

**Department of Health and Human Services
Secretary's Tribal Advisory Committee Meeting**

January 17-18, 2013 – Washington, DC

Executive Summary

The Secretary's Tribal Advisory Committee (STAC) Meeting was held on January 17-18, 2013, in Washington, DC. The meeting provided an opportunity for the STAC to hear updates on the Department of Health and Human Services (HHS) budget; human service issues; Indian Health Service (IHS); Tribal State relations; Tribal Consultation; Affordable Care Act (ACA); Intradepartmental Council on Native American Affairs (ICNAA); and staff and operating divisions' work on Indian issues and initiatives. The STAC also prepared for a discussion on its priorities with HHS Secretary Kathleen Sebelius; met with the Secretary; addressed business items; and discussed its next steps. The meeting was facilitated by the STAC's Chairman Ken Lucero; and the STAC was afforded numerous opportunities to engage with HHS leadership, program staff, and agency heads throughout the meeting. With the following 13 members present, a quorum was met: Jefferson Keel, Ken Lucero, Roberta Bisbee, Roger Trudell, Gloria O'Neill, Gary Hayes, Stacy Dixon, Cheryl Frye-Cromwell, Rex Lee Jim, Marshall Gover, Herman Honanie, Chester Antone, and Cathy Abramson.

As the meeting transpired, the following action items were recorded:

1. In response to Roberta Bisbee's request for any list(s) on potential impacts to IHS or Indian-specific programs due to sequestration, Liz DeVoss said the data could be provided once more information was available.
2. In response to Roberta Bisbee's request for any list(s) on potential impacts to IHS or Indian-specific programs due to sequestration, Yvette Roubideaux said that handouts from the previous year's budget formulation process (which contain information on all the Indian budgets within each operating division) could be used as a starting point.
3. In response to Roberta Bisbee's request for any list(s) on potential impacts to IHS or Indian-specific programs due to sequestration, Paul Dioguardi suggested that a combination of Liz DeVoss and Yvette Roubideaux's responses could be done—"We could distill down the last OMB [Office of Management and Budget] guidance and resend the breakdown we did last year. That would give a sense of which programs are under which agency and which account...I think we can provide some information that may guide you."
4. Per Gloria O'Neill's request, Bryan Samuels agreed to provide a copy of the August 2012, guidance on Tribal State relationships.
5. Per Gary Hayes' question about when the committee of Tribal leaders referenced in the Tribal Law and Order Act (TLOA) to review Tribal Action Plans (TAPs) would be assembled, Mirtha Beadle agreed to talk with Sheila Cooper and Rod Robinson and provide an update. She also agreed to find out who will be the focal point and where the money will come from to establish the Tribal Action Committee.

6. Alexis Ahlstrom agreed to provide written responses to the following questions posed by Gloria O'Neill:
 - For a Federally-facilitated Exchange (FFE), what is the plan to ensure consultation with Tribes?
 - What are the internal deadlines for the implementation plan to be realized?
 - Will the Centers for Medicare & Medicaid Services (CMS) provide Tribes with a list of FFE contacts?
7. Per Rex Lee Jim's inquiry about the Navajo Nation operating its own Navigator program and being considered one geographical area, regardless of State boundaries, to participate in the Exchange, Alexis Ahlstrom agreed to check with the Office of General Counsel. (Geoff Roth indicated that the Exchanges have to be based in the State; he said a written response could be provided, if appropriate).
8. Cara Kelly agreed to follow-up with Lisa Wilson regarding Chester Antone's request (per the Insurance Exchange Workgroup and the Inter Tribal Council of Arizona) that CMS consult with the Arizona Tribes on the FFE.
9. Gloria O'Neill agreed to update George Sheldon via email regarding the progress of the final Report to Congress on 477, expressing concern that the report may not reflect a joint effort between the Tribes and Federal agencies.
10. Marcia Brand agreed to follow-up with Roger Trudell regarding any supplemental funding to the Healthy Start grant for the Great Plains region.
11. George Sheldon agreed to follow-up with responses to the following questions posed by Roberta Bisbee:
 - Do you have any recommendations for Tribes for meeting the in-kind match?
 - Is the Model Tribal System (MTS) fully funded by the Office of Child Support Enforcement (OCSE) or do the Tribes provide a match or cost share?
 - Who is responsible for installing the MTS?
 - Who is responsible for the upgrades once the program is installed?
 - Regarding conversions, how are financial records added to the MTS in an accurate manner? What information technology (IT) functions are required to host the MTS database?
12. Aryana Khalid agreed to a phone consultation on the FFE with Michigan Tribes, per Cathy Abramson's request.
13. Per Ken Lucero's request, Aryana Khalid agreed to follow-up with Lisa Smith regarding concerns that she is not getting back to Tribes when they present various requests.
14. Per Rex Lee Jim's request, Aryana Khalid agreed to review the recent CMS rule that limits the Navajo Nation's authority to only 638 organizations (to inspect and certify health care providers in terms of meeting the State standards). He also requested a meeting to discuss the issue.
15. Cathy Abramson indicated that she would give her list of concerns regarding grant funding to Secretary Sebelius.
16. Cynthia LaCounte agreed to provide Roberta Bisbee with information on how to connect with State contacts.
17. Mirtha Beadle agreed to provide information to Cathy Abramson on crystal meth-related funding that will be in the Secretary's budget.
18. Geoff Roth agreed to talk to the Center for Consumer Information and Insurance Oversight (CCIIO) about the possibility of Tribes working with the Federal sites if the Tribe gets funding for the Navigator program.

19. Alexis Ahlstrom agreed to work with Geoff Roth to identify examples of entities that Direct Service Tribes might be affiliated with that will be eligible for Navigator grants.
20. Delight Satter agreed to provide Cathy Abramson with information on the number of Tribes that applied for Public Health Associate Program (PHAP) positions and how many got them.

The theme for the morning of the first day of the STAC was “money.” Paul Dioguardi, Director, Office of Intergovernmental and External Affairs (IEA), noted the importance of President Obama’s second term, specifically as it relates to the STAC and its priorities over the next 4 years; and he cautioned that fiscal concerns would need to be considered. Liz DeVoss, Office of the Assistant Secretary for Financial Resources (ASFR), provided the STAC with updates on the HHS budget. Acknowledging that fiscal matters of the nation were an obvious concern, she focused her comments on the “Fiscal Cliff” deal; the debt ceiling; sequestration; the 2013 budget; and the 2014 budget. Hearing that the IHS budget was not excluded from sequestration, Tribal leaders advocated for Indian programs being held harmless from budget reductions. In light of the budget constraints, Ms. DeVoss emphasized the need for quality information, compelling data, explanations on the use of funds, and performance information to show impact. With fiscal indecision looming, the STAC contemplated moving the date of the HHS Budget Consultation. In a later discussion, after taking various factors and recommendations into consideration, the group agreed to keep the original National Budget Consultation dates of March 6-8, 2013, and plan for an additional follow-up session at its June meeting.

The STAC spent the latter part of the morning discussing human service issues. Bryan Samuels, Commissioner, Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF); Cynthia LaCounte, Director, Office of American Indian, Alaskan Native and Native Hawaiian Programs, Administration on Aging (AoA), Administration for Community Living (ACL); and Mirtha Beadle, Deputy Administrator, Substance Abuse and Mental Health Services Administration (SAMHSA) provided updates and addressed concerns raised by the committee. Significant attention was given to Tribal leaders’ concerns about the Indian Child Welfare Act (ICWA) and States’ failure to meet their obligations. Commissioner Samuels indicated that ACF released guidance around Tribal State relationships in August 2012; and he said he anticipated further guidance coming in this fiscal year on Federal obligations and authority, as well as Federal expectations of States in working with Tribes.

Other updates included Tribes moving towards IV-E authority; completion of Round 2 of the Child and Family Services Reviews and methodological problems that may prevent the use of the 65 case review process as the primary vehicle for holding States accountable; Title VI funding and moving more services into Indian Country via existing AoA programs that have not previously filtered down to Tribes; and SAMHSA’s responsibility in addressing the substance abuse problem among American Indians/Alaska Natives (AI/ANs), including coordination of resources to develop and implement Tribal Action Plans.

The afternoon session began with Yvette Roubideaux, Director, IHS, following-up on IHS issues raised at the last STAC meeting. Notably, she commented that the U.S. Department of Veterans Affairs (VA) IHS National Reimbursement Agreement was signed on December 5, 2012; the courts have ruled against contract support costs class actions for IHS, but lawyers are working on how to settle claims efficiently; the Special Diabetes Program for Indians was reauthorized for another year; the Contract Health Service (CHS) workgroup will be asked to move forward on

the issue of whether to lower the threshold for the emergency fund; and Tribes need to confirm the name change from the Aberdeen Area to the Great Plains. Among her other updates included mention that a listening session will be held on Tuesday, January 23, 2013, on the draft Urban Confer Policy; and a Tribal Consultation Summit will be scheduled for April or May 2013.

The STAC caucused, electing Gary Hayes as its new Chairman and Ken Lucero as his Co-Chair, and then turned its attention to the ACA. Alexis Ahlstrom, CCIIO, CMS; Cara Kelly, CCIIO, CMS; Lane Terwilliger, Technical Director, Division of Waivers and Demonstrations, Center for Medicaid, CHIP, and Survey Certification, CMS; and Mayra Alvarez, Director of Public Health Policy, Office of Health Reform, served as co-presenters to update the STAC on the ACA. Highlights of the session included: 20 States submitted applications to operate either a State-based Exchange or State Partnership (the deadline for operating a State Partnership Exchange is February 15, 2013); open enrollment into the Exchanges is set to begin October 1, 2013; Qualified Health Plans will need to include Essential Community Providers (ECPs) in their networks; three States have agreed to do the Medicaid expansion (New Mexico, Arizona, and North Dakota); \$4 million will be dedicated specifically to Tribal entities for outreach and education related to enrollment; the revised cost-sharing regulation now exempts all cost-sharing, regardless of where the patient is seen; insurance Exchanges are now being called Marketplaces; <http://www.healthcare.gov/> has been re-launched and a widget is available; and social media channels have been established and/or updated to better communicate with communities across the country.

Other updates on the first day's agenda included a Tribal Consultation update; Tribal State update; and an update on the ICNAA. Highlights for those sessions include the following:

- The STAC was given a list of Regional Tribal Consultation dates; the format for the 3-day sessions will include a one-on-one session with the Regional Director on the first day; the regional Tribal Consultation on the second day; and a Tribal resource/technical assistance day on the final day of the meeting.
- The Tribal State workgroup developed an outline of activities to focus on in terms of Tribal State relationships, e.g., Tribal Consultation for programs that the States receive from HHS and then provide funding to Tribes; guidance to States on implementing child welfare activities; CMS activities; and regional directors/administrators' role to help facilitate better Tribal/State relationships.
- The Self Governance Title VI Draft Report is expected to be completed prior to the regional consultation sessions.
- The Access to Grants document is a draft narrative to the grants matrix that was developed by the ICNAA; the grants matrix is being finalizing.

On the second day of the meeting, leadership from HHS' operating divisions updated the STAC on relevant work/initiatives being done on Indian issues. After each Federal member gave a brief update, they engaged Tribal members on issues of interest, after which the STAC discussed its priorities. Updates were provided for and by the following:

- **ACL** - Cynthia LaCounte, Director, Office of American Indian, Alaskan Native and Native Hawaiian Programs, Administration on Aging, Administration for Community Living

- **ACF** - George Sheldon, Acting Assistant Secretary, Administration for Children and Families.
- **IHS** - Yvette Roubideaux, Director, Indian Health Service
- **HRS** - Marcia Brand, Deputy Administrator, Health Resources and Services Administration
- **NIH** - Isabel Garcia, National Institutes of Health
- **CMS** - Aryana Khalid, Chief of Staff, Centers for Medicare & Medicaid Services
- **SAMHSA** - Shelia Cooper, Senior Advisor for Tribal Affairs, Substance Abuse and Mental Health Services Administration
- **OMH** - Nadine Gracia, Deputy Assistant Secretary, Office of Minority Health
- **CDC** - Judith Monroe, Director, Office for State, Tribal, Local, and Territorial Support, Centers for Disease Control and Prevention

Details on the HHS Federal members' presentations, as well as details on other agenda sessions and associated questions and answers, are provided under separate cover. It is noteworthy to mention that the presentation above yielded a spirited conversation regarding the CDC Consultation Policy. Specifically, numerous members expressed concern over the process leading up to the CDC Director's signing of the document. In response, Chairman Lucero advised them to exercise their right to request consultation to continue discussions on the issue.

Also on the second day, Secretary Kathleen Sebelius continued her tradition of meeting with the STAC to hear its priorities. She expressed her excitement about having another 4 years with the committee that she calls one of the great successes of the previous 4 years; and she reemphasized the importance of the STAC's work in helping senior HHS leaders shape policies for the country. The Secretary listened as members shared comments on the CDC Consultation Policy and its preceding process; Federally-facilitated Exchanges and a desire for consultation; ICWA and States' failure to comply with it; funding needs; sequestration and hopes to hold Indian programs harmless from budget reductions; and other items of interest to the members.

The meeting closed with a discussion on upcoming meeting dates. It was concluded that the Wednesday and Thursday before Memorial Day (May 22-23, 2013) would work best for the next STAC meeting (if the week of June 3rd was not preferable); and there were no conflicts with the proposed dates in September and December (September 11-12, 2013; and December 11-12, 2013). Mr. Dioguardi agreed re-query the members before finalizing the dates.

Before adjourning, Mr. Dioguardi asked for comments on the STAC Report. The group agreed to allow a week's time for review of the document. The meeting closed with Councilman Antone giving the closing blessing.