



PUBLIC HEALTH MUTUAL AID AGREEMENTS FOR
TRIBES AND LOCAL HEALTH JURISDICTIONS
IN WASHINGTON STATE

2018 Tribal Environmental Public Health Summit

January 9, 2018

American Indian Health Commission



Forum for 29 tribal governments and 2 urban Indian health programs

Working to improve the health status of American Indian/Alaska Native people

Providing Technical Support and Advocacy

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Today's Presentation

PART 1: Protecting Your Community through Mutual Aid

PART 2: Understanding Mutual Aid Agreements

PART 3: Overview of AIHC Mutual Aid Agreement Projects

PART 4: How You Can Get Involved



Part 1

PROTECTING YOUR COMMUNITY THROUGH MUTUAL AID

Why is collaboration
between Tribes,
Local Governments,
and the State **vital** to community health
and safety?



Every emergency and public health incident is experienced first and is responded to first by local, tribal, and state personnel.

- See Homeland Security and Emergency Management, Abbott and Hetzel, p. 5





Public health
issues,
emergencies and
disasters know no
boundaries





No federal, state, local, or tribal government has the capacity to respond to every public health incident or emergency that may occur within its jurisdiction without assistance



Cascadia Rising Exercise 2016



During a catastrophic event, some areas of Washington State may have to wait up to 7 days for state and/or federal assistance

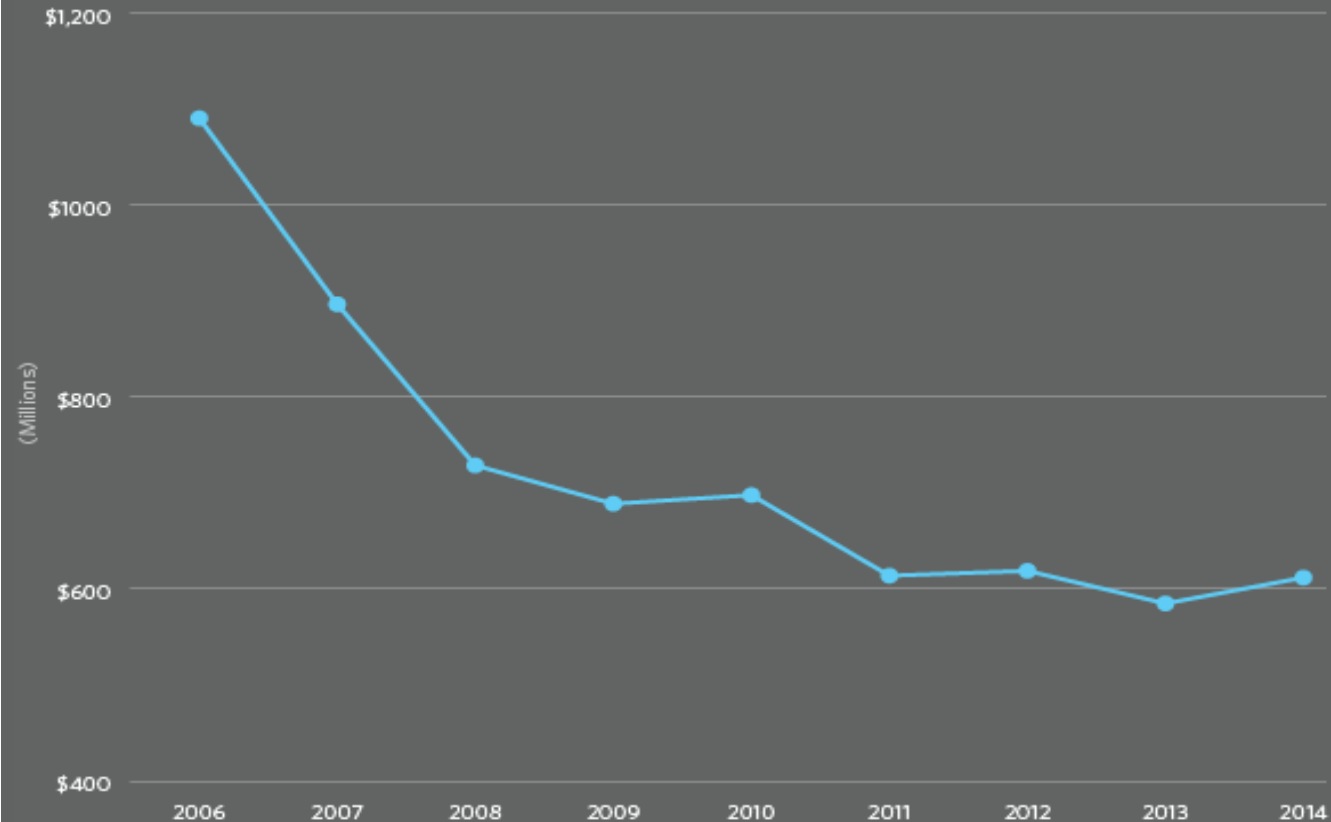
The unfolding of a catastrophic event is a poor time to begin learning how to collaborate with neighboring jurisdictions, their capabilities and available resources



Diminishing Federal Funding

Public Health Emergency Preparedness Funding (2006-2014) in Millions

Federal funding to states for infectious disease outbreaks and other public health emergencies has dropped 44 percent since 2006.



Source: U.S. Centers for Disease Control and Prevention

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Part 2

UNDERSTANDING MUTUAL AID AGREEMENTS

6 Key Benefits of Tribal-LHJ MAA

1. Faster and more organized access to resources from other jurisdictions in time of need.

5 Key Benefits of Tribal-LHJ MAA

2. Reduces legal disputes that may occur after a joint response to an incident or emergency.

5 Key Benefits of Tribal-LHJ MAA

3. Facilitates the ability for an impacted government to receive reimbursement from FEMA and Washington State

-- FEMA requires Mutual Aid Agreement for reimbursement of eligible mutual aid costs.

-FEMA Disaster Assistance Policy, DAP9523.6

5 Key Benefits of Tribal-LHJ MAA

4. Opportunity for governments to better understand each jurisdiction's system of government and builds relationships.

5 Key Benefits of Tribal-LHJ MAA

5. Provides a tool to support regional partners to regularly exercise emergency response practices and strengthen the region's capacity to respond and recover from incidents and emergencies.

5 Key Benefits of Tribal-LHJ MAA

6. Helps a government fulfill its duty to protect the lives, health and welfare of its people from threats caused by attack or extraordinary natural hazards.

Best Practices

- Develop a Mutual Aid Plan/Guidance that operationalizes the MAA
- Gain support of county and tribal leadership

Guiding Principles

Mutual Aid Agreement and Mutual Aid Guide

- Consistent with NIMS and ICS
- Where appropriate, consistent with WAMAS

Mutual Aid Guide

- MAG consistent with Mutual Aid Agreement
- Pass the 2:00am “First-Timer” test
- Exercised and updated annually

Mutual Aid Agreement Elements

1. Purpose and Intent
2. Authority
3. Control of Resources
4. Compensation for Injury
5. Liability to Third Parties & Governmental Immunity

Mutual Aid Agreement Elements

6. Indemnification
7. Reimbursement
8. Licensure
9. Dispute Resolution

Unique Legal Considerations of Tribal Mutual Aid Agreements

Tribal Granting of Temporary Authority to Local Public Health Officer

Unless a Tribal Government specifically grants temporary authority to a Local Public Health Officer, that Health Officer has NO JURISDICTION on tribal lands

Unique Legal Considerations of Tribal Mutual Aid Agreements

Tribal Sovereign Immunity

- 3rd Party Liability
- Indemnification



Unique Legal Considerations of Tribal Mutual Aid Agreements

Dispute Resolution

- Binding Arbitration
- Governing Law
- Venue

Mutual Aid Operational Guide Components

1. Preparation
2. Invoking Assistance and Responding to a Request for Assistance
3. Deployment and Coordination
4. Demobilization
5. Reimbursement

Mutual Aid Operational Guide

- Checklist format
- Provides a step-by-step approach
- Shows parallel actions for Requesting Parties and Responding Parties to execute
- Provides guidance to complete the Tribal-Public Health Mutual Aid Form

Mutual Aid Request Form

- Tool to document a Requesting Party's request for assistance and a Responding Party's offer or declination to assist
- Designed not to be a barrier to a timely response





Part 3

OVERVIEW OF AIHC MUTUAL AID AGREEMENT PROJECTS



AIHC Mutual Aid Agreement Project 2008-2010

- 2008-2010: Dr. Tom Locke and Dr. Scott Lindquist led the development of a Region 2 Tribal-LHJ Mutual Aid Agreement with the support DOH provided funding
- All 7 Tribes and 3 LHJs signed the agreement
- CDC highlighted the work as a groundbreaking national model

AIHC's MAA Project 2016-2017

OBJECTIVE 1: Revise the existing Operational Plan for Region 2

OBJECTIVE 2: Facilitate a collaborative process for tribes and local health jurisdictions in Regions 1 and 3 to develop mutual aid agreements

Partners by Region

Operational Guide Only

Mutual Aid Agreement & Operational Guide

Region 2	Region 1	Region 3
Hoh Tribe	Lummi Nation	Chehalis Tribe
Jamestown S’Klallam Tribe	Nooksack Tribe	Cowlitz Tribe
Lower Elwha Klallam Tribe	Samish Tribe	Nisqually Tribe
Makah Nation	Sauk-Suiattle Tribe	Quinault Nation
Port Gamble S’Klallam Tribe	Stillaguamish Tribe	Shoalwater Bay Tribe
Quileute Nation	Swinomish Tribe	Skokomish Tribe
Suquamish Tribe	Tulalip Tribes	Squaxin Island Tribe
Clallam County LHJ	Upper Skagit Tribe	Grays Harbor LHJ
Jefferson County LHJ	Island County LHJ	Lewis County LHJ
Kitsap County LHJ	San Juan County LHJ	Mason County LHJ
	Skagit County LHJ	Pacific County LHJ
	Snohomish County LHJ	Thurston County LHJ
	Whatcom County LHJ	

Mutual Aid Operational Guide and Mutual Aid Request Form

- Initial draft
- Outreach to Tribes and LHJs
- 11 in-person workshops
- Tabletop exercise
- Integrated participants' edits

Mutual Aid Agreement

- Initial Draft
- Attorney-to-attorney individual outreach
- Attorney workshops
- Multiple Drafts

Project Workshop Participation

Operational Staff

Attorneys



 County

 Tribal

22 Tribes
13 Counties



Snohomish County Washington



State Laws
15 Sets of Tribal Laws
Federal Standards
County Policies
History

Lessons Learned

1. Trust is key
2. History is always in the room
3. Working with governments that possess different immunity laws remains a challenge
4. Parties must weigh risk of entering into agreements vs. not entering into agreements





"SEND THIS BACK TO THE LEGAL DEPARTMENT, I THINK THEY COULD MAKE IT MUCH MORE COMPLICATED THAN THIS ..."

“In Clallam County, I tried to get the County and the four local Tribes to establish an agreement. We created draft documents, but the project crashed and burned when the lawyers got involved.”

Dr. Tom Locke, Local Health Officer, discussing Olympic MAA Process

It's all about Compromise

MAAs are not possible without parties being willing to give...

End result may not be what parties wanted in the beginning, but something they can live with



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Additional Project Outcomes

- Increased understanding of neighboring jurisdictions' resources, operations and concerns
- New relationships established
- Increased awareness of regional preparedness needs

Current Status

New Mutual Aid Agreement for Tribes And Local Health Jurisdictions In WA State - Regions 1 and 3

- Received 3 counties' signed agreements
- Received 5 tribes' signed agreements
- Several additional tribes and counties expected to submit signed agreements
- Additional follow-up next 5 months

2010 Agreement - Region 2

- All 7 tribes and all 3 counties signed agreement

AIHC Next Steps

1. Continue follow-up with Region 1 and 3 Tribes and Counties to obtain signatures
2. Continue follow-up with Region 2 to obtain share site documents
3. Maintain share sites
4. Seek funding to facilitate Tribal-Public Health Mutual Aid in the remaining 6 regions

AIHC Next Steps

5. Facilitate the *Strengthening Cross-Jurisdictional Collaboration and Mutual Aid Project*
 - Tribes and LHJs in all 9 regions
 - Collaboration and tabletop planning meeting for each region
 - Tabletop exercise will test managing and distributing medical materiel across jurisdictions

How You Can Get Involved

- Please send tribal representatives to the two CJC meetings:
(Tribal Leaders, Tribal Health Directors, Medical Directors, CHRs, Clinic Managers, Emergency Managers, YOU)
- If your jurisdiction has not yet signed the *“Mutual Aid Agreement for Tribes and Local Health Jurisdictions in Washington State,”* please consult with your legal counsel to finalize the agreement for your tribe



AIHC MUTUAL AID PROJECT

Mutual Aid Agreement for Tribes and Local Health Jurisdictions In Washington State

<http://www.aihc-wa.com/aihc-health-projects/emergency-preparedness/mutual-aid-project/>

