



Community Health Aide Program Tribal Advisory Group

Meeting Summary

Virtual Meeting

Friday, March 15, 2019

1-2 PM ET

Roll Call

Present:

Alaska: Crystal Stordahl, Dr. Bob Onders

Bemidji: Jennifer McCloud

Other:

Portland: Christina Peters

Navajo: Gilene Begay

IHS HQ

Dr. Beverly Cotton

Rear Adm. Chris Buchanan

Chris Mandregan

Jay Furtick

Mechelle Johnson-Webb

Anna Johnson

Wilbur Woodis

CDR Fallon

Dr. Timothy Lozon

Dr. Chris Halliday

Jennifer Downs

CHAP Policy Discussion

Dr. Cotton

Dr. Cotton led a discussion of CHAP policy comments submitted by both IHS and the CHAP TAG. She noted points of consensus and points of disagreement. Remaining points of disagreement are outlined below:

1) IHS is required by the Indian Health Care Improvement Act (IHCIA) to authorize DHA Therapists (DHATs) in states that authorize their use. CHAP TAG members disagree with IHS and believe the requirement overrides tribal sovereignty, giving the control to the states. IHS disagrees as this is a federal requirement in IHCIA.

2) IHS' policy and legal stance is that the Secretary is required through IHS to certify individuals under the national CHAP. Legal precedence exists in Alaska that certification is a federal function and the Alaska Area Director certifies all individuals under the Alaska CHAP. This has protected Tribes from lawsuits by the American Dental Association. The CHAP TAG believes this is overriding tribal regulatory standards and tribal sovereigns. IHS disagrees. Tribes are able to establish their own CHAPs and operate them. However, if they wish to include them in their ISDEAA agreements, the legal requirements must be met which are outlined in the draft IHS CHAP policy. Certification boards for the national CHAP – both the national certification board and area certification boards – will be deemed federal in nature with substantial tribal presence and in some instances, maybe even tribal management. However, certification will not be deemed final without the signature of the respective Area Director.

3) IHS has written the responsibilities of membership of the national and area certification boards to be the responsibility of the National Chief Medical Officer and the Area Directors. The CHAP TAG disagrees and believes this move centralizes too much discretion to IHS. However, this is the way the process works in Alaska. Tribes make the nominations to the certification board and the Area Director makes the appointment. It is likely IHS will revise this language at the CHAP TAG's recommendation to include tribal consultation on membership and to more clearly outline the process that IHS is not making appointments unilaterally.

Next Steps

- IHS and the CHAP TAG will meet in person during the Tribal Self-Governance Consultation Conference. The meeting is scheduled for 9:00 am eastern April 3, 2019. A Tribal Caucus will take place at 8:00 am eastern.
- IHS and the CHAP TAG will discuss next steps for consultation and the Dear Tribal Leader Letter (DTLL). Any disagreements between IHS and the CHAP TAG will be outlined to mirror the Contract Support Costs DTLL.