



Health Care Reform in Indian Country

Self-Governance Communication & Education

Self-Governance Tribes Striving Towards Excellence in Health Care

Joint Initiative of Direct Service Tribes Advisory Committee and Tribal Self-Governance Advisory Committee to the Indian Health Service (“DST-SGT Joint Initiative”)

In May 2015, the first joint meeting of the Direct Service Tribes Advisory Committee (DSTAC) and the Indian Health Service (IHS) Tribal Self-Governance Advisory Committee (TSGAC) took place at IHS headquarters in Rockville, Maryland. One initiative that was generated from the meeting is the DST-SGT Joint Initiative.

Background

In March 2010, the Patient Protection and Affordable Care Act (Affordable Care Act or ACA) was enacted into law. As a component of the ACA, the Indian Health Care Improvement Act was reauthorized and expanded. Tribes have been considering approaches to maximize opportunities created by these new and enhanced laws. One option is to use a Tribe’s IHS appropriation or third-party revenues in order to purchase health insurance coverage on behalf of uninsured Tribal members (Tribal Sponsorship).

Securing coverage through a Health Insurance Marketplace would enable the Tribes and the Tribal member enrollees to access the benefits of the premium tax credits and the comprehensive Indian-specific cost-sharing protections made available through a Marketplace. But in considering this option, some Tribes have expressed uncertainty about the feasibility of “sponsorship” if the Tribe had delegated authority to IHS for the direct delivery of health services and the administration of the Purchased/Referred Care (PRC) program. In addition, Tribes have received mixed responses when approaching IHS Area Offices about using currently IHS-controlled appropriations for Tribal Sponsorship. Many other Tribes that are operating health facilities have not analyzed the costs of sponsoring uninsured Tribal members nor estimated the resulting increase in health resources.

In addition to considering options for maximizing opportunities under the ACA, some Tribes have expressed concerns over the ACA’s employer requirements and how best to satisfy these requirements. While a separate decision for a Tribe, how a Tribe meets its employer requirements impacts on a Tribe’s sponsorship options.

Goal of the Joint Initiative

The primary goal of the DST-SGT Joint Initiative is to ensure that each Tribe, no matter where on the direct service to self-governance continuum, is able to use a portion of its congressional IHS appropriation to sponsor Tribal members, if the Tribe chooses this option. A secondary goal is to assist Tribes in aligning Sponsorship with their approach to meeting the ACA’s employer requirements (Employer Options).

Current Status

The core steps necessary to implement Tribal Sponsorship have been identified. As part of this effort, TSGAC technical representatives met with IHS senior staff to develop standard language that can be inserted in existing funding/contracting agreements to indicate a Tribe’s intention to engage in Sponsorship. In addition, a common understanding was reached that a Tribe not currently operating health facilities and/or its PRC program can still access a portion of the appropriated funding for these line items in order to establish and administer a Tribal Sponsorship program (*e.g.*, using the funds to pay the premiums of Marketplace-offered health plans and for program administrative costs).

For use by the individual Tribes and subsequently to be made available to all Tribes, a number of DSTs and Self-Governance Tribes have agreed to participate as pilot sites in analyses of Sponsorship options for their Tribe. A companion analysis of Employer Options also is being prepared for several Tribes, facilitating decisions on how best to match the Tribe’s approach to the ACA’s employer requirements with the Tribe’s approach to sponsorship of uninsured Tribal members. The analyses are being funded, in part, by the National Congress of American Indians. As of September 2015, Tribes began to operationalize Sponsorship under the DST-SGT Joint Initiative, and the analyses and technical assistance to Tribes was underway in several IHS Areas.

A graphic representation of the process/funding flow under a Tribal Sponsorship program appears below.

