

GUIDELINES

**For
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 2015

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

indianpolicy@dshs.wa.gov

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PURPOSE OF THE GUIDELINES

These Guidelines are created by the Department of Social and Health Services (DSHS) Office of Indian Policy (OIP) 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 Contract Consolidation Project. The Guidelines include the eligibility to participate and required Tribal Plan components, the process for Tribal Plan revisions, amendments, payment and review processes, and 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, upon request by OIP, the Tribe must send OIP 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, the Tribe must also provide those records upon request by OIP.
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. 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.

D. The Waiver Process/Requests for Waiver - See Appendix F

A Tribe must provide detailed information to the 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 the requested amendment is in direct conflict with federal statute or DSHS finds that the requested amendment is 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. *See Appendix F.*

- a. To petition for a regulatory waiver, the Tribe will submit a written waiver request to the OIP. 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 REVISION SUBMISSIONS AND REVIEW PROCEDURES

A. 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 renew 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 an executed IGA and Indian Nation General Terms and Conditions Agreement.
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 as required by tribal code or policy; **and** the Tribe and DSHS have executed necessary amendments addressing any tribal, fiscal, or statutory program changes.
5. The individual program descriptions in the Tribal Plan must identify maximum consideration, local match, and administrative rate(s) charged.

A newly submitted or revised 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 D*, 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 to OIP. Any Plan changes must be made by the signed amendment process when changes occur.

B. Technical Assistance

The OIP is responsible for providing consolidation related technical assistance to Tribes. Routine program related communications shall 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.

C. DSHS Internal Tribal Plan Review Process - See Appendix C

Step 1 – Distribution to the Administrations

Within ten (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 email from OIP will request written comments regarding the Plan, to be received at OIP, within 20 calendar days following the date of distribution.

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.

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.

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.

Step 5 – Final Approval

OIP will send a formal letter and amendment form to the Tribe within 90 days of the revised Tribal Plan submission. If the Plan is approved, the letter will describe implementation procedures and include an amendment form. 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 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 H.
4. OIP will work with DSHS Central Contract Services (CCS) and distribute final amended documents to all parties.

B. Payment Procedures and Transfer of State Funding

DSHS will run a pilot program to offer a single annual payment to participating Tribes for the applicable program payments.

1. Annual Payment Procedures:
 - a. The first annual payment will be made in September 2012, after receipt of a complete and approved Annual Report (July 1, 2011 to June 30, 2012). After this requirement is met for state fiscal year 2012, a funding amendment and an A-19 will be mailed to the Tribe. Once the signed amendment and A-19 is received by DSHS, the annual payment will be paid to the tribe.
 - b. The second and subsequent annual payments will be made in September of each year, after reconciliation of the prior year's funding from Quarterly Expenditure Reports received from the Tribe. No funding will be provided until the Tribe's Annual Report is provided to DSHS and reconciled and approved by DSHS. A funding amendment and an A-19 will be mailed to the Tribe. Once the signed amendment and A-19 is received by DSHS, the annual payment will be paid to the tribe.

2. Transfer of State Funding: The adjustment funding between state and federal funds by DSHS will be based on the Quarterly Expenditure Reports and Annual Reports that are submitted by the Tribes. (See Section C. below regarding explanation of Quarterly Expenditure Reports and Annual Report). OIP will work with program staff and Tribes to obtain any information that is not in the reports that is necessary to make the adjustment.
3. Funding Remedies:
 - A. The Quarterly Expenditure Reports submitted by the Tribes will be used to reconcile and approve the payment made to the Tribe for the next annual period.
 - B. If a Tribe does not spend the funds awarded for an annual period, the difference between the amount awarded and the amount spent will be subtracted from the funding awarded to the Tribe for the next annual period.
 - C. If in the previous two-year period, a Tribe has consistently under-expended the available funding by more than 30 percent, the affected program will calculate a new funding amount based on the average of the last two years. The new funding amount would remain in effect until such time as a documented need to restore funds is requested by the Tribe and approved by the program.

PLEASE NOTE: For each State Fiscal Year (SFY) (July 1st to June 30th), if the Tribe does not spend the funds in an amount equal to the funding awarded for this annual period, the difference between the amount awarded and the amount spent will be subtracted from the funding awarded to the Tribe for the next SFY to maintain current funding levels.

C. Reporting and Monitoring through Tribal Annual Report

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 Quarterly Expenditure Reports and Annual Reports for all of the programs included in its Tribal Plan. **Both the Quarterly Expenditure Reports and the Annual Reports are available at:**
<https://www.dshs.wa.gov/sesa/office-indian-policy/contract-consolidation>

Quarters will coincide with the State Fiscal Year with reports due the last day of the month following the end of the quarter. See Table:

Quarterly Expenditure Reports		
<u>Quarterly Period</u>	<u>Report Due</u>	<u>Due Date</u>
July 1 – September 30	Quarterly Expenditure Report	October 31
October 1 – December 31	Quarterly Expenditure Report	January 31
January 1 – March 31	Quarterly Expenditure Report	April 30
April 1 – June 30	Quarterly Expenditure Report	September 30
Annual Reports		
<u>Annual Period</u>	<u>Report Due</u>	<u>Due Date</u>
July 1 – June 30	Annual Reports	September 30

Quarterly Expenditure Reports (QER)

1. A Quarterly Expenditure Report must include all information that is requested within the report templates provided to the Tribes and which are located on the DSHS Office of Indian Policy website: <https://www.dshs.wa.gov/sesa/office-indian-policy/contract-consolidation>
2. Quarterly Expenditure Reports are due the last day of the month following the end of the quarter being reported. (See table.)

If there are no expenditures for a quarter being reported, a QER reflecting that must be submitted. There **must** be a QER for each program for each quarter regardless of expenditure. Expenditures will be reported in dollars and cents. Beginning balance to be used for the first QER should be the amount of the maximum consideration of the program (the previous unexpended plus the current advance). The advance funding will be capped at the maximum consideration for the program.

1. Annual Reports
 - A. The Annual Reports must include:
 - a. 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.

- b. Operational information for each of the programs included in the IGA or in subsequent amendments to the IGA.
 - c. Descriptions of the outcomes that the Tribe achieved by undertaking primary responsibility for the social and health programs included in its Tribal Plan and be reported on the forms provided on the DSHS OIP website.
- B. The Annual Reports and fourth Quarterly Expenditure Report are due on September 30. With completed and approved reconciliations and reporting the advance payment can be funded any time after July 31.
- 2. The Parties acknowledge that if additional reporting requirements are imposed on the state that necessitates additional reporting by the Tribe, the Tribe will submit additional reports upon reasonable notice of the requirement.
- 3. The Parties agree that, at a minimum, the Quarterly Expenditure Reports and Annual Reports will contain all information, including operational and financial information, required by applicable Federal and/or State law for the programs and services included in the Tribal Consolidated Services Plan or in subsequent amendments to the Tribal Plan or to this Agreement.
- 4. At the Tribe's request, the Department will seek to amend State Plan(s), submitted to federal agencies, which require more than one operational or financial report per year.
- 5. **The Tribe shall send signed electronic copies of its reporting forms to indianpolicy@dshs.wa.gov or a printed copy to:**
 - Department of Social and Health Services
 - Office of Indian Policy
 - PO Box 45105
 - Olympia, WA 98504-5105
- 6. Each Party will communicate with the Single Point of Contact identified by the other Party in this Agreement to discuss reporting or other issues relative to this Agreement.
- 7. Program related communications may continue among program personnel and need not go through the Single Point of Contact. The Tribe will provide a list of program contacts for each program area included in Contract Consolidation.
- 8. The Department's use of information contained in tribal reports is limited to the purposes for which the reports were required. Unless approved by the Tribe, the Department will not use tribal information or data to generate revenue or indirect services that will not directly benefit the Tribe.

D. Program Review

Annual Review

Upon receipt of the Annual Reports, DSHS programs included in the project will conduct an annual review for the purpose of approving the Tribes Annual Reports and final Quarterly Expenditure Report. 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:

- 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 Reports within 21 calendar days of receipt.

A written report will be provided to the Tribe within 30 business 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.

On-site Review

DSHS will conduct on-site reviews of the programs included in the project on an as-needed basis with prior notification to OIP. 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. If necessary 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. OIP will forward these tools to the Tribe 20 days prior to 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 and the audit will comply with. 2 CFR Part 200.500, et seq.

DSHS programs whose monitoring includes an annual audit review of the Tribes most recently completed annual audit (which will comply with the Single Audit Act), including findings and exceptions can review the audit at the Access the Federal Audit Clearinghouse search page using the link below. Instructions on how to search the database can be found at Appendix X of these Guidelines.

Single Audit Database: <http://harvester.census.gov/sac/dissem/entity.html>

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Appendix A – Federally Recognized Tribes in Washington

As of March 1, 2012

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 Government wide 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 2 CFR Part 200.500, et seq.

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 – 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.
- 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.

Appendix E – Sample Projected Annual 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 F – Regulatory Exceptions – WAC 388-440

WAC 388-440 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 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 either
 - 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 and/or the client is at serious risk of institutionalization.
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 388-02 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.

[Statutory Authority: RCW 74.08.090 and 74.09.520. WSR 14-09-015, § 388-440-0001, filed 4/4/14, effective 5/5/14. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-006, § 388-440-0001, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. WSR 04-05-010, § 388-440-0001, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. WSR 00-03-034, § 388-440-0001, filed 1/12/00, effective 2/12/00; WSR 98-16-044, § 388-440-0001, filed 7/31/98, effective 9/1/98.]

Reporting Templates by DSHS Program are available on the OIP website:
<https://www.dshs.wa.gov/sesa/office-indian-policy/contract-consolidation>

Guidelines References

Reference A – Division of Behavioral Health and Recovery (DBHR) Additional Block Grant Requirements (will be in new References Section on website)

Reference B – Crosswalk of Federal Requirement for the SAPT Block Grant, Contract Requirements, and Compliance (will be in new References Section on website)

Reference C – Historical overview of the Consolidation Project (will be in new References Section on website)