

**Salt River Pima-Maricopa
Indian Community**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-500-2018

AN ORDINANCE TO AMEND CHAPTER 13 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES BY ENACTING CHAPTER 13 ARTICLE VI SECTIONS 13-150 THROUGH 13-157 TO PROTECT THE PUBLIC HEALTH AND WELFARE BY ENSURING THE PROPER LICENSING AND REGULATION OF PRIVATE BUSINESSES THAT PROVIDE HUMAN AND ANIMAL MEDICAL OR HEALTH RELATED SERVICES, COSMETOLOGY SERVICES, OR ENTITIES THAT HAVE BIOLOGICAL MATERIAL OR WASTE.

BE IT ENACTED THAT:

Chapter 13 of the Salt River Pima-Maricopa Community Code of Ordinances is hereby amended to enact Article VI Sections 13-150 through 13-157 as follows:

Article VI.

**Private Medical & Health Care Providers, Entities that Provide Cosmetology Services or
Entities that have Biological Material or Waste Operating in the Community**

Sec. 13-150 Policy.

- (a) It is the policy of the Community to protect the public health and welfare and therefore, require all non-governmental human and animal medical and health care professionals and entities to have the proper accreditations, certifications and/or licensing that are generally required by the State of Arizona.
- (b) It is the policy of the Community to protect the public from infectious bacteria and other illnesses when cosmetology services are offered within the boundaries of the Community.
- (c) It is also the policy of the Community to ensure the proper handling and disposal of all biological material and waste that may be created, disposed of, or stored within the boundaries of the Community.

Sec. 13-151 Definitions.

Person for purposes of this Article is a person who is engaging in the activity defined in Section 13-152(a).

Private entities or private entity for purposes of this Article means a business that is not the SRPMIC government or any of its divisions or enterprises.

Sec. 13-152 Applicability.

- (a) This ordinance applies to the following private entities and persons that are leasing space, engaged in business or providing the following services:
 - (1) Human or animal medical or health care providers, laboratories, centers, institutions, hospitals, clinics, facilities, and schools;
 - (2) Cosmetology services (hair salons or barber shops, nail salons, body adornment salons, cosmetic laser services, etc.); and
 - (3) Businesses that create, dispose or store human or biological material or waste products.
- (b) By entering into a lease within the boundaries of the Community, procuring a Community Business License, or engaging in business or providing services within the boundary of the Community, a private entity or person has consented to the inherent civil regulatory authority of the Community to regulate the conduct of that entity or person and their activities within the Community's territory and jurisdictional boundaries.
- (c) This ordinance does not apply to the SRPMIC government or any of its divisions or enterprises.

Sec. 13-153 Requirements.

All private entities or persons who meet the criteria of Section 13-151 above, must meet the following criteria:

- (a) properly licensed and be in good standing with the relevant Arizona State licensing or accrediting entity.

Some examples of these Arizona licensing or accrediting agencies or associations include but are not limited to:

The Arizona Medical Board, Arizona Regulatory Board of Physicians Assistants, Arizona Naturopathic Physicians Board of Medical Examiners, Arizona Board of Podiatry Examiners, Arizona State Board of Nursing, Arizona Respiratory Care Examiners Board, Arizona Pharmacy Board, Arizona Board of Occupational Therapy Examiners, Arizona Board of Osteopathic Examiners in Medicine and Surgery, Arizona Dental Board, Arizona Chiropractic Board, Arizona Optometry Board, Arizona Acupuncture Board of Examiners, Arizona Behavioral Health Examiners Board, Arizona Board of Homeopathic and Integrated Medicine Examiners, Arizona Medical Radiologic Technology Board of Examiners, Nursing Care Institution Administrators and Assisted Living Facility Managers Board of Examiners, Arizona Board of Dispensing Opticians, Arizona State Board of Optometry, Arizona Board of Physical Therapy, the Arizona State Board of Psychologist

Examiners, the Arizona State Board of Cosmetology, the Arizona Board of Funeral Directors and Embalmers, Arizona Department of Health Services - Long Term Care Licensing, and the Arizona State Veterinary Medical Examining Board (as this list may be amended by the Community's Department of Health and Human Services Department through policy);

- (b) operating under a valid Community business license;
- (c) complying with all existing Community laws and regulations and those that may be enacted or adopted by the Community.

Sec. 13-154 Cooperation with Outside Agencies.

- (a) As an act of sovereignty, the Community hereby authorizes Arizona licensing and accrediting agencies to conduct on-site inspections within the Community regarding these private entities and persons so long as they comply with the requirements of this ordinance.
- (b) All private entities and persons referenced in section 13-152 must notify the Community's Department of Health and Human Services prior to any scheduled visit, audit, inspection, or similar activity, or upon arrival for any unscheduled visit, by any Arizona licensing or accrediting agency.
- (c) The Community Department of Health and Human Services or the Community's Risk Management Officer has the authority to attend any on-site inspection that occurs within in the boundaries of the Community.

Sec. 13-155 Revocation of Business License.

- (a) Any private entity or person that meets the requirements of this ordinance, and who is not properly licensed or accredited by the State of Arizona or other relevant licensing or accrediting entity, may have their Community business license revoked.
- (b) A revocation of a business license would be initiated by the Community's Health and Human Services Department or the Community's Risk Management Officer. All petitions to revoke a business license must be made to the Community Manager. The Community Manager would ensure the licensee was provided notice of the proposed revocation and a hearing before an administrative judge appointed by the Community Manager.

Sec. 13-156 Roles and Responsibilities.

- (a) The Community Department of Health and Human Services is hereby authorized to develop and implement policies, regulations, and requirements necessary to fully implement this ordinance.

- (b) The Community Department of Health and Human Services and the Community's Risk Management Officer are authorized to seek revocation of the Community business license if the holder of that license fails to comply with the requirements of this ordinance or if the Department reasonably believes there is a substantial risk to the public's health and safety.

Sec. 13-157 Sovereign Immunity

Nothing in this ordinance is or shall be construed as waiver of the Community's sovereign immunity.

C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1 of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 18th day of July, 2018, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 8 for; 0 opposed, 0 abstentions, 1 away at time of vote; and 0 excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**



Martin Harvier, Vice-President

ATTEST:



Erica Harvier, Council Secretary

