

April 11, 2012

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Communication, WC Docket No. 02-60

Dear Ms. Dortch:

On March 7, 2012, the following representatives of the Indian Health Service (IHS) spoke via telephone with Linda Oliver, Christianna Barnhart, Chin Yoo, and Samantha Flanzer of the Wireline Competition Bureau and Irene Flannery of the Office of Native Affairs and Policy: Dr. Howard Hays, Chief Information Officer (Acting) and Director, Office of Information Technology; LCDR Mark Rives, Deputy Chief Information Officer; and Dr. Mark Carroll, Telehealth Clinical Consultant and Director (Acting) of Native American Cardiology Program. The purpose of the call was to discuss the telecommunications needs of rural health care providers in Tribal areas, in response to the Commission's July 15, 2010, Notice of Proposed Rulemaking in the above-referenced docket.

The IHS representatives discussed the importance of broadband connections to the delivery of health care on Tribal lands, making many of the same points that have been made by IHS and HHS before the FCC and elsewhere (see resources list below). They said that the FCC's rural health care program had been useful in funding broadband connections in many Tribal areas and communities (for example, in Arizona and Alaska). In response to a question about the IHS partnerships with Tribes and Tribal programs, they noted that IHS has negotiated self-governance compacts with nearly 60 percent of the federally recognized Tribes, and that this program makes up about 33 percent of the annual IHS budget.<sup>1</sup>

The participants estimated that 89% of IHS and Tribal *hospitals* on the IHS wide area network have more than a single T-1 network connection. However, they also estimated that only about 14% of IHS and Tribal *clinics* on the IHS network have similar connectivity (> a single T-1 connection). The participants said that it was hard to predict bandwidth needs in the future, but that needs were likely to continue to expand and that some of the following factors may be relevant to that expansion: the availability of broadband towers and infrastructure, the adoption of telemedicine, the use of Health Information Exchanges, the adoption of comprehensive electronic health records, the implementation of e-prescribing, and the extent of CMS reimbursement for telemedicine. They added that when reimbursement is more widely available for telemedicine, demand for bandwidth is likely to increase rapidly. They noted that reimbursement from Medicare, Medicaid, and Private Insurance makes up a large percentage of the annual budgets for many Indian health facilities, and that IHS and Tribal health facilities frequently refer patients to non-IHS clinicians and facilities for specialty care

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<sup>1</sup> Indian Health Services, IHS Fact Sheets: Tribal Self-Governance, <http://www.ihs.gov/PublicAffairs/IHSBrochure/TrblSlfGov.asp> (last visited March 28, 2012).

The participants provided references to materials about telehealth in Tribal communities and the role of broadband in enabling telehealth applications in those areas. A list of those resources is below:

1. Testimony of Dr. Howard Hays before the Senate Committee on Indian Affairs, Acting Chief Information Officer, IHS, October 2011, on Internet Infrastructure in Native Communities: Equal Access to e-Commerce, Jobs, and the Global Marketplace.<sup>2</sup>
2. Mark Carroll, *et al.*, Innovation in Indian Healthcare: Using Health Information Technology to Achieve Health Equity for American Indian and Alaska Native Populations.<sup>3</sup>
3. Letter from Kathleen Sebelius, Secretary, Department of Health and Human Services (April 18, 2011), filed in WC Docket No. 10-90, In the Matter of Connect America Fund, A National Broadband Plan for Our Future, High-Cost Universal Service Support.<sup>4</sup>
4. Indian Health Services, IHS Fact Sheets, available on the IHS website.<sup>5</sup> In particular, call participants referenced the Indian Health Disparities,<sup>6</sup> IHS: A Quick Look,<sup>7</sup> the IHS Year 2012 Profile,<sup>8</sup> and the IHS Urban Indian Health Program<sup>9</sup> fact sheets.
5. Access to Mental Health Services at Indian Health Service and Tribal Facilities, September 2011, Report of the Office of Inspector General, Office of Health and Human Services.<sup>10</sup> One of the report's three recommendations was that IHS should continue to expand its telemedicine capabilities and provide guidance and technical assistance in telemedicine to tribal health care providers.

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<sup>2</sup> *Internet Infrastructure in Native Communities: Equal Access to e-Commerce, Jobs, and the Global Marketplace: Oversight Hearing Before the S. Comm. on Indian Affairs*, 111<sup>th</sup> Cong (statement of Dr. Howard Hays, Chief Information Officer, Indian Health Services), available at <http://www.indian.senate.gov/hearings/hearing.cfm?hearingid=0bd5589287f5bbb3d229c1850f6ff999&witnessId=0bd5589287f5bbb3d229c1850f6ff999-1-2>.

<sup>3</sup> Mark Carroll, et al., Innovation in Indian Healthcare: Using Health Information Technology to Achieve Health Equity for American Indian and Alaska Native Populations,<sup>3</sup> 8 PERSPECT HEALTH INF. MANAG. 1d (2011), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3035828/>.

<sup>4</sup> Letter from Kathleen Sebelius, Secretary, Department of Health and Human Services, to Julius Genachowski, Chairman, Federal Communications Commission, WC Dkt. No. 10-90 (filed April 18, 2011), available at <http://fjallfoss.fcc.gov/ecfs/comment/view?z=hccdf&id=6016377665>

<sup>5</sup> Indian Health Services, IHS "Fact Sheets," <http://www.ihs.gov/PublicAffairs/IHSBrochure/index.asp> (last visited March, 28 2012).

<sup>6</sup> Indian Health Services, IHS Fact Sheet: Indian Health Disparities, <http://www.ihs.gov/PublicAffairs/IHSBrochure/Disparities.asp> (last visited March, 28 2012).

<sup>7</sup> Indian Health Services, IHS Fact Sheet: Indian Health Service, a Quick Look, <http://www.ihs.gov/PublicAffairs/IHSBrochure/QuickLook.asp> (last visited March, 28 2012).

<sup>8</sup> Indian Health Services, IHS Fact Sheet: IHS Year 2012 Profile, <http://www.ihs.gov/PublicAffairs/IHSBrochure/Profile.asp> (last visited March, 28 2012).

<sup>9</sup> Indian Health Services, IHS Fact Sheet: Urban Indian Health Program, <http://www.ihs.gov/PublicAffairs/IHSBrochure/UrbnInds.asp> (last visited March, 28 2012).

<sup>10</sup> *Access to Mental Health Services at Indian Health Service and Tribal Facilities 22*, Office of Inspector General, Office of Health and Human Services (2011), available at <http://oig.hhs.gov/oei/reports/oei-09-08-00580-00581.asp>.

6. Jay Shore, *et al.*, Review of American Indian Veteran Telemental Health, Telemedicine and E-Health Journal, March 2012.<sup>11</sup>

Respectfully submitted,

          /s/            
Linda Oliver  
Attorney Advisor  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>11</sup> Jay Shore, et al., *Review of American Indian Veteran Telemental Health*, 18 TELEMED. & E-HEALTH 87-94 (2012), available at <http://online.liebertpub.com/doi/abs/10.1089/tmj.2011.0057>.