

IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

P.O. Box 1734, McAlester, OK 74501

Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org

Sent Electronically to jennifer.adams@va.gov

November 2, 2016

Dr. Richard A. Stone
Principal Deputy Under Secretary for Health
Veterans Administration
810 Vermont Avenue NW
Washington, DC 20420

RE: Request for the Information about the Veterans Administration's Co-Payment Policy

Dear Dr. Stone,

Thank you very much for attending our Tribal Self-Governance Advisory Committee (TSGAC) meeting in Washington, DC last week. The Committee is grateful for your attendance and for your reassurance that no decisions have been made by the Veterans Administration (VA) on the plan to consolidate programs to improve access to care and the non-renewal of the VA-Indian Health Service (IHS) Memorandum of Understanding (MOU) or the Tribal health reimbursement agreements.

The current VA-IHS MOU and the Tribal health reimbursement agreements have been very successful in their implementation and provide an equitable means to reimburse costs regardless of who provides the care. As you know, the IHS and Tribal reimbursement structure is the Office of Management and Budget (OMB) Encounter Rate which is the IHS/Tribal established reimbursement rate. Those rates have been established to ensure that IHS and Tribes can recover the appropriate reimbursement for the healthcare we provide to our patients, since we only receive approximately \$3,200 per patient annually compared to the National VA average of \$6,000 per patient each year.

The terms of these agreements should automatically renew unless the provisions need to be revisited by either party, which is already provided in the current agreements. We believe that extending the current agreements at least through December 2018 will allow both parties time to work through any issues and to continue building our partnership. There are several issues that we need to spend time discussing. Some of those include:

1. Serve non-Native veterans living in our service areas.
2. Tribal access to the VA centralized mail order pharmacy to enhance the services provided to our veterans and ensures they continue to receive their medications without delay.
3. Coordination of Care with the current Indian health referral system.
4. Inclusion of Purchased/Referred Care program.
5. No co-pays for American Indian/Alaska Native (AI/AN) veterans. The AI/AN veteran who receives care at an IHS facility is not required to make a co-pay. Sometimes Tribal health programs are reluctant to send veterans back to the VA for service because they might incur a co-pay.

As you know, the Federal government has the responsibility to provide healthcare to all AI/ANs. That responsibility lies with every branch/agency of the Federal government, not just IHS.

Currently, AI/ANs who go to a VA facility are assessed co-pays. As discussed during the meeting, Tribal leadership agrees that this practice is simply wrong and does not align with the trust responsibility to provide health care to all AI/ANs. AI/ANs should not have to pay a co-pay at any Federal facility, including the VA. During our meeting we discussed whether this practice is by policy, statute, or otherwise. We also requested that the VA provide a summary regarding this practice and the appropriate mechanism required to change the practice. The summary should outline why this practice exists, if it requires a policy change or a legislative change, and if so, what law needs to be amended. We very much appreciate your agreement in providing this opinion in the next 7-10 days.

We look forward to our continued partnership and to receiving the summary in the very near future. Again, thank you for attending our meeting and discussing these very important issues for Indian Country. If you have any questions or wish to discuss these comments further, please contact me at (860) 862-6192 or via email at lmalerba@moheganmail.com.

Sincerely,



Marilynn "Lynn" Malerba
Chief, Mohegan Tribe
Chairwoman, TSGAC

CC: TSGAC Members
Jennifer Cooper, Acting Director, Office Tribal Self-Governance, IHS
Stephanie Birdwell, Director Office of Tribal Government Relations, VA