Coordinator stating how the applicant meets the criteria for Pharmacist Health Care Provider licensure under this Ordinance and certifying that verification of credentials has been obtained;
- e. A letter of attestation from the Medical Services Director verifying the applicant's qualifications as a health care provider; and
- f. A copy of any postgraduate residency certificates, specialty board certifications, disease state management certificates, or other certifications relative to licensure.

Section 403 Retention of Applications

A file containing the completed application and any related documents of a pharmacist seeking licensure under this Ordinance will be retained for the period of at least 2 years after termination of services by the applicant for the Fond du Lac Band. There shall be an individual file for each applicant, and all files shall be kept in a lockable filing cabinet with the Compliance Coordinator of the Fond du Lac Human Services Division. An unofficial file will also be kept by the pharmacist in the Pharmacy. All application materials will be treated as confidential under the Fond du Lac Data Privacy and Record Management Policy. An applicant must notify the Pharmacy Coordinator if his or her qualification status changes.

Section 404 Verification of Applicant Credentials

Each application, upon presentation to the Licensing Board, shall be accompanied by the following:

- a. A Letter of Attestation from the Pharmacy Coordinator stating that the applicant meets the criteria for Pharmacist Health Care Provider licensure as required under this Ordinance and certifying that verification of the following credentials has been obtained:
 - (1) The active pharmacy license by an outside credentialing agency; and

- (2) The active NCPS certification issued through the National Clinical Pharmacy Specialist Credentialing Committee; and
- b. A Letter of Attestation from the Medical Services Director verifying the applicant's qualifications as a health care provider.

Section 405 Licensing Decisions by the Licensing Board

- a. Completed applications by pharmacists seeking licensure under this Ordinance shall be presented to the Licensing Board as soon as possible.
- b. Notification of the Board's decision shall be given within 30 days of the Board meeting.
- c. The Licensing Board shall issue a license to each pharmacist that has applied for and successfully met the requirements for licensure as a Pharmacist Health Care Provider.
- d. The license shall be valid for a period of three years, and the applicant may apply for relicensure at that time.
- e. Applicants denied licensure by the Board will receive a detailed explanation of the denial from the Pharmacy Coordinator.

Section 406 Duration of License and Relicensing Requirements

Each license issued under this Ordinance shall be valid for a period not to exceed three (3) years from its issuance. Within three years following the initial issuance of a license, the applicant shall submit to the Licensing Board:

- a. Letters of Attestation from the Pharmacy Coordinator and Medical Services Director certifying that the applicant is locally credentialed, privileged, and functioning as an CPS Health Care Provider in accordance with the standards established under this Ordinance;
- b. A copy of active state licensure; and
- c. A copy of active National Clinical Pharmacy Specialist certification.

Section 407 Licensure Limitations

Licensure granted under this Ordinance is limited and shall be used solely for the purposes of providing the delivery of health care services through the Fond du Lac Human Services Division to the population entitled to services from the Fond du Lac Band. A license shall automatically be revoked upon the termination of the pharmacist's employment or service with the Band.

Section 408 License Display

Each pharmacist who is issued a license under this Ordinance shall display the license at the pharmacist's principal place of business.

Section 409 Appeals

- a. An applicant who is denied licensure under this Ordinance may address a written appeal of the decision to the Chairman of the Reservation Business Committee. The appeal should set forth the specific error which was made in his or her licensing determination, and should include as attachments the documentation demonstrating such error.
- b. Following the receipt of an appeal, the Chairman shall convene a meeting of the Licensing Board for a reconsideration of the initial licensing decision. The Pharmacist Coordinator and Medical Services Director shall provide opinions to the Licensing Board as to whether the initial denial of licensure should be reversed.

CHAPTER 5

AMENDMENT OR REPEAL

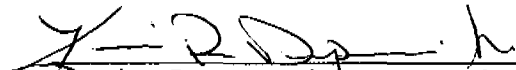
Section 501 Amendment or Repeal

This Ordinance, and any provision herein, may be amended or repealed by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #03/02 was duly presented and adopted by Resolution #1359/02 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on December 6, 2002 on the Fond du Lac Reservation.


Robert B. Peacock, Chairman

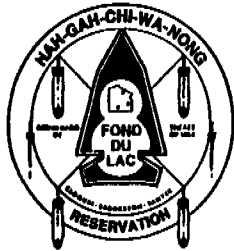

Kevin R. Dupuis, Sr., Sec./Treas.

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Fond du Lac Reservation

Business Committee

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Chairman
Robert B. Peacock

Secretary/Treasurer
Kevin R. Dupuis, Sr.

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
V.R. "Butch" Martineau

Dist. III Councilman
George Dupuis

Executive Director
I. Jean Mulder

RESOLUTION #1359/02

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and


WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to adopt standards for the licensure of clinical pharmacist specialists in order to promote excellence in the delivery of health care services on the Fond du Lac Reservation;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee enacts Fond du Lac Ordinance #03/02, entitled "Licensing of Clinical Pharmacist Specialists", to become effective immediately.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on December 5, 2002, on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Kevin R. Dupuis, Sr.,
Sec./Treas.