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**State/Territory Name: Hawaii**

**State Plan Amendment (SPA) #: 19-0002**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
90 Seventh Street, Suite 5-300 (5W)  
San Francisco, CA 94103-6706



## **Regional Operations Group**

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July 8, 2019

Dr. Judy Mohr Peterson  
Med-Quest Division Administrator  
P.O. Box 700190  
Kapolei, HI 96709-0190

Dear Dr. Peterson:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of State Plan Amendment (SPA) Transmittal Number No. 19-0002, which was submitted to CMS on May 15, 2019. This SPA amends the state's tribal consultation timeframe from 45 calendar days to 14 business days.

This SPA is approved with an effective date of May 1, 2019 as requested by the state. Enclosed is a copy of the approved pages to be incorporated into the Hawaii State Plan.

If you have any questions, please contact Shante Shaw at (206) 615-2346 or [shante.shaw@cms.hhs.gov](mailto:shante.shaw@cms.hhs.gov).

Sincerely,

A solid black rectangular box redacting the signature of Richard C. Allen.

Richard C. Allen  
Director  
Centers for Medicaid and CHIP Services  
Regional Operations Group

cc:

Tom Duran, CMS Pacific Area Representative  
Edie Mayeshiro, Med-QUEST Program and Policy Development Office  
Aileen Befitel, Med-QUEST Program and Policy Development Office  
Jeri Kiddo, Executive Assistant

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE &amp; MEDICAID SERVICES</b>	1. TRANSMITTAL NUMBER <u>1</u> <u>9</u> — <u>0002</u>	2. STATE <b>Hawaii</b>
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	

TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE <b>May 1, 2019</b>
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5. TYPE OF PLAN MATERIAL (*Check One*)

NEW STATE PLAN       AMENDMENT TO BE CONSIDERED AS NEW PLAN       AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION <b>1902(a)(73) of the Social Security Act</b>	7. FEDERAL BUDGET IMPACT a. FFY <sup>2019</sup> _____ \$ <u>0.00</u> b. FFY <sup>2020</sup> _____ \$ <u>0.00</u>
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8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT <b>Section 1.4, page 8a Section 1.4, page 9</b>	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT ( <i>If Applicable</i> ) <b>Section 1.4, page 8a Section 1.4, page 9</b>
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10. SUBJECT OF AMENDMENT

Change to the tribal consultation period from 45 calendar days to 14 business days.

11. GOVERNOR'S REVIEW (*Check One*)

GOVERNOR'S OFFICE REPORTED NO COMMENT       OTHER, AS SPECIFIED  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL 	16. RETURN TO State of Hawaii Department of Human Services Office of the Director P.O. Box 339 Honolulu, Hawaii 96809-0339
13. TYPED NAME Judy Mohr Peterson, PhD	
14. TITLE Med-QUEST Administrator	
15. DATE SUBMITTED MAY 15 2019	

**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED <b>15 May 2019</b>	18. DATE APPROVED <b>July 08, 2019</b>
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**PLAN APPROVED - ONE COPY ATTACHED**

19. EFFECTIVE DATE OF APPROVED MATERIAL <b>1 May 2019</b>	20. SIGNATURE OF REGIONAL OFFICIAL 
21. TYPED NAME <b>Richard C. Allen</b>	22. TITLE <b>Director, Western Regional Operations Group Center for Medicaid &amp; CHIP Services Centers for Medicare &amp; Medicaid Services</b>

23. REMARKS

Hawaii authorizes CMS to make changes to the footer of pages 8a and P&I change to the 179

## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: **HAWAII**Tribal Consultation Requirements

Section 1902(a)(73) of the Social Security Act (the Act) requires a State in which one or more Indian Health Programs or Urban Indian Organizations furnish health care services to establish a process for the State Medicaid agency to seek advice on a regular, ongoing basis from designees of Indian health programs, whether operated by the Indian Health Service (IHS), Tribes or Tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA), or Urban Indian Organizations under the Indian Health Care Improvement Act (IHCIA). Section 2107(e)(I) of the Act was also amended to apply these requirements to the Children's Health Insurance Program (CHIP). Consultation is required concerning Medicaid and CHIP matters having a direct impact on Indian health programs and Urban Indian organizations.

**Please describe the process the State uses to seek advice on a regular, ongoing basis from federally-recognized tribes, Indian Health Programs and Urban Indian Organizations on matters related to Medicaid and CHIP programs and for consultation on State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals and proposals for demonstration projects prior to submission to CMS. Please include information about the frequency, inclusiveness and process for seeking such advice.**

The State of Hawaii, Department of Human Services, Med-QUEST Division (MQD) engages in consultation with the Urban Indian Organization on State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals and proposals for demonstration projects prior to submission to CMS as described below:

Written Correspondence

- A. The State shall solicit consultation, feedback and recommendations on matters related to Medicaid and Children's Health Insurance Program (CHIP) programs for State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals and proposals for demonstration projects prior to submission to Centers of Medicare and Medicaid (CMS) through written correspondence that includes the following:
- i. The purpose of the new or revised action;
  - ii. A copy of the public notice, if applicable;
  - iii. A copy of the documents to be submitted to CMS; or
  - iv. A summary of the intended action.
- B. The State will send the written correspondence via email, postal mail or delivery in person. The Urban Indian Organization will have 14 business days to provide feedback or recommendations.
- C. The State shall review the feedback and recommendations received from the Urban Indian Organization and amend the requests to the extent that is practicable and compliant with federal and state regulations.

TN No. 19-0002

Supersedes

Approval Date: July 08, 2019Effective Date 05/01/19TN No. 16-002

- D. If the State has not received feedback or recommendations concerning the State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals or proposals for demonstration projects within 14 working days, the State shall assume that the Urban Indian Organization does not have any questions or concerns regarding the State Plan Amendments, waiver proposals, waiver extensions, waiver amendments, waiver renewals or proposals for demonstration projects.
- E. The State shall continue to engage with the Urban Indian Organization to provide additional information through written correspondence via postal mail or email; or face-to-face meetings as appropriate.

Please describe the consultation process that occurred specifically for the development and submission of this State Plan Amendment, when it occurred and who was involved.

In August of 2009, the State of Hawaii, Department of Human Services, Med-QUEST Division (MQD) contacted the Urban Indian Organization to solicit their input in the consultation process required under Section 5006 (e) of the American Recovery and Reinvestment Act.

In September of 2009, the State presented a draft of the intended consultation process to the Urban Indian Organization for their review and comment. The Urban Indian Organization informed the State of their acceptance of the proposed consultation process without amendment for immediate implementation.

In December of 2010, the State contacted the Urban Indian Organization to determine if amendments were necessary to further promote the effectiveness of the process since implementation and was informed that no further changes were necessary. The State is amenable to mutually agreed changes to the adopted consultation process that will promote transparency and partnership for American Indian and Alaska Natives in our community.

In February of 2019, the State met with the Executive Director of the Urban Indian Organization (Ke Ola Mamo) and proposed an amendment related to the tribal consultation period. The State's recommendation is to change the tribal consultation period from 45 calendar days to 14 business days. The Urban Indian Organization was provided an opportunity to further review the proposed amendment and to discuss internally with their organization and with their legal counsel. Within two (2) weeks, the Urban Indian Organization approved the proposed amendment.