Washington State Department of Social & Health Services

Transforming lives

Administrative Policy No. 07.01

Subject: American Indian Policy

Information Contact:
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Authorizing Sources:
Chapter 43.376 RCW, Government-to-Government Relationship with Indian Tribes
Washington State 1989 Centennial Accord
Millenium Agreement
Presidential Executive Order #13175 (2000)
Presidential Memorandum: Tribal Consultation and Strengthening Nation-to-Nation Relationships (2021)
Presidential Memorandum: Uniform Standards for Tribal Consultation (2022)
Office of the Secretary

Effective Date: November 1, 1987

Revised: April 22, 2024

Approved By: **Original signed by Pearlette J. Ramos**
Senior Director, Office of Justice and Civil Rights

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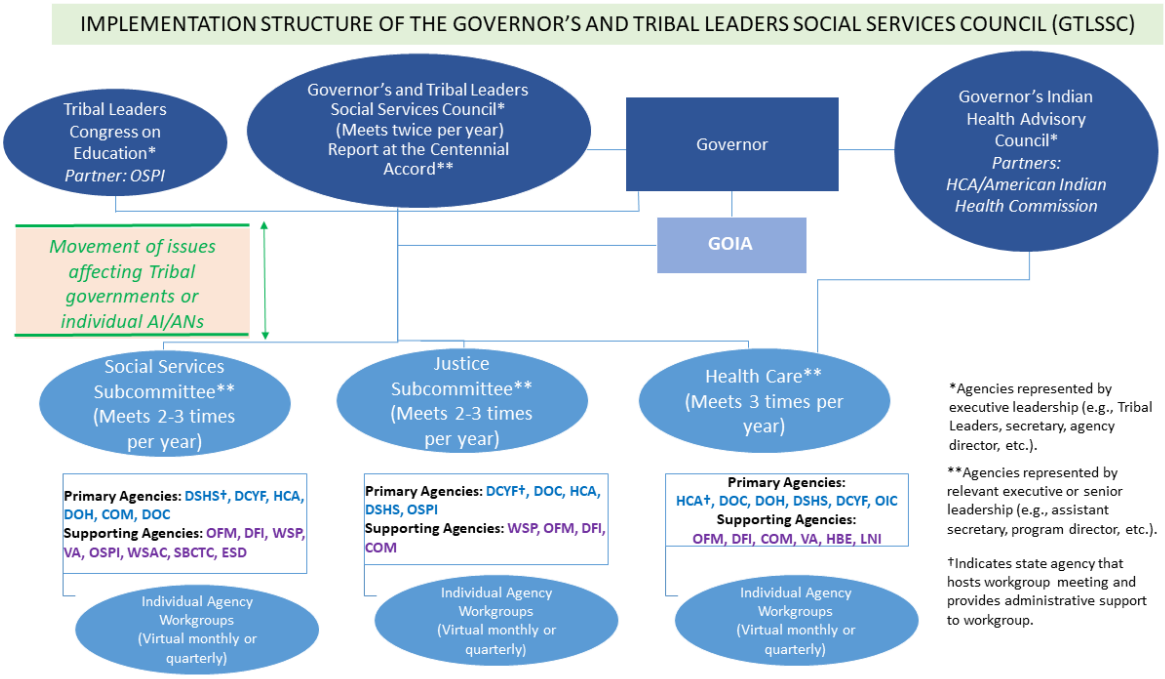
Purpose

This policy defines specific duties and responsibilities for the Department of Social and Health Services (DSHS) employees who work with tribes and Urban Indian Organizations (UIOs). This policy defines DSHS' commitment to consultation with federally recognized tribes in Washington state, and to confer with UIOs in the planning of DSHS service programs, to ensure quality and comprehensive service delivery to all American Indians and Alaska Natives (AI/AN) in Washington state.

Background

DSHS requires a government-to-government approach to seek consultation and participation by representatives of tribal governments in policy development and service program activities. This is in compliance with the authorizing sources section listed above.

The Governor's and Tribal Leaders Social Services Council



Acronyms:

COM=Department of Commerce	DCYF=Department of Children, Youth, and Families
DFI=Department of Financial Institutions	DOC=Department of Corrections
DOH=Department of Health	ESD=Employment Security Department
GOIA=Governor's Office of Indian Affairs	HBE=Health Benefit Exchange
HCA=Health Care Authority	LNI=Labor and Industries
OFM=Office of Financial Management	OIC=Office of the Insurance Commissioner
OSPI=Office of the Superintendent of Public Instruction	SBCTC=State Board for Community & Technical Colleges
VA=Veteran's Administration	WSAC=Washington Student Achievement Council
WSP=Washington State Patrol	

During the 2019 and 2020 Centennial Accord meetings, the Governor's Office and tribal leaders supported the development of the Governor's and Tribal Leaders Social Services Council (GTLSSC). The GTLSSC collaborates through the Governor's Office of Indian Affairs (GOIA) with tribes/UIOs and agencies that are involved with human services work, functioning as an oversight committee over all advisory committees involved with social services, health care, and justice issues.

Invited Partners

GTLSSC Partners and Tribal Organizations who may be regularly invited include: American Indian Community Center, American Indian Health Commission, Chief Seattle Club, National Indian Child Welfare Association, the NATIVE Project, Northwest Portland Area Indian Health Board, the Reinvestment Committee of the Governor's Indian Health Advisory Council, Seattle Indian Health Board, Small Tribes of Western Washington, South Puget Intertribal Planning Agency, Tribal Leaders Congress on Education, and United Indians of All Tribes Foundation.

Scope

This policy applies to all DSHS employees, contractors, interns, and volunteers.

Definitions

Alaska Native (AN): Individuals the federal government recognizes in accordance with 43 USC Chapter 33 section 1602(b).

American Indian (AI): Individuals the federal government recognizes in accordance with 25 USC Section 2902.

American Indian Health Commission: The American Indian Health Commission is a tribally driven, non-profit organization working on behalf of the 29 federally recognized Indian tribes and two Urban Indian Health Organizations in the state of Washington.

Confer: For planning purposes, DSHS seeks advice with UIOs on policies and initiatives related to healthcare for urban AI\ANs, furthering the fulfillment of the trust responsibility to urban AI\ANs.

Consultation: A tribal consultation is a formal, two-way, government-to-government dialogue between official representatives of tribes, and state agencies to discuss state proposals before the state agency makes decisions on those proposals. The state agency provides sufficient advance notice to appropriate tribal leaders of upcoming consultation sessions and, following the consultation sessions, explains to those tribal leaders how the final agency decision incorporates tribal input. See Attachment 3.

Contracted services: DSHS enters into contracts for client services, personal services, and purchased services. These contractors include individual providers, public agencies, and private (profit or non-profit) organizations, including but not limited to Area Agencies on Aging. Other contracted agencies also provide licensing services, group care services, and other social and health services.

Culturally relevant: A condition where services provided to clients are appropriate according to the clients' cultural backgrounds.

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DSHS cabinet: The advisory body that supports the DSHS secretary and includes assistant secretaries, chief of staff, deputy chiefs of staff, director of division of vocational rehabilitation (DVR), and senior directors for human resources division (HRD), legislative affairs, office of justice and civil rights, office of communications and government affairs; and office of equity, diversity, access, and inclusion.

DSHS subcabinet: Representatives to the secretary's executive team including office of the secretary senior directors and key deputies from DSHS administrations and DVR. The Office of Indian Policy senior director is a member of this team.

Federally recognized tribes (tribes): Self-governing AI/AN governments recognized under applicable federal and common law. Because of their unique sovereign status, federally recognized tribes have the inherent power to make and enforce laws on their lands, and to create governmental entities. A **federally recognized tribe** is an AI/AN tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

Government-to-Government: A unique legal and political relationship with Indian tribes and special relationship with Alaska Native entities as provided in the Constitution of the United States, treaties, and federal statutes.

Governor's Indian Health Advisory Council (GIHAC): The purpose of the legislatively mandated Governor's Indian Health Council is to address issues in Washington state's Indian health care delivery system and setting overall vision and goals for the Indian Health Improvement Reinvestment Account. It was created in 2019 through **Senate Bill 5415**. The council includes representatives from tribes, urban Indian health organizations, state agencies, and legislators.

Identified key positions: This term refers to DSHS managers and employees in positions that have policy or budget decision-making authority or influence, and whose emphasis of responsibility is working in conjunction or association with the tribes and UIOs. This includes regional administrators, deputy regional administrators and tribal liaisons.

Indian Policy Advisory Committee (IPAC): DSHS advisory committee comprised of representatives from federally recognized tribes in Washington state and UIOs recognized by IPAC. It guides the implementation of the Centennial Accord and DSHS American Indian Policy within DSHS.

Office of Indian Policy (OIP): Serves as subject matter experts (SMEs) for government-to-government relations between tribal governments and DSHS and advises the DSHS secretary. OIP is responsible for coordination, collaboration, and engagement with federally recognized tribes and UIOs in Washington state to address the collective service needs of its AI/AN citizens.

Plan and progress report: The 7.01 plan and progress report is a matrix submitted annually to the DSHS assistant secretaries and DVR division director to record the government-to-government work of the regions with tribes and UIOs. (See Attachment 1)

Tribal sovereignty: Federal law recognizes federally recognized tribes as possessing inherent sovereignty over their members and their territory. The Code of Federal Regulations (CFR) for the Bureau of Indian Affairs identifies territory as the service area and the CFR for Indian Health Services defines territory as the contract health services delivery area. Sovereignty means that tribes have the legislative, executive, and judicial power to make and enforce laws, and to establish courts and other forums for resolution of disputes.

Urban Indian Organizations (UIOs), formerly known as Recognized American Indian Organizations: Organizations, as recognized in accordance with IPAC by-laws, including the American Indian Community Center (AICC), Chief Seattle Club, the NATIVE Project, Seattle Indian Health Board (SIHB), Small Tribes of Western Washington (STOWW), South Puget Intertribal Planning Agency (SPIPA), a tribal consortium, and United Indians of All Tribes Foundation (UIATF). These organizations exercise their rights as AI/ANs, citizens of the United States, and residents of the state of Washington.

Policy

A. General Guidelines

1. DSHS must provide necessary and appropriate social and health services to citizens of federally recognized tribes in Washington state, UIOs and AI/AN citizens.

2. DSHS recognizes, honors, and supports consultation with tribes on a government-to-government basis, and for planning purposes, confers with UIOs.

3. When considering decisions that may impact tribes, UIOs, and AI/ANs, DSHS must:
   a. Recognize AI/AN tribes as federally recognized political governing bodies and respect their sovereignty and the unique social and legal status they hold. DSHS must acknowledge and consider findings under the Supremacy Clause and Commerce Clause of the United States Constitution, federal treaties, executive orders, the Indian Citizenship Act of 1924, the Indian Reorganization Act of 1934, the Indian Child Welfare Act of 1978, the American Indian Religious Freedom Act of 1978, the Centennial Accord, other relevant statutes, and tribal, federal, and state court decisions.
   b. Acknowledge and consider federal law providing for AI/AN self-determination and self-governance for federally funded and federally

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assisted programs without diminishing the sovereign status of federally recognized tribes.

c. Work in cooperation and coordination with the Governor's Office of Indian Affairs.

d. Seek federally recognized tribes' involvement and consultation in, but not limited to, DSHS plans, budgets, policies, program services (including those provided by contractors and grantees), operational procedures, federal waivers, or exemptions to state plans that impact tribal citizens.

e. Confer with UIOs on policies and initiatives related to social and health services for urban AI/ANs, furthering the fulfillment of the trust responsibility to urban AI/ANs.

4. DSHS must ensure that programs and services to tribes, UIOs, and individual AI/ANs are culturally relevant and in compliance with this policy.

5. DSHS must conduct periodic evaluations of the responsibilities listed above to identify progress and outstanding issues per the 7.01 planning process. (See Attachment 1)

6. This policy does not waive, alter, or diminish the sovereignty of federally recognized tribal governments, nor does it affect federal or tribal protected rights for individual AI/ANs, or any other rights under the Centennial Accord, treaty, executive order, self-determination, self-governance, or other applicable federal, tribal, or state laws.

7. DSHS recognizes the rights of federally recognized tribes to bring their issues and needs to the direct attention of the Governor under the Centennial Accord.

8. This policy provides opportunities for tribes and UIOs to participate in part or in total at their discretion. This policy is in full force and effect regardless of the degree of participation of any tribe or UIO. DSHS employees must extend the full benefit of this policy even if a tribe or UIO decides not to participate.

9. Each Aging and Long-Term Support Administration (ALTSA), Behavioral Health Administration (BHA), Developmental Disabilities Administration (DDA), Economic Services Administration (ESA) and DVR regional administrator, field services administrator, district manager, or division director must develop and submit an annual DSHS administrative policy 7.01 plan and progress report to their assistant secretary or designee, or DVR director by April 2 of each year, in collaboration with tribes or UIOs. 7.01 plans are living documents and include tools to track the progress of DSHS' relationship with tribes or UIOs. As such, these documents are updated on a regular basis and as requested by tribes or UIOs. Updates must be approved by both parties. Each ALTSA, BHA, DDA, and ESA assistant secretary and DVR director must submit the consolidated plan and

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update for their administration or DVR to OIP by April 30 of each year. The OIP senior director must provide the DSHS subcabinet an overview of these administrations and DVR's implementation plans by June 30 of the same year. A uniform matrix format will be used for performance measurements. See Attachment 1: DSHS Administrative Policy 7.01 Implementation Plan Reporting Guidelines

10. ALTSA, BHA, DDA, DVR, and ESA appointing authorities must include representatives from tribes and UIOs on employee interview panels for identified key positions such as regional administrators, deputy regional administrators, tribal liaisons, and any DSHS position that has policy or budget decision-making authority or influence and whose emphasis of responsibility is working in conjunction or association with the tribes and UIOs. The respective OIP regional manager will contact the tribes and UIOs to facilitate participation. When tribes are not available, a member of OIP must be included on the interview panel.

11. Employees in identified key positions are required to attend DSHS American Indian AP 7.01 Government-to-Government training. These are leaders who are identified as having authority to make decisions, work with policy and policy development, who are responsible for managing various resources (staff and funding). Tribal liaisons are included in this group as they are assigned to collaborate with tribes and UIOs and their respective leadership to provide services.

B. Communications

All communications with the tribes and UIOs will be in accordance with the communication protocol. See Attachment 2

1. OIP staff, ALTSA, BHA, DDA, DVR, and ESA regional managers, and DSHS tribal liaisons must maintain information distribution lists and provide information to tribes and UIOs..

2. The OIP senior director meets with ALTSA, BHA, DDA, and ESA assistant secretaries and DVR director as necessary to timely identify and address needs between DSHS and the tribes and discuss actions.

3. ALTSA, BHA, DDA, and ESA assistant secretaries and the DVR director must update the DSHS cabinet on tribal relations and the status of their DSHS administrative policy 7.01 plan and progress report.

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4. OIP staff must hold quarterly meetings with headquarter tribal liaisons and program managers identified by ALTSA, BHA, DDA, DVR, and ESA to discuss collaboration and integration within DSHS with respect to tribal services.

5. ALTSA, BHA, DDA, and ESA assistant secretaries and DVR director must attend each IPAC meeting and be prepared to discuss the planning for specific areas of partnership with the tribes and UIOs. This may include providing reports or presentations, depending on the planned activity and need.

C. Consultation Process

Consultation with the tribes and confer with UIOs must comply with the consultation protocols. See Attachment 2

1. DSHS may initiate a consultation process with tribes and seek advice from IPAC and UIOs at the same time. See Attachment 3, DSHS Administrative Policy 07.01 consultation flowchart that provides detailed information of this process.

2. Representatives from DSHS, tribal governments, and UIOs must identify the participants in the two-way consultation/confer process and establish participation at the appropriate level as early as possible.

3. Participants must provide a clear description of the nature of the issues. DSHS must provide all participants in advance with related documents or statements describing the purpose and issues.

4. Participants must have sufficient time to review documents and respond to requests for consultation. The amount of time can vary depending on the nature and complexity of the issues. If decisions require quick action due to imposed deadlines, DSHS must make every effort to provide advance written notice to allow for meaningful input and response.

5. Participants must establish and adhere to a schedule for consultation. DSHS, tribal participants, and UIOs must jointly determine the protocols, timing, and number of meetings needed for consultation.

6. Participants must recognize that each tribe is culturally and administratively unique. It is important to acknowledge tribal customs and protocols.

7. Participants must schedule roundtables or workgroups to develop recommendations for actions on various technical, legal, or policy issues per the Consultation Protocol.

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8. Participants must report the outcomes of the consultation to the tribes, UIOs, DSHS secretary, OIP and appropriate administrations or DVR. The goal is to reach consensus at the outcome of the consultation, so DSHS and tribal participants must actively participate in the consultation to ensure that all views are considered. Once the consultation is complete and a policy decision is final, all recommendations for follow-up actions must be communicated, implemented, and monitored.

9. For planning purposes, DSHS will confer with UIOs on policies and initiatives related to healthcare for urban AI/ANs, furthering the fulfillment of the trust responsibility to urban AI/ANs.

D. Dispute Resolution Process

In recognition of the sovereign government status of tribes, when consultation alone has not succeeded in the resolution of issues, tribes have the authority to raise the issues to the assistant secretary, DVR division director, DSHS secretary, and the governor.

E. Duties and Responsibilities

1. The DSHS secretary must:
   a. Communicate with each tribe, UIO, and IPAC, review their recommendations, and where appropriate, implement the recommendations within the realm of their authority, and provide periodic updates to the governor's cabinet.
   b. Consider seeking legislative support for tribal and UIO programs and services when submitting budget requests to the Office of Financial Management (OFM) and submitting legislative proposals related to social and health services.
   c. Support the federal model of "self-determination" and "self-governance" for tribal management of state funded programs while discussing relevant issues with OFM and the governor's office.
   d. Work with tribes, UIOs, GTLSSC and IPAC in assessing and addressing unmet needs, service gaps, and other outstanding issues.
   e. Consult with tribes and meet with UIOs and IPAC before making substantive changes to OIP or DSHS AP 7.01.
   f. Share the DSHS AP 7.01 plan and progress report annually to the:
      1) IPAC members, tribes, and UIOs
      2) Governor's cabinet; and,
      3) DSHS cabinet.

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2. OIP must:
   a. Coordinate, monitor, and assess DSHS's relationships with tribes and UIOs. OIP are the government-to-government subject matter experts at DSHS. OIP and IPAC will receive and address specific questions regarding DSHS AP 7.01 from DSHS administrations and divisions.
   b. Facilitate DSHS communications and consultations on an ongoing basis with tribes and UIOs to ensure DSHS's thorough consideration of all suggestions and recommendations.
   c. Advocate for the delivery of quality, culturally relative DSHS services, and ensure that AI/AN children, families, and individuals can access DSHS services in a timely manner.
   d. Communicate with DSHS management, regional representatives, and contractors to help them understand and implement this policy.
   e. Monitor issues on services to AI/ANs, bring issues to the appropriate administrator for resolution and recommend specific actions to resolve issues in compliance with this policy. OIP staff are authorized to participate at any level of DSHS and to access Category 2 information necessary for the performance of their duties.
   f. Provide staff support to IPAC for its ongoing communications through meeting, planning, and consultation activities.
   g. Provide DSHS and tribal staff with ongoing training and information on this policy. OIP will train DSHS employees and contractors who work with or serve tribal citizens per government-to-government relations via DSHS AP 7.01.
   h. Work with administrators and concerned tribes to resolve issues based on the OIP senior director's reviews of DSHS AP 7.01 plans and progress reports with the assistant secretaries and DVR director.
   i. The OIP senior director attends DSHS cabinet meetings monthly and provides support to the administrations and DVR and receives needed feedback.

3. ALTSA, BHA, DDA, and ESA assistant secretaries and DVR director must:
   a. Include consideration of resources (including state funds, contracts, or grants) to support DSHS AP 7.01 planning activities, functions, and goals when submitting budget requests and request legislation to the DSHS secretary budget submittal to OFM.
   b. Identify federal waivers and exemptions in consultation with tribes, confer with UIOs and IPAC, and include those waivers or exemptions to their state plans when they are resubmitted, updated, or modified to promote and enhance tribal self-determination and self-governance.
   c. Review and use regional DSHS AP 7.01 plan and progress reports to develop administration or DVR specific statewide plans. These plans must capture common needs and potential issues and provide ways to bring attention to concerns specific to tribes and UIOs.

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d. Inform and seek input from OIP when developing policies and procedures that will have a unique effect on tribes or UIOs.
e. Notify and invite OIP to meetings with tribes and UIOs.
f. Periodically provide direction to the DSHS regional staff on implementations and changes resulting from their DSHS AP 7.01 plan and progress report.
g. Submit quarterly reports to the OIP senior director for tribal issues using the DSHS tracking tool.

4. ALTSA, BHA, DDA, DVR, and ESA division directors must:
   a. Identify, measure, and evaluate performance indicators related to the implementation of this policy.
   b. Inform and seek input from OIP when developing policies and procedures that will have tribal impacts.

5. ALTSA, BHA, DDA, DVR, and ESA regional administrators, field services administrators, and district managers must:
   a. Seek tribal input and collaboration in the development of the annual DSHS AP 7.01 plan and progress report (see Attachment 1: DSHS Administrative Policy 7.01 Plan and Reporting Guidelines).
   b. Inform and seek input from OIP when developing policies and procedures that may have a unique effect on tribes or UIOs.
   c. Following the requirements of DSHS AP 18.16, Hiring Processes, initiate the DSHS hiring process selecting tribal liaisons in collaboration with tribes/UIOs as outlined in Policy, General Guidelines, section 11.
   d. Provide opportunities for tribal specific training, participation in meetings and conferences as funding permits. Designated tribal liaisons will attend IPAC meetings and provide technical support and information to IPAC.
   e. Identify, measure, and evaluate performance indicators related to the implementation of this policy.
   f. Ensure that employees in identified key positions attend tribal training as described in RCW 43.376.040 and DSHS AP 7.01 training, or, as requested by tribes.

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Attachment 1
DSHS Administrative Policy (AP) 7.01 Implementation Plan Reporting Guidelines

Develop AP 7.01 plans and progress reports in consultation and collaboration with each tribe and Urban Indian Organizations (UIOs). Government-to-government meetings take place at the highest level between leaders. At the regional level, when regional administrators are unable to attend, they must designate someone with their decision-making authority to participate on their behalf.

A. Reporting Schedule:

Each ALTSA, BHA, DDA, DVR, and ESA regional administrator, field services administrator or district manager must:

1. Develop and submit the annual AP 7.01 plan and progress report to their assistant secretary or DVR director by April 2 of each year.

2. Incorporate any amendments to the AP 7.01 plan as they are negotiated during the year in collaboration with tribes or UIOs, and immediately send the amendments to their assistant secretary or DVR director.

Each ALTSA, BHA, DDA and ESA assistant secretary and DVR director must:

1. Submit the consolidated annual plan for their administration or DVR to OIP by April 30 of each year.

2. Upon receiving any amendments to the AP 7.01 plan from the regional administrator, field services administrator, or district manager, review and finalize the amendments and submit to OIP within 30 days of approval.

B. Planning Checklist

Assigned employees in identified key positions must use this checklist to help develop the AP 7.01 plan and progress report and must involve OIP in the process.

- ☐ 1. Have you scheduled regular meetings with the tribes to discuss the AP 7.01 plan and progress report? When and how often do you meet?
- ☐ 2. Has your administration, region, division, program, contractors, or grantees met with the tribes and UIOs in your area and identified issues that need to be addressed? What were the topics of the issues? What were the agreeable solutions?
- ☐ 3. Have you included tribal and UIO contacts in your information sharing, problem-solving and planning activities? Who are your contacts at the tribe or UIO?
- ☐ 4. Have you notified tribes and UIOs of funding opportunities, requests for proposals (RFPs), available grants, or training opportunities from DSHS? What were they?
- ☐ 5. Do you have any special or pilot projects that include tribal participation, or need to have tribal and UIO participation? What are they?

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- ☐ 6. Are your employees trained to address culturally sensitive issues or have access to culturally relevant resources?
- ☐ 7. Is your program or division able to respond to current needs of the tribes and UIOs? How do you achieve this?
- ☐ 8. Did your program or division provide training to the tribes and UIOs? Which tribes and UIOs participated? What kind of training did you provide?
- ☐ 9. Did you provide technical assistance to the tribes and UIOs? If yes, in what capacity?
- ☐ 10. Do you have local area agreements or current working agreements with the tribes? What are they? Are they current?
- ☐ 11. Do you contract directly with the tribes? What are these contracts?
- ☐ 12. What is your plan for recruiting Native American providers, contractors, or employees?
- ☐ 13. Did you inform and seek input from OIP when developing policies and procedures that will have a unique effect on tribes or UIOs?

C. Format

Use the matrix below for the AP 7.01 plan and progress report.

Policy 7.01 Plan and Progress Report

Timeframe: July 1 ____ to June 30 ____ Updated:

Administration/Division: **Region/Office:** **Tribe(s)/UIO(s):**

Annual due date: April 2 (Submit regional plan to assistant secretary or DVR director) and April 30 (submit assistant secretary or DVR director's pan to OIP).

Implementation Plan				**Progress Report**
(1) Goals/Objectives	(2) Activities	(3) Expected Outcome	(4) Lead Staff and Target Date	(5) Status Update for the Fiscal Year Starting Last July 1
			State: Tribe:	
			State: Tribe	
			State: Tribe:	

Completed Items (and date):

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Attachment 2

Communication Protocol

Between Department of Social and Health Services, Tribal Governments, and Urban Indian Organizations (UIOs)

Purpose:
To assist Department of Social and Health Services (DSHS) staff when communicating with tribal governments and UIOs.

DSHS ALTSA, BHA, DDA, and ESA administrations and the DVR will transmit the following types of formal correspondence with cover letters to OIP for review/distribution:

- Submission of contracts and contract amendments
- Consultation requests and announcements
- Requesting government-to-government or confer visits
- When seeking formal input.

Formal correspondence will be addressed in the following manner:

- Honorable Chairman, Chairperson, President, with a salutation of Dear Tribal Chairman, Chairperson, President
- Dear UIO Director.

With copies to:

- Respective administration or division staff according to internal protocol
- The administration's or DVR's tribal liaison
- OIP
    - IPAC delegates; OIP will forward by email appropriate correspondence to IPAC delegates
- Tribal program administration
- For contract materials, central contract services.

OIP will maintain a current distribution list of tribal chairs, UIO directors, and IPAC delegates.

ALTSA, BHA, DDA, DVR, and ESA regional administrators will follow these communication guidelines:

- Ongoing department to tribal peer-to-peer communications at the local level
- DSHS AP 7.01 meetings as agreed by the tribes, UIOs, and administration or DVR
    - Include notification of meeting in collaboration with the OIP regional manager
    - Include timely notification for cancellation of meetings to the tribes, UIOs, and in collaboration with the OIP regional manager
- Letters are required for:
    - Contracts with a copy to central contract services and OIP.
    - Compliance matters.

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Consultation/Confer Protocol

Between Department of Social and Health Services, Tribal Governments, Urban Indian Organizations (UIOs)

Purpose:
In accordance with the Centennial Accord and DSHS AP 7.01, DSHS maintains a commitment to consultation. Consultation is a formal government-to-government meeting, called to provide an opportunity for an exchange of information and opinion prior to a decision. Confer is a formal process of seeking advice from UIOs.

Tribal Representation:
Tribal governments have the authority to designate individuals or tribal organizations to act on their behalf in government-to-government consultations. Tribes will provide a letter, tribal resolution, or other written correspondence designating their authority to DSHS.

Consultation may be at the request of a tribe, IPAC, or DSHS for the following matters:

- Statewide implications to tribes and AI/ANs
- Proposed change to policy that may impact tribes or UIOs
- Fund distribution.

Consultation will be called at the highest level of DSHS:

- Secretary, chief of staff, assistant secretary, or the DVR director
- DSHS OIP will send a minimum of two written notifications
    - The first one within 45 – 60 days prior to the consultation
    - The second one within 15 – 30 days prior to the consultation
- OIP will email IPAC delegates:
    - Participation notification
    - Follow-up notification
    - Minute distribution.

Roundtables and workgroups should be used for discussions, problem resolution, and preparation for consultation. When matters are resolved by using the roundtable and workgroup process, notification of any final outcomes to these meetings will be distributed to the respective administration or DVR, OIP, tribes, and UIOs in accordance with these written directions.

- Roundtable meetings between tribes, UIOs, and DSHS administrations or DVR
    - These meetings are designed to be with the administrations of the groups or DVR in advance to determine the scope of the situation and establish a work plan.
    - At least two roundtable meetings must be scheduled.
- Workgroup meeting between tribes, UIOs, and state technical team

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- Will provide the opportunity for technical teams from the state and tribes to address any technical challenges or barriers
- Work collaboratively on development of technical solutions.

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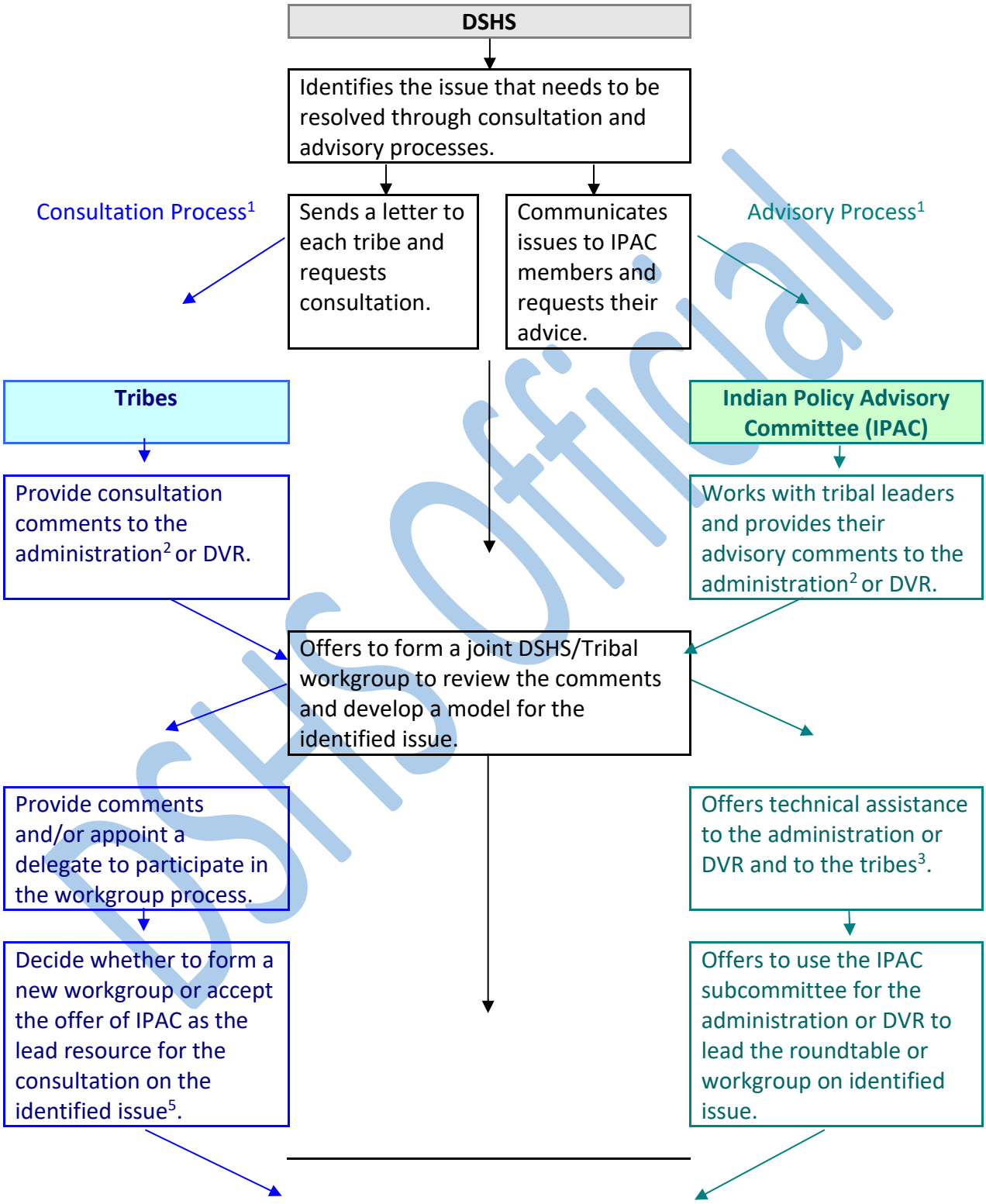
Attachment 3
DSHS American Indian AP 07.01 Consultation Flowchart



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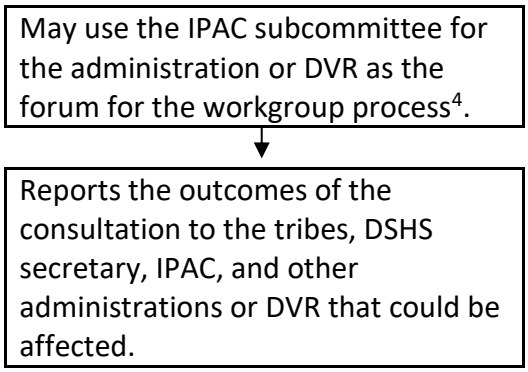

Footnotes:

1. The "consultation" with tribes and "confer" with UIOs can occur at the same time that IPAC performs their "advisory" work.
2. Sometimes the same employee provides the consultation comments on behalf of the tribe and prepares the advisory comments as an IPAC delegate.
3. The IPAC letter would also include a list of the current IPAC delegates and subcommittee members. This would make it easier for tribal leaders to identify people who are already working on the issues through IPAC.
4. Many tribes and UIOs have already designated delegates to IPAC, and the existing subcommittee could be the lead resource for tribes and UIOs to work on the joint DSHS/tribal model development.
5. Some tribes and UIOs may prefer to use their existing IPAC delegates and work through the IPAC subcommittee rather than having duplicate meetings on the same issue.

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