

# ELIGIBILITY POLICY

## INTRODUCTION

The purpose of this policy is to establish guidelines for the acceptance of documentation that verifies the Native American heritage of Texas Native Health patients. This policy aims to ensure fairness, accuracy, and consistency in determining Native American heritage for verification of patient eligibility to access Texas Native Health services.

### Definitions

- Native American: A person who is recognized as belonging to any of the indigenous peoples of the United States, including American Indian and Alaska Natives.
- Urban Indian Beneficiaries:
  - Irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including: (a) those tribes, bands, or groups terminated since 1940; and (b) those recognized now or in the future by the State in which the tribe is located; or
  - Is a descendant, in the first or second degree, of any such member described in (B)(1); or
  - Is an Eskimo or Aleut or other Alaska Native; or
  - Is a California Indian; or
  - Is considered by the Secretary of the Department of the Interior to be an Indian for any purpose; or
  - Is determined to be an Indian under regulations pertaining to the Urban Indian Health Program that are promulgated by the Secretary of HHS.
- Federally Recognized Tribes:
  - The Bureau of Indian Affairs (BIA), United States Department of Interior, issues a list of Federally-recognized American Indian Tribal entities, whom are eligible to receive services from the BIA, which is updated and posted in the Federal Register, annually.
  - The IHS also uses this list to identify Federally-recognized American Indian Tribal entities whom are eligible to receive services from IHS. For a current listing of Tribal entities, please see the Indian Affairs Document Library website:  
<https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>
- Eligible “Non-Indians”:
  - Children: Any individual who has not attained 19 years of age; is the natural, adopted child, or stepchild of an eligible Indian; and is not otherwise eligible for health services provided by the IHS, shall be eligible for all health services provided by the IHS on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for



such services until 1 year after the date of a determination of competency [25 U.S.C. §1680c (a)].

### **Acceptable Documentation**

- I. Tribal Membership Card: A valid tribal membership card issued by a federally recognized tribe is considered the primary and most authoritative document for verifying Native American heritage.
- II. Bureau of Indian Affairs (BIA) Certificate of Degree of Indian Blood (CDIB): The CDIB, issued by the BIA, is an official document that certifies the degree of Native American blood quantum for an individual. This document is widely accepted as evidence of Native American heritage.
- III. Tribal Census Records: Official tribal census records that provide evidence of Native American lineage and family relationships within a specific tribe.
- IV. Tribal Enrollment Documentation: Documents issued by federally recognized tribes that verify an individual's enrollment or registration as a tribal member.
- V. Birth and Marriage Certificates: Birth or marriage certificates that indicate the Native American heritage of immediate or adopted family members.
- VI. Adoption Records: Legal adoption documents that establish the adoption of a non-Native American individual by a Native American family, including court orders or adoption certificates.
- VII. Affidavits or Sworn Statements: Notarized affidavits or sworn statements from reliable sources, such as tribal elders, family members, or community leaders, attesting to the Native American heritage of immediate or adopted family members. These statements should include detailed information about the person's tribal affiliation, lineage, and cultural connections.

### **Evaluation and Verification Process**

- I. All submitted documents should be reviewed carefully to ensure authenticity, legibility, and relevance to the Native American heritage of the individual(s) in question.
- II. In cases where there is doubt or conflicting information, additional verification may be necessary, such as contacting the relevant tribe or consulting with experts in Native American affairs ( BIA,IHS, etc.)
- III. Confidentiality and privacy of submitted documents should be maintained throughout the evaluation and verification process.

### **Non-Acceptable Documentation**

- I. Self-declaration: Self-identification as Native American without supporting documentation is not considered sufficient evidence of Native American heritage.
- II. Genealogical databases or online sources: While these sources can provide initial leads, they should not be considered as primary evidence unless supported by official tribal documentation or other reliable sources.
- III. Ancestry DNA or genetic testing results: Genetic testing can provide insights into ancestral origins, but it alone is not sufficient to establish Native American heritage.

### **Review and Updates**



This policy shall be periodically reviewed and updated to ensure compliance with evolving legal and cultural considerations surrounding the verification of Native American heritage.

### Compliance

All individual(s) and Texas Native Health staff involved in verifying Native American heritage of immediate and adopted family members must comply with this policy. Failure to comply may result in the rejection of documentation or other actions as determined by the CEO.

### Implementation

Texas Native Health shall ensure the effective implementation of this policy by disseminating it widely, providing necessary training to relevant TNH personnel, and establishing appropriate procedures for documentation submission and evaluation.

Qualification #	Applicant Type	Acceptable Documentation			
Eligible American Indian or Alaska Native					
10	Native American (Federally recognized tribes, including tribes, bands, or groups terminated since 1940) (Tribes recognized by the state the tribe is located in)	CDIB	Tribal Membership ID	Tribal Census Records	Tribal Enrollment Documentation
11	Native American Descendant 1 generation removed	One of the documents under qualification #1 for the parent + Birth certificate stating applicant name as the child, and the parent name being the same name as the document under qualification #1			
12	Native American descendent 2 generations removed	One of the documents under qualification #1 for the grandparent + Birth certificate stating applicant name as the child, and the parent name + Birth certification of parent stating applicant's parent as the child, and the grandparent name being the same as the document under qualification #1			
Eligible Non-Indian					
21	Natural Children	See qualification #11			
22	Adopted Children	One of the documents under qualification #1 for the parent + Legal adoption documents that establish the adoption of a non-Native American individual by a Native American family, including court orders or adoption certificates.			
23	Stepchildren	One of the documents under qualification #1 for the eligible Indian + Marriage certificate + Birth certificate stating the applicant name as the child, and the parent name being the spouse named on the marriage certificate.			
31	Non-Indian woman pregnant with an eligible Indian's child	One of the documents under qualification #1 for the eligible Indian + Marriage Certificate if available + One of the following: 1. Paternity test results 2. Order of a court of competent jurisdiction 3. Notarized letter from the eligible Indian			

