

Judge refuses suit; hospital to close

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A last-minute effort to keep the Tanana Hospital open has apparently failed.

U.S. District Judge James Fitzgerald last week ruled against the Tanana Village and the Tanana Chiefs Conference which had asked Fitzgerald to stop the closure of the hospital.

Fitzgerald's order against Tanana and TCC was read orally in a court proceeding last Wednesday and it has not yet been transcribed so his reasons for ruling against Tanana are unknown.

The hospital was scheduled to be closed earlier this year because, according to the Indian Health Service, it is old, antiquated, and would require too much money to bring it up to modern standards.

The IHS contracted with the Tanana Chiefs Conference to determine the need for the hospital in the Interior and the TCC agreed that the hospital should be turned into a clinic-type facility where no over-

night patients would be cared for.

According to IHS officials, the hospital rarely has a patient load which is approaching 50 percent of all beds in use.

But, when the hospital was scheduled to be closed, Tanana and other villages objected, contending they were not made aware of the plans or proposals to close the facility.

In a legal brief supporting the Tanana suit, attorney Mark Choate of Fairbanks said the closure is wrong for three reasons.

1) The closure would impair quality of health care to Indians.

2) The closure is a denial of Indian rights to representation in health care delivery.

3) That the closure is a denial of the Indian right to self-determination.

The suit contends that by transferring hospital care to the Fairbanks Memorial Hospital, access to health care is

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Reasons for suit rejection unknown

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reduced. Choate cites frequent ice fogs and summer fogs in Fairbanks which occasionally keep airplanes from landing. Airplanes are the main transportation from the villages to Fairbanks.

The suit also states that because of the limited access, fewer people will seek medical care if needed and such a discouragement constitutes an irreparable injury, according to the American Medical Association.

The suit further contends that there is considerable evidence that village residents are "more comfortable" being treated in the villages and don't trust the Fairbanks hospital. Such feelings weigh considerably in the patients' ability to get well, said the suit.

The suit also contends that by losing the village-based hospital, the Athabascans are losing their representation in their health care delivery as directed by the Indian Self-Determination Act and in the Indian Health Care Improvement

Act of 1976.

Tanana contended in its suit that it was not adequately represented by the Tanana Chiefs Conference in the matter. TCC had supported closing the hospital until this year's TCC annual meeting when members objected.

TCC attacked the matter on a different angle and contended that the legislative history of the federal funding for the hospital was to pay for continued operation of the hospital, not for the hospital's closure.

The U.S. Justice Department, representing the federal government, relied on the fact that TCC had carried out the contract which resulted in the decision to close the hospital. One area of the legal brief from the government said that TCC was coming "before the court with unclean hands,"

because of its previous position.

The decision to close the hospital doesn't have to get village permission because the decision was "an administrative decision to close an antiquated facility and use the funds elsewhere," said the government.

The closure will allow the government to cut funding for the hospital from \$2 million per year to \$250,000 per year. The hospital already has stopped taking overnight patients and hopes to begin full-scale outpatient service by Oct. 1.

Choate said he was to meet with the Tanana Village Council this week to find out what they wanted to do. An appeal would depend on Fitzgerald's reasons for rejecting the Tanana suit. Choate also said that an appeal is costly and the village has limited resources.