



National Indian Health Board NATIONAL TRIBAL COVID-19 RESPONSE

910 Pennsylvania Avenue, SE | Washington, D.C. 20003 | 202-507-4070 | www.nihb.org

Updated 3/23/2020

States of Emergency and Tribal Nations

Background

In December 2019, a new strain of coronavirus (COVID-19) was first detected in the Wuhan province of China. Over the ensuing months, the disease has spread to all corners of the world and the United States is no exception. Cases have been reported in all 50 states and every state (and many Tribal nations) has responded by declaring a state of emergency. What this means will vary by state.

The declaration of a state of emergency is also an important administrative step to accessing funding and assistance from the federal government with FEMA the lead agency.

How does it usually work?

In virtually every state, a state declaration allows the attorney general to begin enforcing price gouging laws, the governor to activate the National Guard, and state agencies to assume new powers needed to address the disaster. State declarations also result in the activation of a state's emergency response plan, emergency operations centers, and all the components of the [National Incident Management System](#) (NIMS) and Incident Command System (ICS). A federal declaration automatically results in approval of state declarations.

What have states done for COVID-19?

There are several examples of how states have moved to use their powers to address COVID-19. For example:

- Missouri has expanded access to Medicaid for COVID-19 treatment to those who test positive and meet income and resource eligibility.
- Many states have issued “shelter in place” orders.
- Many states have activated their National Guards to deliver supplies to residents.
- States have either ordered restaurants and other hospitality industries closed or have restricted the number of people who can congregate in one space.
- Vermont and Minnesota have classified grocery store workers as “essential workers,” expanding their access to certain benefits such as child care.
- Some states have opened up health insurance exchange marketplace to allow residents to enroll in health insurance.

How does this impact Tribes?

Tribes are generally not immediately subject to state jurisdiction. Tribes with Emergency Preparedness plans typically include a formal agreement to access state and federal emergency resources. They sometimes include mutual assistance agreements with city and county governments. Importantly, they follow the NIMS guidelines



National Indian Health Board NATIONAL TRIBAL COVID-19 RESPONSE

910 Pennsylvania Avenue, SE | Washington, D.C. 20003 | 202-507-4070 | www.nihb.org

which facilitate reimbursement of emergency costs, but most expect the COVID-19 crisis to result in funding streams outside the FEMA regulations for Emergencies.

Tribes have citizens who participate in state programs who may be impacted by changes during an emergency declaration. Tribal citizens who live in more rural communities may find themselves unable to go to the closest off-reservation urban community for social activities. The restrictions on the number of people who can be in a space have resulted in the cancellation of concerts and sporting events. Tribal citizens are best positioned to benefit when states expand access to state programs. For example, those who are in a state where access to Medicaid is expanded during an emergency would be able to enroll in the program, which would increase access to funding for the I/T/U system through Medicaid's role as a third party payer.

Conclusion

Tribal citizens will likely be impacted by the states of emergency that have been declared. What actions are taken will vary by state outside the broad outlines of emergency response. Tribal citizens are encouraged to access their trusted organizations and research their own state and what is being enacted and keep abreast of media reports.

Questions?

Please contact Christopher Chavis, Policy Analyst, at 202-750-3402 or at cchavis@nihb.org.