

Summary of IHS Tribal Self-Governance Advisory Committee (TSGAC) Correspondence
Comments on Health Care Reform Issues
Year: 2015-2017

Updated: March 21, 2017

Ref. #	Date Sent/ Received	Addressed To	Topic/Issue	Action(s) Needed	Response Received
1.	3/7/17	CMS via regulations.gov	Market Stabilization Proposed Rule (CMS-9929-P)	TSGAC Formal Comments	
2.	3/7/27	HHS Secretary Price	TTAG priorities as the new Administration moves forward with new policies around Medicaid, Medicare, and the Federally Facilitated Marketplace	Although this is a TTAG letter, TSGAC had input into the priorities.	
3.	1/27/17	Norris Cochran Acting Secretary Department of Health and Human Services Rear Admiral Chris Buchanan Acting Director Indian Health Service	Support for Broad Exemption of Indian Health Service from Federal Hiring Freeze	TSGAC support and request for exemption from the hiring freeze for certain staff and contracted positions at the IHS	Letter dated 2/10/17 from RADM Chris Buchanan stating that for IHS, positions involved in direct patient care and a number of ancillary mission critical support positions are now exempt. Letter dated 2/28/17 received from OPM stating that they are unable to grant the request. The request must come from the HHS Secretary.
4.	11/2/16	David J. Shulkin Under Secretary for Health Department of Veterans Affairs	Veteran Affairs' Proposal to Consolidate Community Care Programs	TSGAC Formal Comments	

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5.	10/31/16	IHS Director via consultation.gov	Catastrophic Health Emergency Fund Proposed Rule (RIN 0905-AC97)	TSGAC Formal Comments	
6.	10/28/15	IHS Director via consultation.gov	Purchasing Health Care Coverage (IHS Circular 2016-08)	TSGAC Formal Comments	
7.	10/5/16	CMS via regulations.gov	HHS Notice of Benefit and Payment Parameters for 2018 (CMS-9934-P)	TSGAC Formal comments	
8.	8/23/16	Dr. Baligh Yehia, MD Assistant Deputy Undersecretary for Health for Community Care Veterans Health Administration U.S. Department of Veterans Affairs	Opportunities for Partnerships between Tribal Health Programs and the Veterans Administration	TSGAC comments on the existing Indian Health Services/Tribal Health Programs-Veterans Administration (IHS/THP-VA) Memorandum of Understanding (MOU) and Choice Act Agreements	VA responded on 1/6/17. VA has suggested renewing all existing THP agreements and the VA-IHS National Reimbursement Agreement through December of 2018.
9.	8/16/16	HHS Regulations	RIN 0991-AC06: Comments on Proposed Rule; Health and Human Services Grant Regulation: Published on July 13, 2016 (81 Federal Register 45270, et seq.	TSGAC formal comments to proposed rule	

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10.	6/17/16	Centers for Medicare & Medicaid Services (CMS) Department of Health and Human Services P.O. Box 8011 Baltimore, MD 21244-1850	Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2017 Rates, et al. (CMS-1655-P)	TSGAC Formal Comments	
11.	5/20/16	Betty Gould, Regulations Officer Indian Health Service, Office of Management Services	Payment for Physician and Other Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated With Non-Hospital-Based Care Final Rule (RIN 0917-AA12)	TSGAC Formal Comments	
12.	5/13/16	Treasury	TSGAC Formal Request for Targeted Partial Administrative Relief from Employer Shared Responsibility Provisions	Summary of recommendations from 5/9/16 Tribal/Treasury technical meeting re: potential options for implementing targeted partial administrative relief in order to align the ACA's Employer Shared Responsibility provisions with the Federal government's long-standing "special trust responsibilities and legal obligations" to provide health care services to Tribes and Tribal members, most recently re-stated in the reauthorization of the IHCIA.	

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13.	5/10/16	IHS Principal Deputy Director	Catastrophic Health Emergency Fund Proposed Rule (RIN 0905-AC97)	TSGAC formal comments on proposed rule	
14.	5/5/16	CMS	CMS-10458, "Consumer Research Supporting Outreach for Health Insurance Marketplace	TSGAC Formal Comments	
15.	4/18/16	The Honorable Sylvia Burwell, HHS Secretary The Honorable Robert A. McDonald, VA Secretary	Reimbursement Agreement between the Indian Health Service and Veterans Affairs	TSGAC request to include PRC services in reimbursement agreements between the IHS/Tribes and the VA, as soon as possible.	
16.	4/18/16	Mary Smith, IHS Principal Deputy Director	CHEF Proposed Rule 42 CFR Part 136 - RIN 0905AC97, Catastrophic Health Emergency Fund, File Code 0905AC97	Request to Withdraw Proposed Rule, conduct Tribal Consultation and then reissue the rule.	IHS issued a Dear Tribal Leader Letter on June 1 st stating stated that it will engage in additional consultation before moving forward with the rule.
17.	4/11/16	Thomas West Kathryn Johnson Treasury Department	Excise Tax on Certain Employer-Sponsored Health Benefits	TSGAC Follow up comments from March 2016 quarterly meeting.	
18.	4/5/16	Sylvia Matthews Burwell, Secretary, Andy Slavitt Acting Administrator, Centers for Medicare	Oklahoma Section 1115 Waiver Amendment Request	TSGAC Formal Comments	

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		and Medicaid Services			
19.	3/29/16	Mary Smith, IHS Principal Deputy Director	Request for Service Unit Data on Health Insurance Status and 2016 Appropriation	TSGAC formal request for two sets of data: 1. Health insurance status of Active Users, by Service Unit (all Service Units) 2. IHS appropriation, by Service Unit (all Service Units)	
20.	2/29/16	Office of Management and Budget Office of Information and Regulatory Affairs Attn: CMS Desk Officer	CMS-10519, Agency Information Collection Activities: Submission for OMB Review	TSGAC Formal Comments	
21.	2/19/16	Centers for Medicare & Medicaid Services	Comments on CMS-9936-N; Waivers for State Innovation	TSGAC Formal Comments	
22.	2/2/16	Dr. Debra Houry, MD, MPH Director, National Center for Injury Prevention and Control Centers for Disease Control and Prevention	CDC Proposed 2016 Guideline for Prescribing Opioids for Chronic Pain; Docket CDC-2015-0112	Support for USET Comments on the Proposed Guidelines	3/1/16 - Response received from CDC. Acknowledged the TSGAC comments. CDC expects the final Guideline to help primary care providers offer safer, more effective care for patients with chronic pain and help reduce misuse, abuse and overdoes from opioids.

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23.	1/15/16	Center for Consumer Information and Insurance Oversight, CMS, HHS	Comments on Draft 2017 Letter to Issuers in the Federally-facilitated Marketplaces	TSGAC Comments on Draft Letter	
24.	1/5/16	Jerry Menikoff, M.D., J.D. Office for Human Research Protections Department of Health and Human Services 1101 Wootton Parkway Suite 200 Rockville, MD 20852	HHS-OPHS-2015-0008 – Proposed Revisions to the Federal Policy for the Protection of Human Subjects	TSGAC Official Comments on Proposed Rule	
25.	12/21/15	Centers for Medicare & Medicaid Services	CMS-9937-P, Notice of Benefit and Payment Parameters for 2017	TSGAC Official Comments on Proposed Regulation	
26.	11/17/15	Kitty Marx CMS	TSGAC comments	Support for 100 Percent FMAP Proposal	
27.	11/9/15	U.S. Department of Health and Human Services Office for Civil Rights	Nondiscrimination in Health Programs and Activities (RIN 0945-AA02). 80 Fed. Reg. 54172 (Sep. 8, 2015).	TSGAC comments in response to its proposed rule on Nondiscrimination in Health Programs and Activities (RIN 0945-AA02). 80 Fed. Reg. 54172 (Sep. 8, 2015).	
28.	11/3/15	Honorable Sylvia M. Burwell, Secretary Department of Health and Human Services	Final Rule related to expand the Medicare-Like Rate	TSGAC requests that HHS expedite the review and publication of the Final Rule related to expand the Medicare-Like Rate, entitled <i>"Payment for Physician and Other</i>	

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				<i>Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated With Non-Hospital-Based Care,</i> ” 79 Fed. Reg. 72160, originally published on December 5, 2014.	
29.	10/27/15	Honorable Robert A. McDonald Secretary of Veterans Affairs	Comments on Veterans Access, Choice and Accountability Act of 2014 (Choice Act)	Comments on the Secretary of Veterans Affairs’ (VA) pending report to Congress concerning the consolidation of “all non-Department provider programs” pursuant to the Veterans Access, Choice and Accountability Act of 2014 (Choice Act).	
30.	10/26/15	Dr. Elaine Buckberg Deputy Assistant Secretary for Policy Office of Economic Policy Department of Treasury	Request for Permanent Administrative Relief from Affordable Care Act’s Employer Mandate on Tribes for Tribal Member Employees	TSGAC provided a set of preferred options for addressing Tribal concerns pertaining to the imposition of the ACA’s employer coverage and reporting requirements as they pertain to Tribal member employees.	
31.	10/23/15	Dr. Elaine Buckberg Deputy Assistant Secretary for Policy Office of Economic Policy Department of Treasury	Request for Extension of Transition Relief from the Employer Mandate	TSGAC requested an extension of transition relief in implementation of the employer mandate from January 1, 2015 until at least January 1, 2016 and preferably to January 1, 2017.	
32.	10/21/15	Dr. Elaine Buckberg Deputy Assistant Secretary for Policy Office of Economic Policy	Excise Tax on Certain Employer-Sponsored Health Benefits	Tribal leaders interpret Section 4980I as not applying to Tribal government thereby interpreting this to mean that the excise tax does not apply to Tribal government plans.	

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		Department of Treasury		The legal analysis for this position is provided in TSGAC's comments to the IRS on Notice 2015-16, submitted on 5/15/15 to letter and again in further comments submitted on October 14, 2015 (also attached to letter).	
33.	10/14/15	Internal Revenue Service P.O. Box 7604 Ben Franklin Station, Room 5203 Washington, DC 20044	Notice 2015-52 on Section 4980I — Excise Tax on High Cost Employer Sponsored Health Coverage	TSGAC comments and recommendations.	
34.	9/30/15	Mr. Jeff Wu Deputy Director Center for Consumer Information and Insurance Oversight Centers for Medicare and Medicaid Services	Response to Request for Tribal Consultation on Referrals for Limited Cost-Sharing Variation Plans	TSGAC comments and recommendations.	
35.	8/4/15	Centers for Medicare and Medicaid Services Department of Health and Human Services Attn: CMS-10561	Comments on CMS-10561, ECP Data Collection to Support Qualified Health Plan (QHP) Certification for PY 2017	TSGAC Official Comments	
36.	7/27/15	Centers for Medicare and Medicaid Services	Comments on CMS-2390-P, "Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, Medicaid and CHIP Comprehensive Quality	TSGAC provided a series of substantive comments (26 pages); along with accompanying attachments. The TSGAC comments mirror the model template developed by a team of health care experts from the MMPC/NIHB.	

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			Strategies, and Revisions Related to Third Party Liability: Proposed Rules		
37.	5/15/15	Internal Revenue Service	Notice 2015-16 on Section 4980I — Excise Tax on High Cost Employer-Sponsored Health Coverage	TSGAC Comments in Request to Notice from IRS.	
38.	1/14/15	Ms Tracy Parker Warren Office of Public and Intergovernmental Affairs OTGR(075F)-VA	Comments Submitted Response to Notice of TC: Sec 102 © of the Veterans Access, Choice and Accountability Act of 2014	Urge the Reports enter into agreements for reimbursement also current agreements be used and expanded where possible to speed up implementation to eligible veterans	
39.	1/12/15	CCIIO-CMS-DHHS	Comments on Draft 2016 Letter to Issuers in the Federally-Facilitated Marketplace	We are available to discuss any of the recommendations contained in the correspondence and attachment on CMS-9944-P	
40.	12/22/14	DHHS/CMS-Regulations.gov	Comments on CMS-9944-P; Notice of Benefits and Payment Parameters for 2016		

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41.	12/19/14	Ms. Marilyn Tavenner, Administrator, CMS	TSGAC-TTAG letter of Request for Information on Contract Offers made by Issuers of Qualified Health Plans	Continued support and additional information for guidance on these contract offers on QHP	Response received from Marilyn Tavenner, CMMS 2/2/15 to TSGAC letter dated 12/19/14
42.	11/10/14	IHS Director, Dr. Y. Roubideaux	Tribal Consultation on Medicare-like Rates (MLR) Regulations and/or Guidance	Request Tribal Consultation on MLR before the IHS or CMS publish any notices of proposed rule-making or any guidance on this topic.	
43.	11/7/14	CMS, Director, Ms Kitty Marx	Reappointment of Primary & Alternate Representative to serve on CMS Tribal Technical Advisory Committee	Appreciate collective work of the TTAG provide advice and input to the CMS	
44.	10/16/14	Sylvia Burwell, Secretary DHHS and Jacob Lew, Secretary DoTreasury	Appreciation for Recent Announcement on Exemption from Tax Penalty for American Indian/Alaska Natives	Continued partnership to improve health and welfare for Tribal citizens	
45.	9/19/14	Dr. Elaine Buckberg, DAS for Policy, Dept of Treasury	Announcement Regarding Applying for Exemption through Tax Filing	Continued collaboration to improve health and welfare of all tribal members	
46.	8/28/14	Sylvia Burwell, Secretary DHHS	IHS Tribal Self-Governance Advisory Committee Priorities and Strategic Plan	Prepared to meet and discuss issues and recommendations at your convenience	Response received 12/8/14 from Sylvia Burwell, DHHS re: HHS supports efforts to increase AI/AN enrollment in Medicaid, CHIP and the Marketplace.re; CSC continue to make progress on resolving claims

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47.	8/25/14	Mary Wakefield, Ph.D. RN ,Administrator Health Resources & Services Administration, DHHS	Request for Tribal Consultation on 340B Drug Pricing Program	Considered attending Tribal Consultation on this matter	
48.	8/15/14	Dr. Caroyln Clancy, Interim Under Secretary Health-Veterans Affairs IHS Director, Dr. Y.Roubideaux	Request for VA and IHS to Revisit the VA-IHS Reimbursement Agreement	Considered attending TSGAC Quarterly meeting during Oct 8-9 and discuss recommendations in greater details.	
49.	5/23/14	DHHS Secretary, The Honorable Kathleen Sebelius	Delaying Meaningful Use Electronic Health Record Program-Stage 3	Consider our concerns and implement administrative measures extend deadlines imposed by ONC	Response received 9/12/14 from Marilyn Tavenner, CMS re: HER Incentive Programs, CMS updated the hardship exception application to add another option for extreme circumstances
50.	5/20/14	Mandy Cohen	Request for Action on Outstanding Issues for AI/AN under ACA	Reconsider recommendations, consult with TSGAC, TTAG and SG Tribes to address current deficiencies in enrollment	Response received 6/13/14 from Mandy Cohen, MD MPH, letter sent by TSGAC dated 5/20/2014 re request for action on issues for AI/AN under ACA
51.	5/20/14	DHHS Secretary, The Honorable Kathleen Sebelius	Request for Action on Outstanding Issues for AI/AN under ACA	Appeal to reconsider an administrative fix for definition of Indian under ACA	
52.	4/15/14	IHS Director, Dr. Y.Roubideaux	Response Ltr Interpreting Section 402 of the Indian Health Care Improvement Act	On-Going discussions and provide comments	

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53.	3/31/14	CMS-DHHS Attn: CMS Desk Officer	CMS-3178-P; Comment on Proposed Emergency Preparedness Rule	On-Going collaboration and recommendations provided	
54.	2/25/14	CCIIO/CMS/DHHS	Comments on Draft 2015 CCIIO letter to issuers in the Federally-facilitated Marketplaces	On-Going collaboration and further discussions and recommendations	
55.	1/31/14	IHS Director, Dr. Y. Roubideaux	December 6, 2013 DTLL on Expanding the Medicare-Like Rate Cap to Non-Hospital Services	TSGAC Comments	
56.	1/29/14	DOT, Office of Economic Policy, Dr.Elaine Buckberg	Follow-up from January 22,2014 IHS/TSGAC Quarterly Meeting	On-Going collaboration and participation in work groups establish to fashion approach implementing exemption	
57.	1/22/14	CMS/DHHS Attn: CMS-3288-N	Comments on CMS-2380-PN; Basic Health Program Proposed Federal Funding Methodology for 2015	Recommend CMS modify proposed funding formula in determine amount of federal payment to states for AI/AN enrollees	