



December 12, 2024

Dear Tribal Leader and Urban Indian Organization Leader:

I am writing to you today to reaffirm the commitment of the Indian Health Service (IHS) to protecting our patients and improving the Purchased/Referred Care (PRC) program.

One demonstration of this commitment is the collaborative work the IHS began in August with the Consumer Financial Protection Bureau (CFPB). Together, we are working to protect eligible PRC patients receiving IHS-approved medical services from being subjected to improper bills from medical providers and collection activities from debt collectors as prohibited under the Indian Health Care Improvement Act (IHCIA), the Fair Debt Collection Practices Act (FDCPA), and the Fair Credit Reporting Act (FCRA).

The IHS and the CFPB are communicating with providers, medical billers, and debt collectors through a joint letter. In the letter, the IHS is reiterating that the IHCIA prohibits them from holding approved PRC program patients liable for any costs or charges associated with the approved health care services. Specifically, the IHCIA at 25 U.S.C. § 1621u(a) states:

“A patient who receives contract health care services that are authorized by the [Indian Health] Service shall not be liable for the payment of any charges or costs associated with the provision of such services.”

Our messaging emphasizes that the IHCIA specifically prohibits health care providers and suppliers from collecting any payments for approved PRC program services from patients, whether directly or through a collection agency or debt collector. Payment delays within the medical billing process do not remove these legal protections. As clarified by the CFPB in the joint letter, debt collectors may be strictly liable for violating the FDCPA when they attempt to collect from approved PRC patients improper bills that are not actually owed by the patient or are in the wrong amount. Debt collectors also may violate the FCRA when they furnish inaccurate information, including information about improper bills.

The IHS is committed to improving the PRC program. We are building on past actions including advocating at the local level for patients with unfair billing or collection issues and working with the Department of Health and Human Services’ Office of the General Counsel to draft letters to cease to debt collectors. The IHS took action in July 2024 to strengthen the existing referral language to include the IHCIA provisions on all PRC-approved referrals, and we continue the work to improve the payment process through our fiscal intermediary. These actions were shared with the CFPB as they researched the impact of medical debt and how it accrues within our native communities. The CFPB published its report, *Medical Collections on Credit Reports in Native American Communities* in conjunction with this communication.

The IHS collaboration with the CFPB will help us to disseminate information about these legal protections for patients to our vendors, credit agencies, and debt collectors, while also providing an avenue for the IHS to begin monitoring complaints from our IHS beneficiaries.

I understand and recognize that past challenges associated with the PRC program may have negatively impacted our patients. We strongly recommend that our patients monitor their credit by requesting a free copy of their credit report each year. Patients who have been negatively impacted are encouraged to contact their local PRC program and submit a complaint to the CFPB complaint portal. Further details related to medical debt are available on the CFPB website.

We appreciate your advocacy for improving the PRC Program. We are committed to further enhancing the program and protecting our patients.

Sincerely,

/ Roselyn Tso /

Roselyn Tso
Director