



# Health Care Reform in Indian Country

Self-Governance Communication & Education

*Self-Governance Tribes Striving Towards Excellence in Health Care*

## Self-Governance Health Reform National Outreach and Education

### FINAL Annual Report October 2022

#### Introduction

The Indian Health Service (IHS) amended the Jamestown S'Klallam Tribe's (JST) current Funding Agreement to provide funding for outreach, education, technical, research and analytical support nationally to Self-Governance Tribes on P.L. 111-148 as amended by P.L. 111-152, collectively known as the Patient Protection and Affordable Care Act (ACA) and the Indian Health Care Improvement Act (IHCA).

The overall objective of this Project is to improve Indian health care by conducting training and technical assistance across Self-Governance communities on the ACA/IHCA and other Federal health care programs (including Medicare, Medicaid and the VA) to ensure that the Indian health care system and all American Indians/Alaska Natives (AI/ANs) are prepared to take advantage of the health coverage options that will improve the quality of and access to health care services, and increase resources for AI/AN health care.

The Scope of Work identifies project goals that are 3-fold: (1) Materials; (2) Training; and, (3) Technical assistance. To achieve these goals, 23 deliverables are listed in the Agreement that relate to **Outreach and Education, Policy Analysis, Information Sharing and Technical Assistance, and Training.**

TSGAC submitted a Work Plan for 2021-2022 to the IHS Office of Tribal Self-Governance in January 2022 outlining the proposed activities and process for meeting the identified deliverables. The Project team maintains a grid which tracks all the on-going activities under each of the deliverables included in the Amendment.

This **Final Annual Report** covers the time period from September 1, 2021 through September 30, 2022; and is organized to correspond to the sections listed above and addresses the identified deliverables in the scope of work under the JST Amendment.

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## Outreach and Education

Identifying Training Needs of Self-Governance Tribes. In the first quarter of this current Project Year, Self-Governance Tribes were surveyed to see how their needs and preferences have changed. 43 Tribal participants representing 17 States responded to the survey. The following summarizes their input.

### Tribal Preferences/Priorities on Topics

We received numerous recommendations in response to an open-ended question on the TSGAC survey regarding Tribal preference on priority topics, including:

- Best Practices in Medicaid Reimbursement
- Medicare Issues
- Tribal Sponsorship
- Vaccine Coordination with IHS
- Barriers on access to health care
- Coding and Billing Updates for Medical, Behavioral Health, Dental, and Community Health services
- Referral processes
- Tribal Best Practices
- Coordination of patient care services contracted between IHS and Tribal Health Facilities
- Long Term Care
- Telehealth Expansion Opportunities (both Medicaid and Medicare, during and post-COVID)
- Planning for how to bill for CHAP, BHAP, and DHAT in Tribal communities
- Operations after COVID; staffing impacts; health care impacts after COVID
- Information on data that is utilized by Tribes, including enrollment data
- Overall review and updated information on the IHCA provisions

In addition, the TSGAC presented potential topics of interest and asked respondents to rank them with 1 being highest priority. The following 4 issues were rated either 1 or 2:

1. Best Practices in Medicaid Reimbursement
2. Tribal Sponsorship Opportunities
3. Telehealth Expansion Opportunities
4. Overview of Recent VAIHS Memorandum of Understanding

The above information has assisted the TSGAC and Project Team in identifying key topics for Webinars/Trainings, Technical Assistance and the development of TSGAC briefing documents. (See listings below of topics covered in this period.)

Webinars. A total of 3 Webinars were conducted by the TSGAC during this year as follows:

1. **2/23/2022 – Tribal Billing Best Practices.** Presenters included Lisa Garrett from Chickasaw Nation and Lisa Wimmer from Yukon-Kuskokwim Health Corporation (152 total participants).
2. **5/6/2022 - Establishing an Indian Managed Care Entity.** Presenters included Sharon Stanphill from Cow Creek Band of Umpqua, Michael Collins from Confederated Tribes of Warm Springs and Elliott Milhollin of Hobbs, Straus, Dean and Walker (60 total participants).
3. **9/21/2022 – Medicaid Unwinding.** Presenters included Wendy Hildt from CMS Division of Tribal Affairs, Elliott Milhollin of Hobbs, Straus, Dean and Walker and Yvonne Myers of Citizen Potawatomi Nation (130 total participants).

The 1-1/2 hour Webinars was conducted live, recorded and posted on the Self-Governance Communication and Education (SGCE) website along with the PowerPoint presentations and related resource materials to allow for wider accessibility and use by IHS, Tribal and Urban (I/T/Us) health care users and programs. Time was allocated throughout each Webinar for participants to raise questions. All attendees received a personalized Certificate for their participation in the Webinar.

Project staff also sent out a broadcast email to the listserv including a list and related links to all Webinars which have been conducted and are available on the website since the beginning of this Project (***a total of 44 Webinars have been held to date***).

In addition to the Webinars listed above, TSGAC Project staff made presentations at the following National Tribal Health Conferences:

- **2022 Annual Tribal Self-Governance Conference** – Two breakout sessions were held during the Conference addressing ACA/IHCIA topics as follows:
  - **Tribal Sponsorship and the American Rescue Act** - This session reviewed options for Tribal Sponsorship – the practice of Tribes and Tribal Organizations purchasing health insurance coverage on behalf of Tribal citizens and other Active Users. Sponsorship through a health insurance Marketplace (Obamacare) as well as under Medicare parts B and D were discussed. In addition, new options for employers (Tribal and others) to use the Marketplace for employer-sponsored coverage (and access to comprehensive Indian-specific cost-sharing protections) was presented. An update was provided on the status of Marketplace-related provisions in the American Rescue Plan Act. *Doneg McDonough, Health Systems Analytics was the presenter for this session. (8/2/2022)*
  - **Medicare/Medicaid 101: Maximizing Indian Health Care Resources** - This session provided a general overview of Medicare, Medicaid and how to expand benefits and increase program funding from IHS, VA and other third-party resources. *Starla K. Roels, Partner, Hobbs, Strauss, Dean and Walker, LLP was the presenter for this session. (8/3/2022)*

- 2022 National Indian Health Board (NIHB) Annual Tribal Conference – One breakout session was held during the Conference addressing ACA/IHCIA topics as follows:
  - **Maximizing Indian Health Care Resources:** This session specifically focused on gaining an understanding of a Tribe’s ability to maximize third-party resources (including Medicaid, Medicare and private insurance), achieve cost savings for health programs and learn about Section 105(l) lease options. *Elliott Milhollin, Partner, Hobbs, Straus, Dean and Walker was the presenter for this session. (9/26/2022)*

All of the above sessions were well attended and received favorable feedback from participants.

SGCE Website (Health Care Reform) Updated. The SGCE Website is continually updated to reflect the latest information on ACA/IHCIA, including all TSGAC related correspondence, TSGAC briefing papers, Webinars, Q&A section and Success Stories. The Project team is continuing to analyze website site data to assist in identifying ways to increase information outreach.

Communication around key moments or events through the grant period to increase education efforts. Broadcast notices and e-mails continue to be sent regularly to all Self-Governance Tribes as new information and updates become available. The following is a list of the broadcast dates and topics that have been shared to date:

10/08/2021:

- CMS releases an informational bulletin on the extension of grace period related to the “Four Walls” requirement for IHS/Tribal Facilities
- Updated TSGAC Issue Brief: Federal Poverty Levels for Medicaid, Marketplace, and Medicare Savings Program Enrollment in 2021 and 2022

11/10/2021:

- Survey of Self-Governance Tribes: Tribal Preferences on Topics, Training and Policy Analysis
- Centers for Medicare and Medicaid (CMS) issues an Interim Final Rule with Comment (IFC) Vaccine Mandate
- U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) announced a new emergency temporary standard (ETS) to protect more than 84 million workers from the spread of the coronavirus on the job

11/17/2021:

- TSGAC Brief: CMS and OSHA Vaccination Requirements

12/2/2021:

- Centers for Medicare and Medicaid (CMS) Vaccination Mandate

12/6/2021:

- Centers for Medicare and Medicaid (CMS) Will Not Enforce Vaccination Mandate

1/5/2022:

- Both the Federal Occupational Safety and Health Administration (OSHA) and Centers for Medicare and Medicaid (CMS) Vaccine Mandates are Headed to the Supreme Court

1/18/2022:

- ACA/IHCIA Resources Available for Self-Governance Tribes

2/3/2022:

- Upcoming Centers for Medicare and Medicaid (CMS) Tribal Consultation on Vaccine Mandates

4/25/2022:

- Centers for Medicare and Medicaid (CMS) Issues State Health Official Letter Addressing Medicaid Unwinding – All Tribes Consultation Scheduled This Week. Transmittal of TSGAC issue brief.

5/3/2022:

- Transmittal of three TSGAC Issues Briefs - AI/AN Marketplace Enrollment for 2021, Overview of No Surprises Act, and Summary of Medicaid Unwinding

8/18/2022:

- Transmittal of TSGAC Issue Brief - Review of Affordable Care Act and Medicare Provisions in Recently Enacted Budget Reconciliation Bill (“Inflation Reduction Act”)

**All documents are also posted on the SGCE website.**

**Project staff also provide on-going updates and relevant documents at the regularly scheduled TSGAC meetings.**

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## **Policy Analysis**

**Issue Tracking:** To assist the TSGAC in tracking key policy issues, the Project Team has developed two tracking tools which summarize key items being addressed by the CMS Tribal Technical Advisory Group (TTAG) and the NIHB Medicare and Medicaid Policy Committee (MMPC) and their respective subcommittees:

- **TSGAC ACA/IHCIA Project Priority Issues** – This chart is regularly updated and includes TSGAC actions and recommendations to advance issues.
- **TTAG Medicare and Medicaid Policy Issues** – Although this list is maintained by TTAG, TSGAC is involved in the update and discussions on these issues.

These tracking tools summarize and highlight main issues and includes proposed TSGAC recommended actions. These tools have greatly assisted both Self-Governance leadership and technical staff in being able to better coordinate Tribal responses and prioritize actions requiring timely input and comment by the TSGAC.

Additional TTAG/MMPC subcommittees were established this year dealing with Medicaid Unwinding and Health Equity. Project staff are tracking these issues and coordinating with TSGAC as required for input.

**TSGAC Issue Briefs and PowerPoint (PPT) Presentations.** The TSGAC has developed a series of issue briefs and PPT presentations on current key topics. In addition, TSGAC regularly updates previously released issue briefs, as needed, to reflect subsequent developments. These issue briefs and PPT presentations have been broadly distributed to Self-Governance Tribes and other national and regional Tribal organizations and federal partners. Further, all briefing memos are posted on the Self-Governance Health Care Reform website.

The following is a list of the TSGAC issue briefs and PPT presentations during this Project year:

- **TSGAC Issue Brief** - Federal Poverty Levels for Medicaid, Marketplace, and Medicare Savings Program Enrollment in 2021 and 2022 (dated 10/7/2021)
- **TSGAC Issue Brief:** CMS and OSHA Vaccination Requirements
- **PPT Presentation** - Tribal Sponsorship and Coverage Through a Health Insurance Marketplace CMS/CCIIO Webinar (12/16/2021)
- **TSGAC Issue Brief** - Interaction of Eligibility for Medicare, Medicaid, and Marketplace Financial Assistance for AI/ANs (2/22/2022)
- **PPT Presentation** – Made to Wampanoag Tribe on 3/31/2022 – Overview of the ACA/IHCIA Project and Maximizing Indian Health Care Resources (Medicare/Medicaid/Private Insurance)

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- TSGAC Issue Brief - American Indian and Alaska Native Marketplace Enrollment, Including Access to Cost-Sharing Protections for 2021 (March 2022).
  - TSGAC Issue Brief – Medicaid Unwinding (4/25/2022).
  - TSGAC Issue Brief - Tribal Guidance on the No Surprises Act (4/27/2022).
  - PPT Presentation - Securing Health Insurance Coverage for Tribal Members-- Use of Tribal Sponsorship and the Health Insurance Marketplace – (8/2/2022).
  - PPT Presentation - Maximizing Indian Health Care Resources – (8/3/2022).
  - TSGAC Issue Brief - Review of Affordable Care Act and Medicare Provisions in Recently Enacted Budget Reconciliation Bill (“Inflation Reduction Act”) (8/17/2022).
  - TSGAC Issue Brief - Overview of Federal Guidance on Medicaid and CHIP Eligibility and Enrollment Procedures After COVID-19 Public Health Emergency Ends (dated 9/8/2022).
  - PPT Presentation – Increasing Medicare, Medicaid and Other Revenue for Tribal Health Programs (9/26/2022).

Comments on Proposed Regulations. The TSGAC and Technical advisors continue to work with national Indian organizations to analyze proposed regulations and other policy issues related to ACA/IHCIA implementation.

Measuring Enrollment through the Marketplaces. To further the ability to measure outcomes of TSGAC and other Tribal organization activities, technical advisors have been working with the leadership of the Tribal Technical Advisory Group (TTAG) to secure data and regular reports on Marketplace enrollment from CMS/CCIIO. Activities conducted during this period include:

- TSGAC updated tables and graphics based on the most recent Marketplace enrollment data released by CMS in January 2022. This analysis included summary and trends over time on state-by-state enrollment in both Federally Facilitated and State Based Marketplaces. TSGAC also analyzed current and prior year access to cost-sharing protections and enrollment in metal level plans.
- An update was provided to the CMS Tribal Technical Advisory Group on the Overview of the 2020 American Indian and Alaska Native Marketplace Enrollment; Key Findings and Recommendations (4/13/2022).
- TSGAC developed an updated TSGAC issue brief with key findings, next steps and recommendations regarding the Marketplace data and forwarded formal written recommendations to CMS Centers for Consumer Information and Insurance Oversight (CCIIO) on the marketplace data recommendations (5/4/2022). Project staff also participated in a review and discussion of these recommendations and next steps during the TTAG Policy Subcommittee with CCIIO staff (6/7/2022).

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## **Technical Assistance and Information Sharing**

Technical Assistance and Training. TSGAC participated in and provided the following:

- Technical Assistance provided to Tribal Council and Health Board of the Cowlitz Indian Tribe (12/16/2021).
- Update provided to CMS on Tribal sponsorship and American Rescue Plan Act at a CMS Webinar (12/16/2021).
- Technical Assistance provided to Wampanoag Tribal Council regarding the ACA/IHClA Project and Maximizing Indian Health Care Resources (3/31/2022).
- Provided technical assistance to Southern Indian Health Council (9/19/2022).

Technical Assistance Provided through SGCE Website. Tribes are continuing to use the SGCE website to pose questions regarding ACA. All questions submitted through the Website received a timely response from TSGAC and, when generally applicable, were posted on the Website so that all Tribes can have access to the information.

Collaboration with National Indian Organizations. TSGAC continues to coordinate with the IHS, HHS, and other national NIHOE groups. Technical staff has participated in relevant virtual meetings and monthly teleconferences with other National Tribal organizations and partners, including National Congress of American Indians, National Indian Health Board and the National Council of Urban Indian Health to assist in coordinating efforts and reduce any duplication of training materials. Specific activities during this time period included:

- On-going participation in the monthly MMPC IHS/Tribal Workgroup, TTAG Policy Subcommittee, MMPC Medicaid Unwinding and Health Equity subcommittee meetings. The Issue Tracking tool noted above is updated regularly based on these discussions and TSGAC input.
- On-going participation with other Tribal organizations in the MMPC regulations workgroup to review CMS (and other) proposed regulations.
- Attendance at 2022 NIHB Annual Tribal Conference – (September 26-28, 2022) including Listening Sessions with CMS, IHS, HRSA and CHAP to gather information discussed on priority issues. TSGAC provided a presentation during a breakout session on “Maximizing Tribal Health Resources” on 9/26/2022.

Subject Matter Experts. During this time period, other subject matter experts were utilized to assist on the analysis of the most recent Marketplace enrollment data and to provide technical assistance to specific requests from Self-Governance Tribes.

*For a copy of any item or document listed above or for more information on this report, please contact Cyndi Ferguson at [cyndif@senseinc.com](mailto:cyndif@senseinc.com)*