

# New Directions in Native Health CLE Conference

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Sponsored by the Sandra Day O'Connor College of Law at ASU, Indian Legal Program

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## Speaker Biographies

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### Linus Everling



Linus Everling is the Acting General Counsel, Gila River Indian Community. He is an enrolled member of the Turtle Mountain Chippewa Tribe, Belcourt, North Dakota. Mr. Everling received a Bachelor's Degree in Education (1979) from Dickinson State University at Dickinson, North Dakota, and a Masters Degree in Public Health (1982) and a Juris Doctor (1986) from the University of California at Berkeley.

Mr. Everling is admitted to practice law in California, Arizona, the Federal District Court for Northern California, the Federal District Court for Arizona, and the Federal 9<sup>th</sup> Circuit Court of Appeals. Mr. Everling is currently employed as Acting General Counsel with the Gila River Indian Community (the "Community") Law Office, and has served as an attorney in the Community Law Office for 10 years.

Mr. Everling's prior experience includes serving as a public health administrator and a hospital administrator for Indian Health Service (IHS), including service as the Chief Executive Officer of the Quentin N. Burdick Hospital in Belcourt, North Dakota and the Winnebago Indian Hospital in Winnebago, Nebraska. Mr. Everling negotiated Self-Governance and Self Determination (Indian Self Determination and Education Assistance Act; Public law 93-638, as amended) ("638") agreements on behalf of IHS during the 1990's, and currently negotiates 638 agreements on behalf of the Community, including 638 agreements with the Bureau of Indian Affairs, Indian Health Service, and the Bureau of Reclamation.

### Lloyd B. Miller



Lloyd B. Miller has practiced law in Washington D.C. and Alaska for over 30 years with the law firm Sonosky, Chambers, Sachse, Miller and Munson, LLP, specializing in federal Indian affairs. A major part of Mr. Miller's practice involves representing tribal health care providers operating federal programs under contracts and compacts with the Department of Health & Human Services awarded under the Indian Self-Determination Act. In related areas, Mr. Miller was deeply involved in the legislative processes leading to the 1988, 1990, 1994 and 2000 ISDA Amendments, in additional amendments dealing with eligibility and tort claims issues, and in the regulatory processes which followed those amendments. His litigation against the federal government includes a 2005 unanimous Supreme Court victory in *Cherokee Nation & Shoshone Paiute Tribes vs. Leavitt* (resulting in the recovery of \$24 million

against IHS), a 2008 recovery of \$44 million against IHS for an Alaska Native tribal provider, a 2002 class action recovery of \$29 million against the BIA over unpaid contract support costs, and various other tribal litigations against the government. He has also long represented the National Tribal Contract Support Cost Coalition, working to permanently end contract support cost underpayments that have penalized Tribes exercising their ISDA rights of self-determination, and was particularly active in the tribal efforts that led to the permanent addition of over \$130 million for CSC payments in the FY 2010 IHS and BIA appropriations (with an additional \$66 million now proposed in the President's FY 2011 Budget). As of this writing, Mr. Miller is awaiting new decisions from the Tenth and Federal Circuits on the government's liability for new breach of contract claims brought by Indian Tribes. (Since 1989, Mr. Miller has also served as Plaintiffs' Liaison Counsel in the federal and state EXXON VALDEZ litigation, where he also represents the Alaska Native Class.)

Mr. Miller received his undergraduate degree from Yale University and his law degree with honors from the University of Virginia. He recently concluded his service as Board President for Trustees for Alaska, Inc., an environmental advocacy law firm, is a former board member of Alaska Conservation Voters, is a former lawyer member on the Ninth Circuit Conference Executive Committee, has held various positions with the Federal and Alaska Bar Associations, and served for 10 years on the Board of the Alaska Legal Services Corporation. In 1987 Mr. Miller was honored by the National Indian Health Board for his work in promoting tribal self-determination in the health care arena. He and his wife (noted Native American rights attorney Heather Kendall-Miller) have two daughters (Asha and Ruth) and a granddaughter (Shoshone).

## John W. Molina, M.D., J.D., L.H.D.



Dr. John Molina (Pascua Yaqui and San Carlos Apache) is the Chief Executive Officer (CEO) for Phoenix Indian Medical Center (PIMC), an Indian Health Service hospital. Prior to his appointment as CEO for PIMC, Dr. Molina was the Medical Director and Assistant Director for the Arizona Health Care Cost Containment System (AHCCCS), Arizona's Medicaid program. He is also Founder of Las Fuentes Health Clinic, a non-profit health center in his hometown of Guadalupe, AZ. He is a graduate of the University of Arizona, College of Medicine and Arizona State University, Sandra Day O'Connor College of Law. His specialty training is in Obstetrics and Gynecology with his clinical practice having been with the Indian Health Service (IHS), an Operating Division within the U.S.

Department of Health and Human Services. The IHS is the principal federal health care provider and health advocate for Indian people. His academic interest is in Indian Healthcare Law and Policy, Healthcare Disparities, and Patient Centered Medicine. He has previously served as a member of the Advisory Committee on Women's Health and Research with the National Institutes of Health, in Washington, D.C., and the Agency for Healthcare Research and Quality (AHRQ) Effective Healthcare Program, Rockville, Maryland. Dr. Molina has published numerous medical articles related to the integration of culture and medicine, and has been the recipient of numerous Leadership awards, and has received an Honorary Degree in Doctor of Humane Letters, for his humanitarian work, from A.T. Still University of Health Sciences, Kirksville, Missouri.

## Michael H. Trujillo, MD, MS, MPH



Michael H. Trujillo, MD, MS, MPH is presently the Associate Dean and professor for the Outreach & Multicultural Affairs program of the University of Arizona College of Medicine-Phoenix. That program office serves to increase the ethnic and cultural diversity of the college's student body and faculty, and, in general, the healthcare workforce. Dr Trujillo oversees and supervises the program to interact with community organizations, create partnerships with national and local organizations, develop recruitment and retention initiatives and programs that target underrepresented students, and mentor students. In addition, the program represents and advises the College with regard to policy formulation and issues related to diversity, health disparities, and professional workforce development. Further, Dr Trujillo is engaged in the admissions activities for the College, curriculum development in areas of cultural competency and diversity, and in the interdisciplinary education and training program. Dr Trujillo also serves on the University of AZ Human Subjects Protection Program in Tucson as an Institutional Review Board (IRB) member and he is also a member of the President's "University Committee on American Indian Affairs". In Phoenix, he is also an Adjunct Professor and Co-Director in the new Public Health Practice MPH program for the College of Public Health. He is also an Associate Investigator at the University's Arizona Cancer Center in Tucson.

In addition, Dr Trujillo remains as a part-time consultant for the Translational Genomics Research Institute (TGen). He assists TGen to engage Indian communities in the development of applied community-based participatory research partnerships that will not only increase scientific understanding of the genetic basis of disease, but also lead to improvements in clinical care and treatment. In this effort, new partnerships and new alliances have developed that affect research strategies that will reduce the burden of health disparities and create new opportunities to improve health outcomes for American Indian tribes in AZ. TGen's areas of research focus include oncology, neurogenomics and metabolic disorders. Its research combines cutting-edge technology and bioinformatics with basic science to sift through the human genome that play a role in disease development and progression. Dr Trujillo was the TGen's Executive Director for Program Development & Community Outreach from October 2006 to October 2008.

From November 2008 until June 2010, Dr Trujillo was the Health Research Director for the Inter-Tribal Council of Arizona, Inc (ITCA) in Phoenix, AZ. There, he assisted the Executive Office of ITCA in managing, coordinating the various health care initiatives, projects and grants, and extended collaboration with Federal, non-Federal, state, community and American Indian tribal organizations and programs. ITCA provides member tribes with the means for action on matters that affect them collectively or individually, to promote tribal sovereignty and to strengthen tribal governments. It provides technical assistance and training to tribal governments in program planning and development, research and data collection, resource development and management and evaluation. It facilitates participation of tribal leaders in the formulation of public and health policy at all levels. The goal of ITCA and its commitment to the member tribes is to ensure the self-determination of Indian tribal governments through their participation in the development of policies and programs which affect their lives.

Dr Trujillo also holds academic appointments at the Arizona State University (ASU) in Tempe, AZ as Clinical Professor at the Center of Metabolic Biology, and as Professor of Practice at the

ASU School of Public Affairs. Dr Trujillo continues his academic relationship with the University of Minnesota as an Adjunct Associate Professor at the School of Public Health. Dr Trujillo is also consultant for the Salt Lake City, UT VA Regional Medical Center to implement health care services, including telemedicine, in rural areas in several western states through a national VA rural clinics initiative from the VA Central Office in Washington, DC. He is also a consultant for American Indian programs of the Banner Health Care system's Alzheimer's Institute in Phoenix, AZ. In addition, he has continued as a part-time consultant for the Cancer Research & Treatment Center at the University of New Mexico in Albuquerque, NM. Until the beginning of 2010, he was also a consultant for the nationwide "Spirit of Eagles" cancer outreach program to American Indian tribes and communities at the Mayo Clinic, Rochester, MN.

Dr Trujillo previously served as the Director of the Indian Health Service (IHS), an agency within the Department of Health and Human Services (DHHS), in Rockville, MD. In March 1994, Dr Trujillo was the first Presidential appointed Director of the IHS with Senate confirmation. As Director, he was an Assistant Surgeon General/Rear Admiral (08) in the US Public Health Service (USPHS). He served two confirmed four year terms as the national IHS Director. In June 2002, he was appointed to the Office of the Surgeon General, DHHS, where he was involved in nationwide initiatives to improve the health status and disparities in health care of minority and underserved populations. In May 2003, he retired after serving 29 years as a USPHS Commissioned Corps Officer and having served in several agencies of the DHHS and Bureau of Prisons (BoP) of the Department of Justice. During his Commissioned Corps career, he served in various clinical and management positions in many locations throughout the US in both federal Departments.

While serving as the Director of the IHS, Dr Trujillo led the effort that resulted in unprecedented tribal participation and collaboration in the IHS and within the DHHS. He headed an IHS budget expansion of over one billion dollars to the Agency, tribes and urban Indian programs to be over 5 billion dollars and more than 15,000 employees. He directed the Agency in developing the expansion for tribes to manage their own health care programs through the new Self-Governance compacting process. He led the Agency's headquarters reorganization with participation of tribal and urban Indian program leadership; and, he directed the development of a business plan for the Agency, as well as initiated numerous collaborations and partnerships with professional organizations, foundations, academic institutions and medical schools. He greatly strengthened the relationship and reputation of the IHS with Congress and with its authorizing and appropriation committees. In addition, Dr Trujillo participated in the DHHS's international activities and was a Department representative to both the World Health Organization and the Pan American Health Organization. He fostered the Agency's initiatives across other federal departments, and participated in numerous White House activities and initiatives for American Indian/Alaska Natives (AI/AN) and other underserved populations. He co-authored and co-directed the Department's new tribal consultation policy and initiative with AI/AN tribes. He strengthened the IHS research initiatives with academic research institutions and medical centers and with the NIH. Dr Trujillo maintained that tribal leaders and communities must be an equal partner in any conducted research and that research programs must meet tribal approval and be culturally appropriate. Throughout his tenure, he emphasized that traditional AI/AN healing ceremonies and practices are an integral part of AI/AN health care programs. He emphasized that the IHS was "to serve" AI/AN people nationwide and that it was only a part of a larger Indian health care system, the "I-T-U" (IHS/tribal/ urban programs). He brought a new vision and "transparency" of operations to the Agency and involved tribal officials and urban Indian leaders nationwide in the Agency's management programs and policy and budget formulation and evaluation processes.

## Rebecca Tsosie



Professor of Law, Willard H. Pedrick Distinguished Research Scholar  
Executive Director, Indian Legal Program  
Faculty Fellow, Center for Law and Global Affairs  
Affiliate Professor, American Indian Studies Program  
Sandra Day O'Connor College of Law

Rebecca Tsosie teaches in the areas of Indian law, Property, Bioethics, and Critical Race Theory, as well as seminars in International Indigenous Rights and in the College's Tribal Policy, Law, and Government Master of Laws program. She has written and published widely on doctrinal and theoretical issues related to tribal sovereignty, environmental policy and cultural rights, and is the author of many prominent articles dealing with cultural resources and cultural pluralism. Professor Tsosie also is the co-author with Robert Clinton and Carole Goldberg of a federal Indian law casebook. Her current research deals with Native rights to genetic resources. Professor Tsosie annually speaks at several national conferences on tribal sovereignty, self-determination, and tribal rights to environmental and cultural resources.

Professor Tsosie joined the College faculty in 1993 and has served as Executive Director of the top-ranked Indian Legal Program since 1996. She was appointed as a Willard H. Pedrick Distinguished Research Scholar in 2005 and, before that, she held the title of Lincoln Professor of Native American Law and Ethics.

Professor Tsosie, who is of Yaqui descent, has worked extensively with tribal governments and organizations and serves as a Supreme Court Justice for the Fort McDowell Yavapai Nation.

## Alvin Warren (*Invited*)



Alvin Warren is the Cabinet Secretary of the New Mexico Indian Affairs Department. He was appointed by Governor Bill Richardson on January 11, 2008.

Prior to this, he was elected to serve two consecutive terms as lieutenant governor of Santa Clara Pueblo, a federally-recognized tribe in northern New Mexico. Secretary Warren has served a total of eight terms in Santa Clara's government as lieutenant governor, tribal interpreter, tribal treasurer, and tribal councilmember. Previously, Secretary Warren worked for sixteen years to assist his tribe and other indigenous peoples with mapping, protecting and reacquiring their traditional lands. From 2004 through 2005 he was the national director of the Trust for Public Land's "Tribal Lands Program." He has also been an associate director of the Indigenous Communities Mapping Initiative, director of the Santa Clara Pueblo Land Claims / Rights Protection Program, and a consultant. In these capacities he was fortunate to assist Santa Clara Pueblo with reacquiring title or additional rights to over 16,000 acres of its ancestral lands. He was also the conference coordinator for the first International Forum on Indigenous Mapping held from March 11-14, 2004 in Vancouver, British Columbia, Canada.

Secretary Warren previously served as the chairman of the New Mexico Indian Affairs Commission, having been appointed by Governor Bill Richardson to this position in August, 2007 after serving a year as a Commissioner. He is also the founding chairperson of the Santa Clara Pueblo Governor's Task Force on Youth and Families and a former vice-chairman and member of the Santa Clara Day School Board of Education. He has served on Santa Clara committees responsible for mortgage lending, land claims, water rights and Tewa language preservation. In 2007, he was appointed by the Santa Clara Tribal Council as the Pueblo's representative to the All Indian Pueblo Council's Pueblo Health Committee. In 2001 the U.S. Secretary of Agriculture appointed Secretary Warren to the first Technical Advisory Panel for the Collaborative Forest Restoration Program. Secretary Warren also serves on the Board of Directors of the Earth Circle Foundation. Previously he has been a member of the Board of Directors for the Chamiza Foundation, a member of the New Mexico Parks and Recreation Advisory Committee as well as chairman of The Trust for Public Land's "Tribal Lands Advisory Council" and a member of its "Center for Land and People Advisory Council."

Secretary Warren has been an Andrew W. Mellon Foundation Mellon Mays undergraduate fellow and a Rockefeller Foundation Next Generation Leadership fellow. He is currently a colleague with the New Mexico Strategic Leadership Institute. Secretary Warren graduated from Dartmouth College with a bachelor's degree in History with High Honors and Certification in Native American Studies. He is an enrolled member of Santa Clara Pueblo, was born and raised in northern New Mexico and lives in Santa Clara with his wife and three children.