

# Tribal Consultation



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS for MEDICARE & MEDICAID SERVICES  
Center for Consumer Information and Insurance Oversight



State Exchange Grantee Meeting  
September 19-20, 2011



The material in this presentation should not be viewed as having any independent legal effect, or relied upon as an interpretation or modification of the related proposed rule or statute. Not all issues or exceptions are fully addressed.

# Objectives

- Overview of the Tribal Consultation requirement in the Establishment Funding Opportunity Announcement.
- Discuss the process for beginning to consult with Federally Recognized Tribes.
- Discuss Tribal Consultation Policy models.
- Provide and connect states with Tribal Leaders, tribal health organizations, and CMS resources.

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# Tribal Consultation Requirement

- States with federally recognized Tribes are required to consult with Tribal Leaders on Exchange issues that affect American Indians/Alaska Natives.
- States are encouraged to develop a Tribal Consultation Policy for Exchange issues.
  - A State may elect to modify their State Medicaid Tribal Consultation Policy to include consultation with federally recognized Tribes for Exchange issues.
  - A state may develop a Tribal Consultation Policy specific for Exchange issues.

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# What is Tribal Consultation?

- A government-to-government relationship
- A meaningful dialogue between all parties involved
- A process that can be initiated by the State or Tribe(s)
- The utilization of comments and/or recommendations provided by Tribal Leaders

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# Other Ways to Obtain Information from Tribes

- Develop Workgroups
- Meet with tribal and urban Indian organizations

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# How to Begin Tribal Consultation?

- Send a letter to Tribes requesting to consult on issues that will impact Tribes
- Provide an education session to Tribal Leaders prior to the consultation
- Follow your Tribal Consultation Policy (i.e., State Medicaid Tribal Consultation Policy)

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# Issues to Consider for Tribal Consultation

- Qualified Health Plan (QHP) benefits
- Mechanisms for Exchanges to provide and disseminate information regarding eligibility and enrollment and QHPs to populations living in remote areas that do not have broadband capabilities
- Tribes paying premiums on behalf of tribal members
- The inclusion of Indian Health Service providers, tribal health organization providers, and urban Indian health providers as network providers
- Implementation of special enrollment periods
- IT development that incorporates capacity to distinguish between AI/ANs that are eligible for special monthly enrollment periods and no-cost sharing exemptions

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# CMS Tribal Resources for States

- State Medicaid Tribal Consultation Policies
- Regional Offices have Tribal Liaisons

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# Other Tribal Resources for States

- National Indian Health Board
- 10 Area Indian Health Boards serving states with federally recognized tribes

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