

## Information for Potential Indian Nation Medicaid Contractors

The Aging and Long Term Supports Administration (AL TSA) administers Medicaid State Plan and 1915(c) Waivers and the 1115 Medicaid Transformation Demonstration (MTD) Waiver that provide an array of long-term services and supports to adults with unmet needs for assistance with activities of daily living due to functional impairments caused by age, physical disability or cognitive impairment as well as services and supports to their unpaid family caregivers.

The Department of Social and Health Services (DSHS) is committed to working with federally recognized Tribes in Washington to achieve mutual goals between sovereign governments. Through the 1989 Centennial Accord, it was agreed that each party respected the sovereignty of the other and will partner in a government-to-government relationship to improve service delivery to tribal members and tribal communities. The Accord further states “no party waives any rights, including treaty rights, immunities, including sovereign immunities, or jurisdiction.” This Accord does not diminish any rights or protections afforded other Indian persons or entities under state or federal law.

The Indian Nation Program Agreements are used to contract with federally recognized Tribes. Tribal organizations that are not federally recognized will use the standard contracting process. Eligible American Indian and Alaska Native Medicaid clients may choose to receive services from their own tribe or any tribe in their service area that is qualified and contracted to provide a particular service or any qualified provider of a particular service. Providers do not determine eligibility for services. All State Plan and 1915(c) Waiver services are authorized by DSHS Home and Community Services and Area Agency on Aging staff. AL TSA contracts with 13 Area Agencies on Aging to develop, maintain and ensure a quality statewide Medicaid provider network to serve clients who are eligible for Medicaid long term services and supports. Application materials for a Home and Community Services Medicaid contract are submitted directly to the Area Agency on Aging that serves the region in which the Tribe exists.

Service authorizations and payment for claims are completed through the Health Care Authority's [ProviderOne](#) payment system. Additional training and resources for ProviderOne can be found [here](#). DSHS determines Home and Community Services Medicaid rates, which are posted [here](#), unless Indian Health Services (IHS) enhanced rates have been approved by Health Care Authority for long-term services and supports.

## MEDICAID SERVICES

Application forms for the Medicaid Services below are located [here](#).

- Adult day care
- Adult day health
- Caregiver client supports
- Client Training
- Community Choice Guiding
- Community Transition and Sustainability Services
- Environmental modifications
- Home care agency
- Home-delivered meals
- Personal Emergency Response System
- Professional supports
- Transportation
- Wellness programs and activities

Additional Medicaid Indian Nation Program Agreements will be drafted as needed. Contracts available through the Health Care Authority include the Health Homes Care Coordination Organization, and Non-Emergency Medical Transportation.

ALTSA directly contracts for the Medicaid services listed below. Therefore, do not contact the Area Agency on Aging for these contracts. Instead, see the links referenced below if you are seeking one of the following contracts:

- Personal care delivered by licensed adult family homes or licensed assisted living facilities: Information regarding the licensing and contracting process is located [here](#).
- Nurse delegation: Information regarding the contracting process is located [here](#).
- Private duty nursing: Contact [whitney.hightower@dshs.wa.gov](mailto:whitney.hightower@dshs.wa.gov)
- Specialized equipment and supplies and assistive technology: Contact [adshqcontracts@dshs.wa.gov](mailto:adshqcontracts@dshs.wa.gov)
- Wellness Education



The Indian Nation Program Agreements with tribes will only include special terms and conditions that relate to the service(s) federally recognized Tribal Nations may choose to provide. Separate Indian Nation General Terms and Conditions that outline general DSHS contract terms and conditions are already in place for each federally recognized tribe.

## **SPECIAL TERMS AND CONDITIONS**

Special terms and conditions were revised to support sovereignty and treaty rights. These changes to the Indian Nation Program Agreements include removal of the insurance section, based on the notice of exemption by the Enterprise Risk Management Office Insurance Services Exclusions or Waivers for Administrative Policy 13.13. Indian Tribes are also excluded from any duty to report section that conflicts with tribal law and order code to report to tribal law enforcement and/or FBI first, due to their federal status.

The following waivers are automatically granted to federally recognized Tribal Nations.

- Federally recognized Tribal Nations are not required to obtain a Washington State business license. This also applies to home care contracts. Federal Employer Identification Number (EIN) or the Federal Tax Identification Number, is a unique nine-digit number assigned by the Internal Revenue Service to business entities operating in the United States for the purposes of identification. Indian Nations receive EIN numbers as Sovereign Nations.
- Per DSHS Administrative Policy 13.13, Tribal Nations are excluded from any insurance requirement.
- Tribal Nations are exempt from the following requirement in the Environmental Modifications contract, as long as they are subcontracted within the Tribe: “The Contractor shall be currently registered as a general or specialty contractor in good standing with the Department of Labor and Industries under chapter 18.27 RCW, except as provided under RCW 18.27.090 Exemptions. Registration as a general or specialty Contractor is not required for Contractors only providing portable ramp systems or portable lift systems such as the EWC lift.”
- Medicaid Provider Disclosure Statement (MPDS) checks must be completed if not already in place and documented within the DSHS Agency Contracts Database. However, a Tribal Nation is not required to provide a listing of all Tribal Board/Council members unless the business is set up as a corporation. They will need to identify the managing employees of the business that run the day-to-day operations. The information under I, III and IX within the MPDS form needs to be provided.



- Submission of an A-133 Audit fulfills the financial audit requirement.
- Indian Tribes are not required to provide a business plan. The Government to Government relationship does not require a business plan.
- A tribe that is applying for a contract the first time with the AAA and has no history can provide an example of the programs they have provided for their tribal members (for example, a senior program). Provide a narrative that includes the number of years and services provided to tribal seniors.
- Regarding Nondiscrimination Policies, tribes can provide and limit services to their own tribal members, to other tribal members and/or to the general public based on the decision of the tribal council/leadership. Tribes have Inherent Sovereign Authority to govern their own territory.

The Tribe must designate a signatory for their contract. The signatory must complete a background check through the DSHS Background Check System. In the Indian Nation General Terms and Conditions, 1. Definitions (n) "Tribal Authority" means any person or persons the Tribe has authorized through a letter or resolution designated contract signing authority.

Area Agencies on Aging are required to monitor Indian Nation Special Terms and Conditions annually, but do not need to monitor Indian Nation General Terms and Conditions since that contract is held at DSHS Central Contracts and Legal Services and will be monitored by ALTSA.

