

Indian Health Service Tribal Consultation

MAY 2019



What is Consultation?



Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 5325(i)

On an **annual basis**, the Secretary **shall consult** with, and **solicit the participation** of, **Indian tribes and tribal organizations** in the development of the budget for the **Indian Health Service** and the Bureau of Indian Affairs



Indian Health Care Improvement Act, 25 U.S.C § 1602(5)

Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

... to require that all actions under this chapter shall be carried out with **active and meaningful consultation** with Indian tribes and tribal organizations, ...



Indian Health Care Improvement Act, 25 U.S.C § 1661(a)(4)

Advocacy and **consultation** –

The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

(A) **facilitate advocacy** for the development of appropriate Indian health policy; and

(B) **promote consultation** on matters relating to Indian health.



Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments (November 6, 2000)

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in **order to establish regular and meaningful consultation and collaboration with tribal officials ...**

Sec. 10. Judicial Review. This order is intended only to improve the internal management of the executive branch, and is **not intended to create any right, benefit, or trust responsibility**, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.



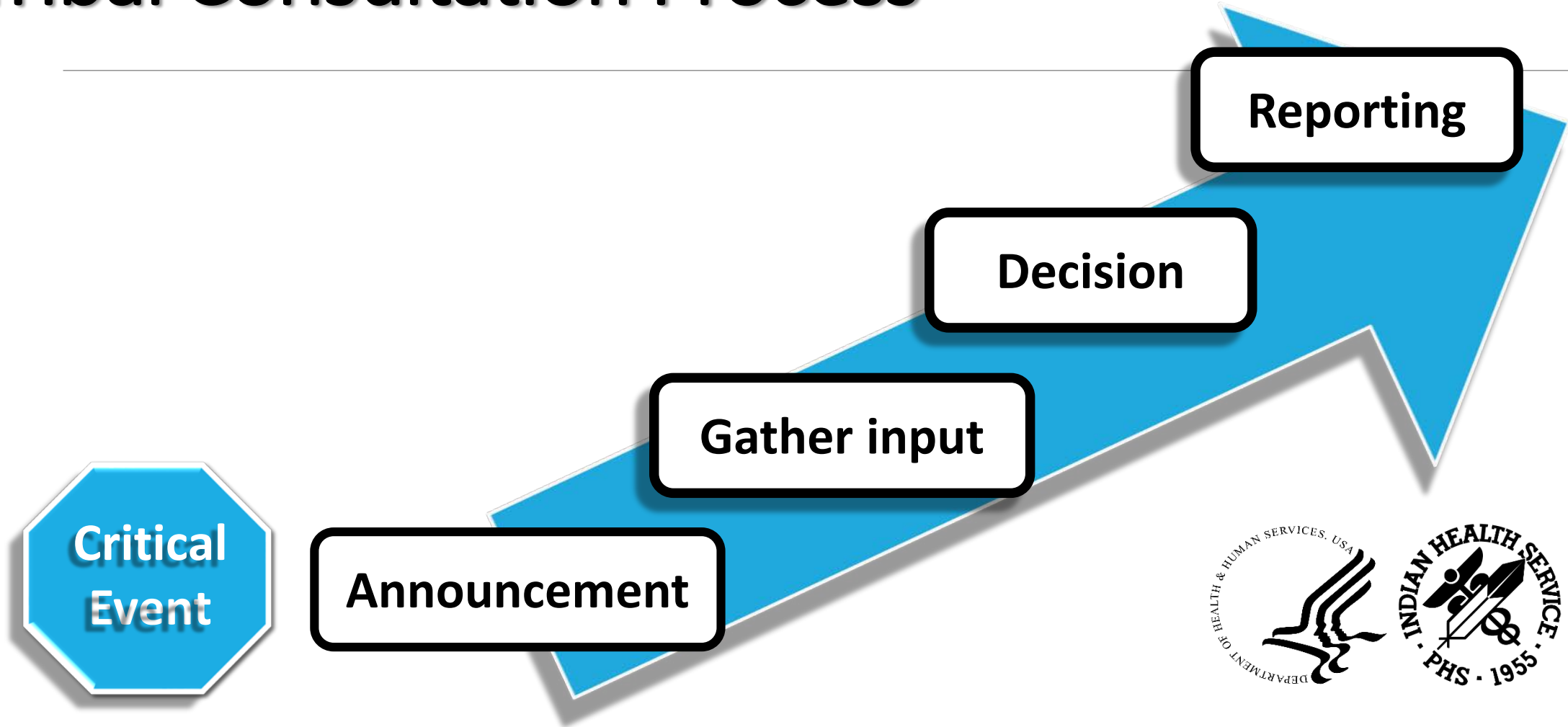
IHS Circular 2006-01 Tribal Consultation Policy (01/18/2006)

Consultation

An enhanced form of communication that emphasizes **trust**, **respect** and **shared responsibility**. It is an open and free exchange of information. Consultation is integral to a deliberative process, which results in effective collaboration and informed decisionmaking with the ultimate goal of reaching consensus on issues.



Tribal Consultation Process



Routine - Tribal Consultation Activities

- Annual Budget Formulation
- Area Tribal Consultations
- Statutory Requirements, e.g., Reports
- Tribal Delegation Meetings



Completed -Tribal Consultation Activities

1. *IHS Sanitation Deficiency System – A Guide for Reporting Sanitation Deficiencies for American Indian and Alaska Native Homes and Communities* (commonly known as the “SDS Guide”) – Initiated on 7/2/2018; **CLOSED – 5/24/2019**)
2. IHS Purchased/Referred Care Policy – Indian Health Manual Part 2, Chapter 3 – (Initiated on 5/18/2018; **CLOSED – 5/20/2019**)
3. Draft IHS Strategic Plan – Fiscal Years 2018-2022 (Initiated on 7/24/2018; **CLOSED – 2/27/2019**)
4. Proposed Realignment of IHS Headquarters Offices – (Initiated on 10/5/2016; **CLOSED – 12/20/2018**)



Active - Tribal Consultation Activities

- Draft Indian Health Service (IHS) policy to implement, outline, and define a National Community Health Aide Program (CHAP) – (Initiated on 5/8/2019; Comment Period through 6/7/2019: **OPEN**)
- Short- and Long-term solutions to Meet Statutory Requirements of the ISDEAA at 25 U.S.C. § 5234(l), also known as “105(l) leases” – (Initiated on 2/29/2019; Comment Period ends April 26, 2019: **OPEN**)
- Mechanism to Distribute Behavioral Health Initiatives currently Distributed through Grants – (Initiated on 5/18/2018; **OPEN**)



Active - Tribal Consultation Activities

- IHS Contract Support Costs Policy – Indian Health Manual Part 6, Chapter 3, Section 6-3.2E(3) – Alternative Methods for Calculating Indirect Costs Associated with Recurring Service Unit Shares – (Initiated on 4/13/2018; **OPEN**)
- Detailed Analysis of Purchased/Referred Care Program Implications and Feasibility for the Entire State of Arizona to be Identified as a Purchased/Referred Care Delivery Area pursuant to the IHClA, 25 U.S.C. § 1678 – (Initiated on 11/20/2018; **OPEN**)
- Modernization of the Resource and Patient Management System Electronic Health Record (Initiated on 7/26/2017; **OPEN**)



On-Hold – Tribal Consultation Activities

- Proposed Regulation on the Catastrophic Health Emergency Fund (Initiated on 1/26/2016; **OPEN – on hold**)
- Draft IHS Circular to Address the Purchase of Health Care coverage, commonly Referred to as Tribal Premium Sponsorship in Accordance with the Indian Health Care Improvement Act, 25 U.S.C. § 1642 – (Initiated on 7/18/2016; **OPEN – On Hold**)



Upcoming – Tribal Consultation Activities

- FY 2019 Funding for New Opioids
- Memorandum of Agreement between IHS and the U.S. Department of Veterans Affairs
- Behavioral Health Initiatives funding

