**AGREEMENT BETWEEN THE NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES (DEPARTMENT) AND [NAME OF TRIBAL GOVERNMENT] TO ENTER INTO AN AGREEMENT AS REQUIRED BY NORTH DAKOTA CENTURY CODE (NDCC) SECTION 50-24.1-40.**

This Agreement is between the DEPARTMENT and [name of Tribal Entity].   In entering into this Agreement, the [name of Tribal Entity] is bound to the requirements in NDCC section 50-24.1-40 and this Agreement:

The [name of Tribal Entity] agrees to:

(1) Use the money distributed under NDCC section 50-24.1-40 for purposes related to the ten (10) essential services of public health identified by the federal centers for disease control and prevention and the development or enhancement of community health representative programs or services; however, through June 30, 2025, no more than fifty (50) percent, and thereafter, no more than thirty-five (35) percent, may be used for capital construction.

(2) Submit to DEPARTMENT annual reports in the form and manner prescribed by DEPARTMENT detailing the use of the money distributed under NDCC section 50-24.1-40.

(3) Submit to DEPARTMENT every two (2) years an audit report, conducted by an independent licensed certified public accountant, of [name of Tribal Entity] use of the money distributed under NDCC section 50-24.1-40. [Name of Tribal Entity] may use money distributed under NDCC section 50-24.1-40 to pay for this audit report. At the discretion of [name of Tribal Entity], an audit may be conducted more often than every two (2) years.

The distribution of moneys from the fund to [name of Tribal Entity] must be in proportion to the federal funding received from care coordination agreement requests for services originating from within [name of Tribal Entity].

At least annually, upon completion of any auditing and verification actions of DEPARTMENT, DEPARTMENT shall distribute moneys from the fund to [name of Tribal Entity].

If [name of Tribal Entity] fails to file with DEPARTMENT a timely annual report or audit report, DEPARTMENT shall withhold distribution of moneys from the fund to [name of Tribal Entity] until the annual or audit report is filed.

If an audit report or DEPARTMENT's review of the annual report finds [name of Tribal Entity] used moneys distributed from the fund for a purpose inconsistent with NDCC section 50-24.1-40, DEPARTMENT shall withhold future distributions to [name of Tribal Entity] in an amount equal to the money used improperly. DEPARTMENT shall distribute money withheld from [name of Tribal Entity] under this provision if a future audit report indicates moneys distributed from the fund are used for purposes consistent with this Agreement.

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**[TRIBAL GOVERNMENT CHAIRMAN]** **[EXECUTIVE DIRECTOR, DEPARTMENT]**

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Date Date