



Health Care Reform in Indian Country

Self-Governance Communication & Education

Self-Governance Tribes Striving Towards Excellence in Health Care

Legislative Priorities on Medicaid

July 18, 2018

Presented by Doneg McDonough, Technical Advisor
Tribal Self-Governance Advisory Committee
TribalSelfGov.org; DonegMcD@outlook.com

Aim and Approach of Initiative

Aim:

- The aim of this initiative is to *fix gaps in access to needed health care services* under Medicaid for low- and moderate-income American Indians and Alaska Natives (AI/ANs) across all states.

Approach:

- Do no harm.
- Build on existing administrative infrastructure.
 - Indian health care providers (IHCPs) are defined in federal law.
 - Most services to AI/AN by IHCPs are currently supported with 100% federal funding.
- Establish new authorities as either “requirements” or “options” based on assessment of (a) success in enacting legislation and (b) ability to achieve policy goal.
- Have legislative package ready to capitalize on potential opportunities that emerge in Congress.



Legislative Proposals

- Initial title: “Medicaid Indian Amendments Act”
- Lead Legislative Proposals:
 1. Authorize IHCPs in all states to receive Medicaid reimbursement for a federally-defined set of health care services—referred to as Qualified Indian Provider Services (QIPS)—when delivered to AI/ANs.
 2. Create the option for states to extend Medicaid eligibility to all AI/ANs with an income up to either 100% or 138% of the federal poverty level (FPL).
 3. Extend full federal funding (through 100% FMAP) to Medicaid services furnished by *urban* Indian health care providers to AI/ANs.
- Additional Legislative Proposals:
 4. Clarify in federal law and regulations that state Medicaid programs are permitted to implement policies (through waivers or otherwise) specifically targeting AI/ANs, without concern of violating federal civil rights statutes.
 5. Address the “four walls” limitations on IHCP “clinic” services.
 6. Protect proposed and current Indian-specific provisions under federal Medicaid law from state waiver authorities that permit overriding these protections.



Next Steps

- Continue to seek the input of Tribal leaders and Tribal representatives on content of legislative proposal.
 - Continue meetings of TSGAC work group to refine proposal.
 - Session scheduled at NIHB annual conference in mid-September to discuss legislative initiative.
- Seek input from Congressional partners and others.
- Complete development of the legislative package and draft legislative language by early fall 2018.

