

GUIDELINES

For the preparation of an

Indian Nation

Consolidated Tribal Social and Health Services Plan

A required component of the

Indian Nation – Department of Social and Health Services Contract Consolidation Project

Updated July 2011

Submit hard copies of all required Tribal Plan elements to:

Department of Social and Health Services
Office of Indian Policy
PO Box 45105
Olympia, WA 98504

Table of Contents

Purpose of the Guidelines.....	1
SECTION I Eligibility and Plan Components.....	1
A. Entities Eligible to Participate.....	1
B. DSHS Programs Eligible for Inclusion.....	2
C. Required Elements in a Tribal Social and Health Services Plan	2
D. Performance Standards	3
E. The Waiver Process.....	4
SECTION II Plan Submission and Review Procedures	5
A. Plan Submission	5
B. DSHS Internal Plan Review Process	6
SECTION III Post-approval Procedures.....	7
A. Modification and Amendment.....	7
B. Payment Procedures.....	7
C. Reporting	7
D. Program Review.....	8
E. Auditing	10
F. Subsequent Tribal Social and Health Services Plans	10
G. Technical Assistance	10
List of Appendices.....	11

PURPOSE OF THE GUIDELINES - SEE APPENDIX G

The Department of Social and Health Services (DSHS) Office of Indian Policy (OIP) has drafted these Guidelines to assist tribes in the development of tribal social and health services plans (Tribal Plans or Plans), which are a required element of the Indian Nation-DSHS Consolidation Project. The Guidelines are organized into the following three sections.

- a. Section I - Eligibility to participate and Tribal Plan components.
- b. Section II – Tribal Plan submission and review processes.
- c. Section III - Post approval procedures such as reporting and monitoring.

Applicable federal and state laws and regulations still apply to services included in the Consolidated Intergovernmental Agreement, (IGA) except those for which a tribe petitions and receives a waiver. Tribes are responsible for all legal requirements associated with programs and services in an IGA except for those that have been officially waived.

SECTION I ELIGIBILITY AND PLAN COMPONENTS

A. Entities Eligible to Participate - See Appendix A

Federally Recognized Indian Tribes located within the State of Washington are eligible to participate in the Indian Nation Contract Consolidation Project. When used in these Guidelines, the term “Indian tribe” means any Indian tribe, band, or nation that is recognized as eligible for programs and services provided by the United States to Indians because of their status as Indians.

Federally recognized tribes must demonstrate that they have the administrative capabilities to manage the programs included in the IGA. To demonstrate administrative capabilities, a tribe must:

- (1) Not have any unresolved significant and material audit findings or exceptions in the most recent annual audit completed under the Single Audit Act or in an independent financial audit prepared in accordance with federal generally accepted accounting principles (GAAP). In order to document that there are no unresolved significant and material audit findings or exceptions, the tribe must send DSHS Central Contract Services the Executive Summary portion of the most recent audit of the tribe, including all audit findings and exceptions, together with evidence that the audit was properly filed. The audit must be current in accordance with the Single Audit Act requirements. If an independent financial audit was conducted, in place of or in addition to, an annual audit completed under the Single Audit Act, a copy of that financial audit must be submitted to:

Department of Social and Health Services
Office of Indian Policy

PO Box 45105
Olympia, WA 98504-5105

- (2) Upon request by DSHS, produce evidence that its financial management systems meet or exceed GAAP standards.

B. DSHS Programs Eligible for Inclusion

The following types of programs may be included in Tribal Plans:

- (1) Programs or services that a tribal government is eligible to provide with funds from or through the Department of Social and Health Services.
- (2) Programs or services that are wholly administered by the Department of Social and Health Services with no administrative input or financial contribution from other state agencies.
- (3) Programs or services that are not fee for service (FFS). Fee for service contracts include those without a specified maximum amount of consideration or where the number of clients served and the service provided to each client determines consideration.

C. Required Elements in a Tribal Plan

- (1) In General

A Tribal Plan must include information sufficient for DSHS to determine that it complies with all applicable laws and regulations. It should be formatted to enable reviewers to find specific components quickly and each page should be numbered consecutively.

- (2) Tribal Plan Narrative

The Tribal Plan narrative must adequately address each of the following elements before the entire plan will be considered complete:

- (a) A list, by DSHS administration, of each specific program included in the plan, the services to be provided in each program area, and the corresponding agency or agencies of the tribal government to be involved in the delivery of those services.
- (b) A description of the overall objectives that the tribe will address through Consolidation and the expected results.
- (c) A description of the services and activities that the tribe will provide to meet program criteria. Depending on the statutory requirements, the program description could include:
- (d) The criteria that the tribe will use to determine whether a person is eligible for one or more of the services under its plan.

- (e) When funding is targeted for services to specific categories of participants, the plan must indicate how and to what extent these special populations will be served.
- (f) Any other information related to the service to be provided.
- (g) Measurable performance standards against which DSHS can monitor and evaluate program performance.

(3) Plan Consolidated Budget - *See Appendix D*

- (a) No commingling. State and federal law prohibit commingling of any funds between or among programs. Funds provided to the tribe for each program or service in its plan may only be used for the program or service for which the funds are designated.
- (b) Budget term. The tribe must include a budget for all of the programs and services in its plan. The term of the budget must be the same as the term of the plan.

(4) Required Program Elements and Proposed Budget

The Tribal Plan must include:

- (a) A list of the DSHS programs and the corresponding tribal programs.
- (b) The dollar amount that the tribe expects to receive from DSHS in each program area.
- (c) The anticipated expenditures for each program area, using the following cost categories:
 - i. Personnel services.
 - ii. Non-Personnel.
 - iii. Administration or Indirect.

D. Performance Standards

Standards of accountability for program performance are used to measure program success. A clear statement of goals and strategies will assist DSHS in reviewing the standards of accountability that the tribe proposes.

Proposed standards of accountability must be:

- (1) Measurable.
- (2) Outcome based.
- (3) Consistent with the Tribal Plan.

E. The Waiver Process/Requests for Waiver - See Appendix E

A tribe must provide detailed information to the Office of Indian Policy (OIP) for each statutory or regulatory waiver it seeks. This includes the exact citation, the reason for the waiver request, and a detailed description of the tribe's proposed alternative to the statute or regulation.

(1) Federal Waivers

DSHS will support a tribe in its efforts to petition the federal government to waive program requirements a tribe finds burdensome, unless DSHS finds that such a waiver is in direct conflict with federal statutes or inconsistent with the purposes of the program or the statute from which the program derives its authority. See 45 CFR 25 Chapter V, Part 900, Subpart K, Waiver Procedures, for guidance.

(2) State Amendments

DSHS will support a tribe in its efforts to petition the state legislature to amend statutory provisions that a tribe finds burdensome unless DSHS finds that the provisions are inconsistent with the purposes of the program, or in conflict with program goals.

(3) State Waivers

DSHS will support a tribe in its efforts to obtain waivers to departmental regulations in accordance with WAC 388-440-0001. See Appendix E.

- (a) To petition for a regulatory waiver, the tribe will submit a written waiver request to the Office of Indian Policy. The request must identify the regulation to be waived and the basis for the request. The request must explain the intended effect of the waiver, the impact upon the tribe if the waiver is not granted, and the specific programs(s) to which the waiver will apply. It must also describe the policy, if any, the tribe is adopting to replace the specific regulation to be waived.
- (b) The Secretary of DSHS or designee will make the final decision on all requests for exceptions to rules within 90 days after the Secretary receives a written waiver request. The Secretary's decision will be in writing. Appeals may be conducted through the dispute mechanism in effect between the tribe and DSHS.

SECTION II PLAN SUBMISSION AND REVIEW PROCEDURES

A. Tribal Plan Submission - See Appendix C

Tribes must submit an electronic copy of all required Tribal Plan elements listed below or a printed hard copy to OIP. To update Tribal Plans, OIP must receive submissions no later than close of business on April 1st to be eligible to begin implementation on July 1 of that same year. The ending date for the period of participation will be the end of the first Washington State biennium that occurs after the tribe's implementation date. The biennium ends June 30th of odd numbered years.

Submit the electronic copy of all required Tribal Plan elements to:

colleen.cawston@dshs.wa.gov

and

doug.north@dshs.wa.gov

Submit the hard copies of all required Tribal Plan elements to:

Department of Social and Health Services
Office of Indian Policy
PO Box 45105
Olympia, WA 98504-5105

Required Elements

- (1) Required at the time of submission are:
 - (a) A letter or resolution from the tribe authorizing submission of the Tribal Plan, and its associated elements, for participation in consolidation.
 - (b) Identification of the tribe's contact person and contact information.
 - (c) A Tribal Plan, which must clearly identify:
 - i. Contracts and services included.
 - ii. Service area for the services to be provided.
 - iii. Projected consolidated budget (based on current funding levels).
 - iv. Tribal program or agency to deliver services.

OIP will notify each tribe upon receipt of its Tribal Plan and provide written approval or disapproval of the Plan to the tribe within 90-days of receipt.

- (2) Required upon approval are:
 - (a) A signed set of Standard Assurances and Certifications.
 - (b) A tribal resolution authorizing the final Tribal Plan and components.
 - (c) A consolidated Intergovernmental Agreement with DSHS.

B. DSHS Internal Tribal Plan Review Process - See Appendix F

(1) Step 1 – Distribution to the Administrations

Within 10 days of receipt OIP will provide copies of the Tribal Plan to all of the administrations that have programs included in it. An accompanying cover letter from OIP will request written comments regarding the Plan, to be received at OIP, within 20 calendar days following the date on the distribution letter.

(2) Step 2 – Agency Review and Comment

Each administration will review the Tribal Plan for issues relevant to the programs that it oversees, including requests for waiver, and provide written comments to OIP. OIP will e-mail all comments to the designated tribal contact person.

(3) Step 3 – Revisions

The tribe must send an electronic version of its revised Tribal Plan to OIP by a mutually agreed upon date. OIP will distribute copies to all administrations with programs included in the Plan.

(4) Step 4 – DSHS Administration Approval

After receipt of the revised Tribal Plan, each administration will make a written recommendation to OIP regarding Plan approval and waiver requests. If the recommendation is not received within 15 calendar days, OIP will deem the revised Tribal Plan acceptable. OIP will provide copies of administration recommendations to the tribe. The original recommendations will remain in OIP's files.

(5) Step 5 – Final Approval

The Secretary of DSHS will send a formal letter to the tribe within 90 days of the revised Tribal Plan submission. If the Plan is approved, the letter will describe implementation procedures. If the Plan is disapproved, the letter will explain why and outline the process by which to petition for reconsideration.

SECTION III POST-APPROVAL PROCEDURES

A. Modification and Amendment

A tribe may request a modification to its Tribal Plan at any time; however, a tribe must negotiate an amendment to its Consolidated Intergovernmental Agreement (IGA) in the event it wishes to significantly change its IGA, program, Plan or budget, including changes that affect participant eligibility requirements.

The appropriate tribal program staff, DSHS program staff and OIP staff will develop written programmatic and budget modifications and other amendments. The initiating party will notify OIP that a modification or amendment is pending and provide OIP with copies of all amended documents.

The process for programmatic and budget modifications or other amendments is as follows:

- (1) Tribal or DSHS program notifies OIP, by letter or email, of intent and reason to change, whether based on Tribal Plan, budget amount, or program regulation. OIP and Tribe will jointly determine the degree of renegotiation required by the requested modification or amendment.
- (2) OIP will facilitate drafting modification or amendment documents.
- (3) Appropriate tribal program staff, DSHS program staff and OIP staff will jointly draft budget or Plan modifications or amendment of an affected budget section. The form for amending the plan is included as Appendix I
- (4) OIP will work with DSHS Central Contract Services (CCS) and distribute final amended documents to all parties.

B. Payment Procedures

The tribe will submit one itemized A-19 voucher to OIP each month, by the 20th day of the month. Repeated failure to submit a consolidated A-19 by the 20th day of each month may result in reversion to payments based upon separate submissions of approved A-19 billings.

The Department shall not pay any claims for payment submitted more than sixty (60) days after the date of service, unless authorized by the Secretary of the Department.

C. Reporting

To comply with federal requirements, DSHS must provide reports to federal funding agencies. Information about activities performed and services provided by tribes are important parts of those required DSHS reports.

To reduce the reporting burden, a tribe that participates in consolidation is, to the extent allowed by law, required to submit only one Annual Report for all of the programs included in its Tribal Plan. When additional reporting requirements are

imposed on the state, which necessitate additional reporting by the tribe, the tribe will, as noted in its Plan, submit those additional reports upon reasonable notice of the requirement.

The Annual Report must include:

- (1) All information required by applicable federal and state laws and regulations for the programs and services included in the IGA or in subsequent amendments to the IGA.
- (2) Operational and financial information for each of the programs included in the IGA or in subsequent amendments to the IGA.
- (3) Descriptions of the outcomes that the tribe achieved by undertaking primary responsibility for the social and health programs included in its Tribal Plan.

The Annual Report must be submitted to OIP by July 31st of each year. The period covered by the report will coincide with the State Fiscal Year, which ends June 30th.

In addition to the Annual Report, the tribe will furnish a copy of the executive summary to its most recently completed annual audit, including findings and exceptions, to OIP no later than the due date for filing with the Federal Government. The audit will comply with the Single Audit Act.

Submit all reports to:

Department of Social and Health Services
Office of Indian Policy
PO Box 45105
Olympia, WA 98504-5105

D. Program Review - See Appendix H

(1) Annual Review

Upon receipt of the Annual Report, DSHS will conduct an annual review of the programs included in the project. The review will examine the performance of the tribe in meeting the goals and objectives contained in its approved Tribal Plan.

Review personnel will consist of program, financial, or other staff, as DSHS deems beneficial to the review process. Reviewers will be familiar with the requirements of the federal and state programs included in the Tribal Plan. Each DSHS program included in the Plan will participate in the review and provide applicable monitoring tools, checklists, and risk assessments to OIP upon review completion.

Specifically, DSHS will review:

DSHS-Indian Nation Contract Consolidation Project Guidelines

- (a) Program results, including those described in federal and state statutes applicable to the program, state plans and the Tribal Plan.
- (b) Tribal financial safeguards that ensure accurate and timely recording and reporting of information relating to the programs included in the Tribal Plan.

Each DSHS program included in the Tribal Plan will provide to OIP an email response to the Annual Report within 45 days of receipt.

A written report will be provided to the tribe within 60 days following the review completion. The report will describe significant aspects of the tribe's program, including noted strengths and areas where corrective action is recommended. It will also indicate actions DSHS plans to take to resolve any issues raised by the tribe.

In the event that any program or administrative weaknesses are identified or corrective action is recommended in the written report, the tribe will have 60 days from the date of receipt to respond.

(2) On-Site Review

DSHS will conduct on-site reviews of the programs included in the project on an as-needed basis. The review will examine the performance of the tribe in meeting the goals and objectives contained in its approved Tribal Plan.

The review team will consist of program, financial, or other personnel, as DSHS deems beneficial to the review process. Team members will be familiar with the requirements of the federal and state programs included in the tribal plan. Each DSHS program included in the Plan will either participate on the review team or provide tools, checklists, and risk assessments to OIP 30 days prior to the date of the scheduled visit.

Specifically, DSHS will review:

- (a) Program results, including those described in federal and state statutes applicable to the program, state plans and the tribe's plan.
- (b) Tribal financial safeguards that insure accurate and timely recording and reporting of information relating to the programs included in the plan.

The tribe will be notified, in writing, not less than 30 days in advance of an on-site visit. The notification will indicate any special review issues and may request participation of tribal leaders, finance or program staff, and any other required interested parties.

A written report will be provided to the tribe within 60 days following the on-site visit. The report will describe significant aspects of the tribe's program, including noted strengths and areas where corrective action is recommended. It will also indicate actions DSHS plans to take to resolve any issues raised

by the tribe.

In the event that any program or administrative weaknesses are identified or corrective action is recommended in the written report, the tribe will have 60 days from the date of receipt to respond.

E. Auditing

Many of the programs included in the Indian Nation Contract Consolidation Project include federal funds. Programs that include federal funds may be subject to the Single Audit Act as implemented through OMB Circular A-133.

F. Subsequent Tribal Social and Health Services Plans

Tribes with existing Consolidated Intergovernmental Agreements (IGA) that have been in compliance with their IGA and Tribal Plan may automatically renewed their Tribal Plan when each of the following conditions is met:

- (1) The tribe is in compliance with all billing, monitoring, and reporting (annual and audit) requirements under the current performance period.
- (2) The tribe and DSHS have executed a new two year IGA.
- (3) The tribe and DSHS have executed a new Standard Assurances and Certifications document.
- (4) The tribe produces a new official letter or Tribal resolution authorizing the tribe to maintain the existing Tribal Plan **and** the tribe and DSHS have executed necessary amendments addressing any tribal or statutory program changes.
- (5) The tribe has provided a new projected two year budget.

A newly submitted Tribal Plan will be subject to the Plan submission, review, and approval processes described in these Guidelines. The new plan should include all required elements listed in *Appendix C*, plus any other critical factors that might have a positive or negative effect on the services included in the Plan.

Automatically renewed plans must retain and include all the statutory components of the program statements of work and Plan revisions must be submitted promptly by amendment when changes occur.

G. Technical Assistance

The Office of Indian Policy is responsible for providing consolidation related technical assistance to tribes. Routine program related communications may continue among DSHS and tribal program staff and need not go through OIP; however, it is advisable to inform OIP of significant issues, should they arise.

List of Appendices

Appendix A – Federally Recognized Tribes in Washington.....	12
Appendix B – Standard Assurances and Certifications.....	13
Appendix C – Required Elements Checklist	15
Appendix D – Sample Projected Consolidated Budget Format.....	16
Appendix E – Regulatory Exceptions – WAC 388-440-0001	17
Appendix F – DSHS Tribal Plan Review Check List	18
Appendix G – DASA Guidelines for Tribal Plan Writing	20
Appendix H – Overview of the Consolidation Project.....	21
Contract Consolidation Amendment Form.....	23

Appendix A – Federally Recognized Tribes in Washington

As of January 1, 2005

Chehalis Confederated Tribes
Cowlitz Tribe
Confederated Tribes of the Colville Reservation
Hoh Tribe
Jamestown S'Klallam Indian Tribe
Kalispel Tribe
Lower Elwha Klallam Tribe
Lummi Nation
Makah Tribe
Muckleshoot Tribe
Nisqually Tribe
Nooksack Tribe
Port Gamble S'Klallam Tribe
Puyallup Tribe
Quileute Tribe
Quinault Nation
Samish Nation
Sauk-Suiattle Tribe
Shoalwater Bay Tribe
Skokomish Tribe
Snoqualmie Tribe
Spokane Tribe
Squaxin Island Tribe
Stillaguamish Tribe
Suquamish Tribe
Swinomish Tribe
The Tulalip Tribes
Upper Skagit Tribe
Yakama Nation

Appendix B – Standard Assurances and Certifications

1. Provision of Services. The Indian Nation shall provide services as described in its Tribal Social and Health Services Plan.
2. Use of State and Federal Funds. The Indian Nation shall comply with all applicable federal and state laws and regulations governing the use of federal and state funds associated with this Agreement.
3. Drug-Free Workplace. The Indian Nation shall provide a drug-free workplace in compliance with drug-free workplace requirements in Subpart B of part 382, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701-707).
4. Health Insurance Portability and Accountability Act (HIPAA). The Indian Nation shall comply with all applicable federal HIPAA requirements in its use, handling, and storage of protected health information. 45 CFR Parts 160, 162, and 164.
5. Lobbying. The Indian Nation shall abide by all applicable Federal laws relating to lobbying and political activity. 45 CFR Part 93 and Hatch Act (5 USCS 1501-1508).
6. Financial Participation. When matching funds are required, the Indian Nation shall not use state or federal funds to match other funds unless the state or federal funds it uses are authorized by law to be used for that purpose. 42 CFR 433.51.
7. Certification Regarding Ethics. The Indian Nation shall comply with all state and federal requirements regarding ethics and conduct in all matters associated with this Agreement throughout the term of the Agreement. Chapter 42.52 RCW and 45 CFR 74.42.
8. Debarment Certification. The Indian Nation is not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in this Agreement by any Federal department or agency.

If requested by DSHS, the Indian Nation shall complete a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion form. Any such form completed by the Indian Nation for this Agreement shall be incorporated into this Agreement by reference.

Any subcontracts the Indian Nation enters into in connection with this agreement shall comply with federal Debarment and Suspension requirements. Federal Executive Order 12549 and 2 CFR Part 376, regarding Debarment and Suspension.

9. Single Audit Act. The Indian Nation shall comply with the requirements of the federal Single Audit Act. 45 CFR 74.26. and OMB Circular No. A-133.

10. Nondiscrimination. The Indian Nation shall comply with all applicable federal statutes relating to nondiscrimination, including but not limited to, Title VI of the Civil Rights Act of 1964, (PL 88-352); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107); the Drug Abuse Office and Treatment Act of 1972 (PL 92-255); as amended, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), as amended; Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended; Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et seq.), as amended, and any other nondiscrimination statute(s) which may apply.
11. Pro-Children Act of 1994. The Indian Nation shall comply with the requirements of Public Law 103-277 Part C, Environmental Tobacco Smoke.

By signing on the line below, the Tribe's signatory official is providing certification that the Tribe is, and will remain, in compliance with certifications contained herein.

Signature

Date

Printed Name

Title

Tribe

Appendix C – Required Elements Checklist

Required at the time of submission are:

- (1) A letter or resolution from the tribe authorizing submission of the Tribal Plan, and its associated elements, for participation in consolidation.
- (2) Identification of the tribe's contact person and contact information.
- (3) A Tribal Plan, which must clearly identify:
 - i. Contracts and services included.
 - ii. Service area for the services to be provided.
 - iii. Projected consolidated budget (based on current funding levels).
 - iv. Tribal program or agency to deliver services.

OIP will notify each tribe upon receipt of its Tribal Plan and provide written approval or disapproval of the Plan to the tribe within 90-days of receipt.

Required upon approval are:

- (1) A signed set of Standard Assurances and Certifications.
- (2) A tribal resolution authorizing the final Tribal Plan and components.
- (3) A consolidated Intergovernmental Agreement with DSHS.

Appendix D – Sample Projected Consolidated Budget Format

Tribal Department											
State Program											
FUNDING AMOUNT											
Match %											
Match cash											
Match in-kind											
EXPENSES:											
Personnel											
Salaries											
Benefits											
Total S&B											
Non-Personnel											
Total											
Indirect Cost											
___%											
Total Expenses											

The budget may be modified, within the scope of responsibilities, as long as goals and objectives are met and funds are not commingled.

Appendix E – Regulatory Exceptions – WAC 388-440-0001

WAC 388-440-0001 Exceptions to rule. (1) The secretary of the department, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code (WAC) for individual cases, except as noted in subsection (5) of this section, when:

- (a) The exception would not contradict a specific provision of federal law or state statute; and
- (b) The client's situation differs from the majority; and
- (c) It is in the interest of overall economy and the client's welfare; and
- (d) It increases opportunities for the client to function effectively; or

(e) A client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(2) The secretary or the secretary's designee makes the final decision on all requests for exceptions to a rule.

(3) Clients have no fair hearing rights as defined under chapter 388-08 WAC regarding exception to rule decisions by department staff.

(4) Clients who do not agree with a decision on an exception to rule may file a complaint according to chapter 388-426 WAC.

(5) This section does not apply to requests for non-covered medical or dental services or related equipment. See WAC 388-501-0160.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. 00-03-034, § 388-440-0001, filed 1/12/00, effective 2/12/00; 98-16-044, § 388-440-0001, filed 7/31/98, effective 9/1/98.]

Appendix F – DSHS Tribal Plan Review Check List

Date: _____ Tribe: _____ Reviewer: _____			
	Yes	No	Comments
<p>1) Does the Tribal Plan identify the programs to be included?</p> <p>Does this section of the Plan include a list, identifying by DSHS Administration, each specific program included in the Plan and the services to be provided?</p>			
<p>2) Does the Tribal Plan include a description of how it is consistent with the purpose of the Indian Nation Contract Consolidation Project?</p> <p>Does the Plan describe the goals or outcomes that the Tribe intends to achieve by undertaking primary responsibility for the social and health programs included?</p> <p>Does the Plan include a description of the Tribe's ability to provide the services included, and the administrative capabilities of the Tribe?</p>			
<p>3) Does the Plan include a specific description of all the services and activities that the tribe will provide such as:</p> <ul style="list-style-type: none"> a) Criteria the tribe will use to determine eligibility? b) Services to specific or populations of participants? c) How and to what extent the specific participants in 3(b) will be served? d) A description of the services to be provided? (For example, if counseling services will be provided the Plan should describe these services and the circumstances under which they will be made available to tribal members.) e) Other information related to the service to be provided? f) Does any part of the Tribal Plan require a waiver? Was a waiver requested? g) How service to tribal members will be improved. h) Information required by statute for any of the included programs. 			

	Yes	No	Comments
<p>4) Does the tribe's consolidated budget identify expected funding and expenditures by program?</p> <p>a) Expected funding by program? b) Expected expenditures by program and required cost categories? c) Do expenditures for each program equal the amount of funds the tribe expects to receive for that program?</p>			
<p>5) Does the Tribal Plan identify the agencies of tribal government to deliver the services included in the Plan?</p> <p>Does the Tribal Plan describe how the tribe will manage the services in the Plan, including which of its departments or agencies will have responsibility for each service?</p>			
<p>6) Does the Tribal Plan include a list of any statutory or regulatory provisions that the tribe believes need to be waived in order to implement its Plan?</p> <p>Does the Plan include specific information for each waiver; for example, exact citation, justification for the request, and a detailed description of the tribe's proposed alternative?</p>			
<p>7) Did the tribe submit a signed set of Standard Assurances and Certifications?</p>			
<p>8) Did the tribe submit a Tribal Resolution authorizing submission of its plan and accompanying material?</p>			
<p>Performance Standards</p>			
<p>Does the Tribal Plan include standards against which DSHS can monitor and evaluate program performance? Are they:</p> <ul style="list-style-type: none"> • Measurable? • Outcome based? • Consistent with the Tribal Plan? 			

Appendix G – DBHR Guidelines

The Division of Behavioral Health and Recovery (DBHR) section of the Tribal Plan will include:

For Chemical Dependency Prevention and Treatment Services

- (1) A Spending Plan, as negotiated with local DBHR Behavioral Health Administrator, which describes rates for each treatment modality, and ancillary service; as well as the 10% match, and the amount dedicated to prevention activities.

The Tribe will:

- (2) Elect to bill a monthly pro-rata share under the Intergovernmental Agreement, provided that payments received and services performed pursuant to the approved Spending Plan are reconciled in at least each State biennial quarter (six-month period) with data entered into Treatment and Report Generation Evaluation Tool (TARGET) and or Performance-Based Prevention System (PBPS) by the tenth calendar day of the month following the month of service and no later than 30 days of the service delivery date. Monthly pro-rated shares will be subject to periodic adjustments based on actual costs.

or

- (3) Elect to bill based on the month services were provided with data entered into TARGET and or PBPS by the tenth calendar day of the month following the month of service and no later than 30 days of the service delivery date.

For reporting, see Section III. C. Reporting of the Guidelines.

Funding may be reduced proportionately on a quarterly basis if not meeting anticipated/negotiated contracted service delivery level. Those Tribes exceeding their contracted service delivery level will be given first consideration for any excess funds given up by other Tribes.

For Mental Health

- (1) Elect to bill a monthly pro-rata share under the Intergovernmental Agreement, provided that payments received and services are reconciled at the end of each State biennial year based on submission of an Annual Report. Monthly pro-rated shares will be subject to periodic adjustments based on actual costs.

or

- (2) Elect to bill based on the month services were provided by the tenth calendar day of the month following the month of service and no later than 30 days of the service delivery date.

Appendix H – Overview of the Consolidation Project

Introduction

The Indian Nation Contract Consolidation Project (Contract Consolidation) is a manifestation of the government-to-government relationship between the tribes and the State of Washington Department of Social and Health Services (DSHS). It marks a significant step in State/Tribal governmental relations and promises to serve as a model of cooperation, not only in the State of Washington, but also for any government's relationship with indigenous peoples.

Participation in Contract Consolidation does not make a tribe eligible for any program funds that it would not otherwise be eligible to receive, nor does it increase or decrease the amount of funds for which a tribe is eligible.

Reasons for Consolidation

There are twenty-nine federally recognized Indian tribes or nations in Washington State. Most tribes have numerous contractual agreements with DSHS through which they provide a variety of social and health services to their citizens. This results in numerous audit, reporting, and documentation requirements, as well as on-site monitoring visits to the tribe by different DSHS program staff. Consolidation will reduce administrative and staff burdens by reducing the number of individual agreements between a participating tribe and DSHS, without reducing funding to the tribe or services to its citizens. It will also reduce the number of required reports, on-site visits, and the amount of documentation required.

Consolidation supports Indian self-determination because participating tribes must adhere to fewer DSHS requirements regarding the design and delivery of their social and health services programs. The result is services or programs better tailored to the needs of the populations to be served, which can be changed in response to changing needs.

History of the Project

Members of the Indian Policy Advisory Committee (IPAC) first presented the consolidation idea to DSHS. IPAC members wanted improvements established between the federal government and Indian tribes to be applied to agreements between DSHS and tribes in the State of Washington. In particular, IPAC members wanted to streamline billing and payment procedures and reporting requirements, incorporate culturally relevant treatment and services, obtain waivers from some statutory and regulatory requirements, and reduce the number of on-site visits to tribes by DSHS.

In February 2001, IPAC and DSHS began to develop a framework for consolidation. In June of that year, a large Tribe, the Confederated Tribes of the Colville Reservation, and a smaller Tribe, the Port Gamble S'Klallam Tribe, volunteered to participate in the pilot project. DSHS and the Tribes began meeting in July 2001 to design the project and negotiate the contents of a consolidated contract. Since that time, DSHS and the Tribes have made periodic progress reports to IPAC.

Key Components of Consolidation

1. As suggested by the tribes, the Project is modeled after Public Law 102-477 and contains many of the same requirements, in particular, DSHS' development of Project Guidelines for tribes to use in developing their own Tribal Social and Health Services Plans (Tribal Plans). Tribal Plans will describe how the tribe plans to provide culturally relevant

services in each program area while meeting all applicable statutory and regulatory requirements.

2. Tribal Plans reduce reporting requirements for services provided. Specifically, tribes submit one consolidated annual report, except when statute, regulation, or legislative body requires more frequent reporting.
3. Required billing documentation is reduced and participating tribes receive an annual working capital advance payment.
4. Upon written request from a participating tribe, DSHS will, whenever possible, support the tribe in pursuing waivers.

Contract Consolidation Amendment Form

Indian Nation:

Consolidated Intergovernmental Agreement (IGA) Contract Number:

Amendment Number: (assigned by CCS)

Amending: (check all that apply)

IGA Plan Budget Other

Administration/Program and Page of Agreement:
Reason for change:
Change:
By their signatures below, the parties agree to and certify that they are authorized, as representatives of their respective governments, to sign this Amendment regarding the Contract Consolidation Project.
_____ Date: _____ _____ Printed Name
_____ Date: _____ Department of Social and Health Services