

Indian Policy Advisory Committee October 13, 2011

The next meeting will be held January 12, 2011 by video conference.

Tribes Present: Lower Elwah Klallam Tribe, Shoalwater Bay Tribe, Nooksack Tribe, Hoh Tribe, Quileute Tribe, Suquamish Tribe, Samish Nation, Yakama Nation, Squaxin Island Tribe, Chehalis Confederated Tribes, Cowlitz Tribe, Spokane Tribe, Colville Confederated Tribes, Skokomish Tribe, Swinomish Tribe, Jamestown S'Klallam Tribe

RAIOs Present: N.A.T.I.V.E. Project, Seattle Indian Health Board (SIHB),

Gwen Gua did the invocation, after which everyone introduced themselves.

Economic Services Administration

David Stillman, Assistant Secretary

Economic Services Administration is appreciative of the open lines of communication that have been established. David Stillman announced the departure of Secretary Susan Dreyfus. Susan will be leaving Washington State to return to Wisconsin in January.

Budget update: There are options for the reduction of up to 10%. The Governor and the Legislature will have to weigh the options and decide how we will move forward. The options submitted by ESA are the following:

- **Reduce TANF Time Limit from 60 to 48 months** *Effective January 1, 2012 (\$18.33 million GF-s)* – This would impact about WorkFirst cases and 530 Child-Only TANF cases with a parental caregiver. Child-only cases with non-parent caregivers would not be affected by this, as they are not subject to time limits.
- **Eliminate State Family Assistance** *Effective May 1, 2012 (\$5.98 million GF-S, 1.3FTEs)* – This would impact about 1,200 legal immigrant families, students who are age 19 to 20 and their caregiver relatives, and pregnant women who are ineligible to receive federally funded TANF cash benefits.
- **Reduce TANF Grants/2% Grant Ratable** *Effective January 1, 2012 (\$7.77 million GF-S)* - This would impact all WorkFirst families and child-only TANF cases. With this reduction the maximum monthly grant for a three-person family would decrease from \$478 to \$468.
- **Eliminate Aged, Blind or Disabled Cash Assistance and Pregnant Women Assistance Programs** *Effective April 1, 2012 (\$29.70 million GF-S, 25.3 FTEs)* -

Under this proposal, two new cash assistance programs established by Engrossed Substitute bill 2082 (passes earlier this year by the Legislature) will be eliminated effective April 1, 2012.

ESHB 2082 terminates Disability Lifeline program effective October 31, 2011 and creates these two state funded cash assistance programs for persons who cannot work due to age, blindness, disability or pregnancy. Statutory changes are required to eliminate these two programs.

The reductions related to TANF are not related to Tribal TANF.

- **Elimination of State Food Assistance Program** *Effective April 1, 2012 (\$17.83 million, 13.8 FTEs)* – This proposal would eliminate Washington’s Food Assistance Program effective April 1, 2012. This state funded program provides food assistance to about 13,000 individuals who are legal immigrants but do not qualify for federal food assistance because of their alien status. Roughly 64% of these individuals are in households where some family members qualify for and receive federal food benefits under Washington’s Basic Food program.

Elimination of Naturalization Services Effective January 1, 2012 (\$2.62 million GF-S) – Under this proposal, Naturalization Services would be eliminated effective January 1, 2012. DSHS contracts with community based organizations to provide Naturalization Services to refugees and legal immigrants on public assistance or federal SSI disability benefits. These services include assistance with completing the citizenship application. English language and civics classes, assistance with US Citizenship and immigration Services for waiver requests, and help applying for test exemptions for disabled clients. In state Fiscal Year 2010, the program helped about 4,400 individuals.

In SFY 11, these services were eliminated effective November 30, 2010 due to budget concerns. However, the 2011-13 budget approved earlier this year by the Legislature included \$1.65 million for each year of the new biennium. For SFY 12, the Department contracted with 13 community based organizations to deliver services.

A statutory change is required to eliminate Naturalization Services

- **Redesign of Refugee Employment Services** *Effective January 1, 2012 (\$2.62 million GF-S)* – This proposal affects services for low income refugees and immigrants with limited English proficiencies who are enrolled in the WorkFirst and Refugee Cash Assistance Programs. Services include job skills training, job search and employment placement assistance, job retention services, and English as a Second Language (ESL) training. These services are provided primarily through contract with community based agencies and voluntary

refugee resettlement agencies. In SFY 2011, about 4,900 adult received LEP Pathway Services.

With this reduction, services will be eliminated for LEP Pathway clients with the highest ESL proficiency levels (ESL Levels 5 and 6). This would impact approximately 475 clients. These clients can be referred to services that are not available to lower level ESL proficient clients (eg., Integrated Basic Education and Skills Training (IBEST) through the State Board for Community and Technical Colleges, Community Jobs through the Department of Commerce, and the Basic Food Employment and Training Program), or free or low cost ESL services available in the community.

- **Mailing EBT Cards** *Effective July 1, 2012 (\$1.37 million GF-S, 14 FTEs)* – Under this proposal, the Department would issue most replacement EBT Cards by mail through a vendor. Authorization of EBT cards and the issuance or emergency replacement EBT cards would continue in a local Community Services Office. In the SFY 11, the Department issued about 422,000 replacement EBT cards.

EBT cards are plastic ‘debit’ cards that make the issuance of public assistance cash and food benefits faster and easier through the use of electronic transactions. With the EBT card, cardholders can access food benefits at the point-of-sale (POS) terminals of USDA-approved retailers as well as cash benefits through automated teller machines and POS terminals.

ESA has been making sure that the 60 months for the TANF time limit is counted correctly. The department has also begun to count the income of non-dependency families. The calculations are very complex.

Nancy asked if a non-legal parent of a child goes into apply for TANF, would they need to bring in the court order. It is best if you do, it will make the process move along much smoother. Nancy also made a suggestion that Children’s Administration be present when these types of issues were discussed because the issues with Economic Services Administration and Children’s Administration are so interwoven. She feels that Services for Family Placement should definitely be present due to the gap between the two agencies.

Liz inquired if Means Testing applied to all of these changes. Means testing does not apply in this situation. It does not apply to caregivers.

Sandy JAMES from ESA introduced new simplified instructions for calculating tribal income. ESA has been meeting with tribal representatives in a state tribal workgroup and have come up with a way that is much easier.

Liz asked David Stillman to share the budget for the Fraud Division. This is not information that David had on hand, but he will share this information as soon as he can find it.

Aging and Disability Services Administration

MaryAnne Lindeblad, Assistant Secretary

House Bill 1738 passed in the last Legislative session. Since this passed, Mental Health DD may move under the Health Care Authority. As everyone knows, DSHS has been asked to put forth up to 10% cuts since we are facing a nearly \$2 billion deficit. ADSA is looking at a variety of cuts. There are significant cuts that could be made in substance abuse. ADSA is not an advocate of the options that they have put forward, but there had to be cuts coming from somewhere. ADSA is still looking into the effects of this. Decisions made in one area always ripple into other areas. Once the two bills are ready, ADSA will share copies of them. DASA's mental health care services are what would be affected. If those are written out of the state plan, the service is no longer available. The Federal office is looking into a waiver. This would not exclude pregnant women.

Rebecca asked that it be kept in mind that there are tribes delivering these services as well and billing the encounter rate. This comes from federal funds, not state funds.

Bea Rector introduced the fact that ADSA is the recipient of a Planning Grant from CMS. This grant is an Innovation Grant to improve care to individuals who are dually eligible for both Medicare and Medicaid. Bea would like involvement from the tribes. She asked that anyone who was interested in taking part of the planning contact her at bea.rector@dshs.wa.gov. There are approximately 5,000 people out of 135,000 who are dually eligible. Some of these people have multiple chronic conditions with an overlay of substance abuse. The goal is to improve health status, promotions and conditions. The grant is for a time period of 18 months, and the delivery of the planning is due to be put forth in April 2012. Care right now is very fragmented and it is complicated to work through. There are people now that have three to five medical cards. The goal is to try to get this down to everyone having one card and at the most in certain circumstances, possibly two.

Marietta Bobba discussed House Bill 1738 and the impacts that it will have on the purchasing of healthcare. The Legislature has asked DSHS and the Health Care Authority (HCA) to submit a preliminary recommendation on the future role of HCA in the state's purchasing of behavioral health and long term services. This includes long term care and disability services. Currently, HCA purchases medical benefits for Washington's low income populations. There are five possible options that offer a wide range of possibilities:

1. Keep the status quo
2. Enhance primary care coordinators with integrated community supports
3. Transfer all behavioral health treatment and services purchasing to HCA
4. Pilot integrated financing and delivery through managed care and health home
5. Transfer all health care related purchasing to HCA

In both agencies there are policy and program development, administrative, and fiscal functions that support medical purchasing. Both DSHS and HCA must currently:

- Define who is eligible to receive care
- Determine the type, scope, and duration of service/support that will be publically funded
- Determine acceptable models for service delivery
- Develop payment methodologies
- Procure care through contracts with vendors and/or managed care organizations
- Determine contract accountability standards
- Calculate rates and pay contractors
- Measure contract performance against accountability standards
- Secure appropriations and funding
- Monitor budget projections and expenditures
- Negotiate Medicaid authority agreements with the federal government

Tribes are encouraged to submit their comments to Marietta by October 31st. Comments can be sent to bobbam@dshs.wa.gov

Jim Sherrill stated that he doesn't feel comfortable with the options of email and video conferencing. He would like the tribes to have a presence when dealing with these issues. He asked that the tribes be introduced to this when the issue arises and not when they are in full force.

Liz moved to hold the elections at 10:50 a.m.

Elections

- **Vice Chair:** Liz Mueller nominated Greg Abrahamson, Brian Nissen seconded; Greg Abrahamson was elected by acclamation
- **Member at Large:** Rebecca Peck nominated Nancy Dufraine, Rick George seconded; Nancy Dufraine was elected by acclamation

Juvenile Justice Committee

Bonnie Glenn, Liz Mueller

Liz introduced herself and explained that she was appointed to the Juvenile Justice Committee which was once disbanded, but now active again. She explained that she is not there representing the tribes, but this allows her the opportunity to come back and share with the tribes what she has learned.

Bonnie Glenn introduced herself as the Special Assistant to the Secretary on Juvenile Policy. Bonnie is requesting input and ideas from the tribes. Counsel is needed more than ever right now. There have been several meetings which have taken place as well as some retreats. There are a lot of leaders around the state as well as some members of the Legislature. Bonnie is asking for tribal specific needs right now. This would include ideas for prevention and intervention as well. The numbers are disproportionate. Though they feel that they have made strides, the numbers have not dropped like they would like to see.

Rebecca stated that she would like to see change focused on prevention with a major focus on education directed at judges. Disproportionate numbers cannot change if the child welfare system is not involved in it as well.

Nancy stated that she has observed that we are in need of care for pre-teens and adolescents. There are children who really need services and because of the set up, the needs had to be met through JRA. It is difficult to access prevention models that are linked to cultural issues. There needs to be more looking into the racial equality tools.

Doug North stated that he felt we should focus on what Nancy and Rebecca stated. Training the judges is a huge piece. Right now we aren't surveying the people who actually interact. We should be building training for the judges.

Nancy commented that we could look at doing a needs survey or assessment with tribal needs. In Chehalis, there is not a gang problem; however the children have shown sexual and physical aggressiveness. Rather than waiting years for the problem to manifest, there should be things in place to deal with these issues at the first sign.

Tara Dowd stated with all of the budget cuts, how can we not see a connection between children being removed from the home to chemical dependency. These circumstances are connected. There are parents out there who will no longer have access to their much needed medication due to the cuts taking place. These will all have an effect on the future.

Cheryl Niskahi Coan stated that 64-70% of the members are in urban areas. This is a large population that is missed. Tribes that are in urban areas carry a whole set of other issues that need to be dealt with. There needs to be some response to their needs. 64-70% that do not live on a reservation is a very large gap.

Liz thanked everyone for their valuable input.

Juvenile Rehabilitation Administration
Monica Reeves

Dr. Eric Trupin had made an announcement at the last IPAC meeting that he was gathering tribal information and meeting would be held this month. This meeting has been postponed and it will now be held on March 9th. Monica will send out formal invitations. If you plan on attending, please send your information to Monica at monica.reeves@dshs.wa.gov. JRA will need to plan the expenses which include travel and lodging.

_____ Lunch Break _____

Children's Administration

Nancy Sutton, Tammy Cordova and Betsy Tulee

Nancy Sutton introduced Betsy Tulee as the new Indian Child Welfare Program Manager. Children's Administration is very pleased with her and they feel that she was the one who stood out during interviews.

Nancy Sutton explained and gave an update on 2SHB 2106. 2106 is a 2009 legislative mandate which transfers child welfare to private agencies. There are two large pieces to 2106. The first phase is performance based contracting. Children's Administration has done a lot of work surrounding this in the past year. This process was however stopped when Washington Federation of State Employees filed a lawsuit. The judge issued an injunction and the process at this point has stopped. The Union and management have been meeting to try to develop a strategy to move forward. In phase 2, there will be a site in Eastern Washington and Western Washington. This includes a blind, random selection.

Rebecca Peck shared that she felt that the family size should not be random for this, that the family size should be the same.

Nancy Dufraime asked if there is any understanding from the private agencies of native culture.

Nancy Sutton stated that there have been conversations about this.

Robert Ramirez asked what safety nets could be put into place for native children.

Nancy Sutton explained that she will take these questions back to the TDC be put on record. Monitoring is a critical piece. Tribes will have the opportunity to “opt in or out” of this process, but she would like tribes to look at the impact that it may have when they make that decision. There have been clear assurances that the Government to Government value would come first. CA is working toward clear answers, but in some areas they just aren’t there yet. At this point, we are focusing on the two sites to be selected. When that decision is made, the rest will fall into place. The areas that have been considered at this point were chosen based on proportionality. The court systems had to be taken into consideration. Some areas have tribes that cross county boundaries. CA even looked at military presence in our area. Joint base Lewis-McCord is the largest in the nation and this may have an impact. CPS investigations remain the same, voluntary and court services would be reduced, and there would be a smaller number of state employees in the offices within the two sites selected. The ICW units would depend on the decision of the tribes.

Trudy Marcellay stated that she is a state employee, not a tribal representative with the 4 delegates from IPAC who are Liz Mueller, Gwen Gua, Rebecca Peck and Jerry Meninick. The selection on the demonstration sites will be at the next TDC meeting on November 8th between 1:00 and 4:00 pm at the University of Washington in Tacoma in Phillip Hall. Only the 4 committee members will be able to vote on the decision.

Betsy Tulee stated that Indian children and families are over-represented in the child care system. This includes fatalities. There is a workgroup being put together to discuss and look into this issue. (Sign-up sheet passed around). Infant fatalities are so hard to look at but it is very important. Part of the issue that we know of, is a parent sleeping with their infant when they have a substance abuse problem.

Administrative Policy 7.01, Consultation process review

Colleen Cawston

Colleen explained that the sunset of Administrative Policy 7.01 had been placed on the agenda for this meeting; however it does not sunset until 2013 so it does not need to be revisited at this meeting.

Colleen also stated that consultation protocols need to be updated. There are a number of tweaks that need to take place with the state plan. Everyone should have received the draft HCA consult protocols. Ideally, we would like to see a gap of dates. Propose to have follow up to discussion at the January IPAC meeting. Also, included in the packets are map overviews of two sites that will be closed. DSHS will have stakeholder meetings to decide what to do with

these sites. There has been a proposal to have a Tribal video conference on either November 1st, 7th, or 14th.

U of W Mental Health Conference Update

Lisa Rey Thomas

Lisa explained that earlier this year a member of the Gates Foundation contacted tribal leaders to survey current activities. They were the recipient of Gates Foundation Grants but weren't sure that they had the impact that was hoped for. Lisa explained the needs right now and identified a research agenda. Lisa then collaborated with IPAC, Colleen, Rose James and submitted a proposal which was then funded. The group conducted some conference calls and will have one next week. Lisa is open to suggestions and would love to hear from everyone. The planning meeting will be at the Northern Quest Lodge on April 4th and 5th, 2012. The next conference call is on October 18th at 10:00 am.

Doug North was recognized by Liz for 25 years of service.

Adjourn at 2:50 pm