

(Pub. L. 94-437, title VI, § 603, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

### Editorial Notes

#### CODIFICATION

Section 603 of Pub. L. 94-437 is based on section 172 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

#### PRIOR PROVISIONS

A prior section 1663, Pub. L. 94-437, title VI, § 603, as added Pub. L. 102-573, title VI, § 603, Oct. 29, 1992, 106 Stat. 4571, authorized appropriations through fiscal year 2000 to carry out this subchapter, prior to repeal by Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935. The repeal is based on section 101(b)(10) of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

### § 1663a. Nevada Area Office

#### (a) In general

Not later than 1 year after March 23, 2010, in a manner consistent with the tribal consultation policy of the Service, the Secretary shall submit to Congress a plan describing the manner and schedule by which an area office, separate and distinct from the Phoenix Area Office of the Service, can be established in the State of Nevada.

#### (b) Failure to submit plan

##### (1) Definition of operations funds

In this subsection, the term “operations funds” means only the funds used for—

(A) the administration of services, including functional expenses such as overtime, personnel salaries, and associated benefits; or

(B) related tasks that directly affect the operations described in subparagraph (A).

##### (2) Withholding of funds

If the Secretary fails to submit a plan in accordance with subsection (a), the Secretary shall withhold the operations funds reserved for the Office of the Director, subject to the condition that the withholding shall not adversely impact the capacity of the Service to deliver health care services.

##### (3) Restoration

The operations funds withheld pursuant to paragraph (2) may be restored, at the discretion of the Secretary, to the Office of the Director on achievement by that Office of compliance with this section.

(Pub. L. 94-437, title VI, § 604, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

### Editorial Notes

#### CODIFICATION

Section 604 of Pub. L. 94-437 is based on section 173 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

## SUBCHAPTER V—BEHAVIORAL HEALTH PROGRAMS

### Editorial Notes

#### CODIFICATION

Title VII of the Indian Health Care Improvement Act, comprising this subchapter, was originally enacted by Pub. L. 94-437, title VII, as added Pub. L. 102-573, title VII, § 702(a), Oct. 29, 1992, 106 Stat. 4572, and amended by Pub. L. 104-313, Oct. 19, 1996, 110 Stat. 3820; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105-256, Oct. 14, 1998, 112 Stat. 1896; Pub. L. 110-315, Aug. 14, 2008, 122 Stat. 3078. Such title is shown herein, however, as having been added by Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935, without reference to such intervening amendments because of the extensive revision of the title’s provisions by Pub. L. 111-148. A prior title VII was renumbered VIII by Pub. L. 102-573 and is classified to subchapter VI of this chapter.

### PART A—GENERAL PROGRAMS

#### § 1665. Definitions

In this part:

##### (1) Alcohol-related neurodevelopmental disorders; ARND

The term “alcohol-related neurodevelopmental disorders” or “ARND” means, with a history of maternal alcohol consumption during pregnancy, central nervous system abnormalities, which may range from minor intellectual deficits and developmental delays to mental retardation. ARND children may have behavioral problems, learning disabilities, problems with executive functioning, and attention disorders. The neurological defects of ARND may be as severe as FAS, but facial anomalies and other physical characteristics are not present in ARND, thus making diagnosis difficult.

##### (2) Assessment

The term “assessment” means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

##### (3) Behavioral health aftercare

The term “behavioral health aftercare” includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

##### (4) Dual diagnosis

The term “dual diagnosis” means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

**(5) Fetal alcohol spectrum disorders****(A) In general**

The term “fetal alcohol spectrum disorders” includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

**(B) Inclusions**

The term “fetal alcohol spectrum disorders” may include—

- (i) fetal alcohol syndrome (FAS);
- (ii) partial fetal alcohol syndrome (partial FAS);
- (iii) alcohol-related birth defects (ARBD); and
- (iv) alcohol-related neurodevelopmental disorders (ARND).

**(6) FAS or fetal alcohol syndrome**

The term “FAS” or “fetal alcohol syndrome” means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

(A) Central nervous system involvement, such as mental retardation, developmental delay, intellectual deficit, microcephaly, or neurological abnormalities.

(B) Craniofacial abnormalities with at least 2 of the following:

- (i) Microphthalmia.
- (ii) Short palpebral fissures.
- (iii) Poorly developed philtrum.
- (iv) Thin upper lip.
- (v) Flat nasal bridge.
- (vi) Short upturned nose.

(C) Prenatal or postnatal growth delay.

**(7) Rehabilitation**

The term “rehabilitation” means medical and health care services that—

(A) are recommended by a physician or licensed practitioner of the healing arts within the scope of their practice under applicable law;

(B) are furnished in a facility, home, or other setting in accordance with applicable standards; and

(C) have as their purpose any of the following:

- (i) The maximum attainment of physical, mental, and developmental functioning.
- (ii) Averting deterioration in physical or mental functional status.
- (iii) The maintenance of physical or mental health functional status.

**(8) Substance abuse**

The term “substance abuse” includes inhalant abuse.

(Pub. L. 94-437, title VII, §701, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

**Editorial Notes****CODIFICATION**

Section 701 of Pub. L. 94-437 is based on section 181 of title I of S. 1790, One Hundred Eleventh Congress, as re-

ported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**PRIOR PROVISIONS**

A prior section 1665, Pub. L. 94-437, title VII, §701, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4572, related to responsibilities of Indian Health Service for alcohol and substance abuse prevention and treatment, prior to the general amendment of this subchapter by Pub. L. 111-148.

**§ 1665a. Behavioral health prevention and treatment services****(a) Purposes**

The purposes of this section are as follows:

(1) To authorize and direct the Secretary, acting through the Service, Indian tribes, and tribal organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

(3) To assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

(4) To provide authority and opportunities for Indian tribes and tribal organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

**(b) Plans****(1) Development**

The Secretary, acting through the Service, Indian tribes, and tribal organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, and urban Indian organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

- (i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or