Dear Winnebago Tribal Members:

The purpose of this letter is to provide you with an update on the status of the Winnebago IHS Hospital situation.

The Winnebago IHS Hospital is owned by the federal government and operated by the Indian Health Service (IHS), a division of the U.S. Department of Health and Human Services (HHS). As you may know, Winnebago IHS Hospital has been beset for many years with serious deficiencies. The federal Centers for Medicare and Medicaid Services (CMS) has documented these failings and the injuries and even deaths that resulted over and over again.

Despite six CMS reports since 2011 revealing more than 45 separate deficiencies threatening patient health, IHS inexplicably allowed this situation to continue. As a result, CMS notified the IHS Great Plains Area Director on July 8, 2015 that the Hospital’s Medicare and Medicaid provider agreement would be terminated effective July 23rd. Medicare termination is a serious event. It prevents the Hospital from billing the cost of certain procedures to Medicare and Medicaid, reducing the Hospital’s revenue. And it can have spill-over effects, possibly causing other third-party insurers to also cease payment.

As soon as we learned of the pending termination, the Tribal Council took immediate steps. On July 15th, the Council wrote to Sylvia Burwell, the Secretary of HHS, requesting an immediate meeting. In addition, the Council arranged meetings with Robert McSwain, Acting IHS Director, and with the members of the Nebraska and Iowa Congressional delegations.

On July 22nd, IHS Area Director Ron Cornelius met with the Tribal Council in Council Chambers. Contrary to earlier communications, the Area Director stated that Medicare and Medicaid would not be terminated pending an appeal by IHS of the CMS decision. However, on Friday, July 24th, the Council learned – from the Sioux City Journal – that termination had in fact taken effect the day before. The Tribal Council immediately authorized a delegation to go to Washington.
On July 27th, a Tribal Delegation composed of Vice-Chairman Vince Bass and Councilpersons Tori Kitchenyan, Ken Mallory, and James Snow arrived in Washington, DC to meet with Congressional representatives and Federal officials. Alongside the Council members were Winnebago Tribal Health Director Mona Zuffante, Tribal Member and respected Elder Frank LaMere and Tribal Attorney Danelle Smith.

The Delegation’s message to Washington was simple: (1) Restore the Hospital’s quality of care to professional standards immediately; (2) Allow Tribal participation in interim corrective actions, including discussions of the Hospital’s future; and (3) Start work on a plan to turn Hospital management over to tribal control.

Over July 28th and July 29th, the Tribe’s Delegation and attorneys met personally with Representatives Fortenberry, Ashford and Smith, and with Senators Fischer and Sasse of Nebraska and Senators Grassley and Ernst of Iowa and their staffs. The Congressional delegations were shocked by conditions reported at Winnebago IHS Hospital and vowed to assist in correcting them.

On July 29th, the Delegation visited HHS headquarters to meet with Secretary Burwell’s personal representative, accompanied by a senior staffer from Congressman Fortenberry’s office. IHS Acting Director McSwain and Area Director Cornelius were also in attendance at the Secretary’s direction.

The Delegation forcefully but respectfully expressed its anger and frustration over the Hospital’s mismanagement and IHS’ inability to correct it in five years. The Delegation pointed out that some of the very same problems had been noted at Winnebago IHS Hospital in 2010 by the United States Senate. The Delegation stated it had no confidence in a “corrective action plan” prepared by the Great Plains Area Office, which even IHS Director McSwain agreed was inadequate. The Delegation pointed out that IHS’ six previous corrective action plans had not fixed the problems, and that a seventh would not likely do so either.

Throughout the discussion, the Delegation emphasized that nothing is more important than the safety and health of tribal members who rely on the Winnebago IHS Hospital for care. The Delegation indicated that the Tribal Council would not stop until those members started receiving the highest degree of professional medical care.

IHS promised that it would provide the Tribal Council with timely access to information and would consult with the Tribe about how IHS would fix the situation.
HHS and IHS said they took seriously the gravity of the situation caused by the Hospital’s failings. Seeking more than just assurances, however, the Delegation also demanded that HHS provide the Tribal Council with the names of specific points of contact whom the Council could call and hold accountable as correction action gets underway, which both HHS and IHS did.

After its meeting at HHS, the Delegation traveled to the White House to meet with Alison Grigonis, Senior Director of Cabinet Affairs and the acting special assistant for Native American affairs to President Obama. Grigonis, the former Indian affairs staffer for Senator Heidi Heitkamp of North Dakota, was aware of the history of the IHS Great Plains Region and the unprecedented nature of Winnebago IHS Hospital’s termination.

The Delegation also met with Stacey Bohlem, Executive Director of the National Indian Health Board. Bohlem expressed her grave concern over what had happened and who pledged to work alongside the Winnebago Tribe in addressing this emergency. The Delegation came away confident that NIHB stands ready to support and assist the Tribe in ensuring that its members’ health and well-being is never again placed at risk by federal officials.

The task now before the Tribal Council is to prepare a strategic timeline and plan to ensure that the commitments provided to the Winnebago Tribe in Washington are fulfilled. In the weeks that follow, the Tribal Council and Tribal government staff and attorneys must direct their attention to developing and implementing a strategic plan of action, and to following-up with Federal officials, including the White House and Congressional members and staff, to find a permanent solution to the problems at the Winnebago IHS Hospital so that this never occurs again.

The Hospital remains open and will continue to serve you. We will continue to keep you abreast of the situation as we move forward on your behalf.

Very Truly Yours,

Darla LaPointe
Chairwoman