Minutes
Indian Policy Advisory Committee
July 8, 2010

The next IPAC meeting will be October 14, 2010.

Present: see sign in sheets

Marilyn Scott gave the invocation.

All present introduced themselves.

Liz discussed communication in response to some delegates who said they had not received certain information. She asked what the issue was and how to fix it. There is a lot of information flowing back and forth, with only a limited number of Tribal staff to receive and disseminate it. She asked if there was a better way to communicate with the Tribes to make sure the information flows where it needs to go.

Marilyn Scott suggested that we coordinate with Association of Washington Tribes (AWT). She said she had gotten time on the AWT agenda to share information the Tribes needed to know and work on together. It's a way for the IPAC Executive Committee to inform Tribal leadership of the issues being addressed at IPAC. Debra Lekanof from the Swinomish Tribe facilitates the AWT agenda for Chairman Brian Cladoosby.

Gwen Gua suggested having this discussion semiannually.

Colleen Cawston asked how the Office of Indian Policy (OIP) could help. IPAC packets are color coded to make it easier to separate and distribute the information after meetings. She asked for any ideas to improve the distribution of information, saying she likes the idea about AWT and asked delegates to remind us if we're missing something on the OIP website.

Liz suggested sending urgent items in red so emails can be more easily sorted.

Gwen mentioned that Region 6 will have a 7.01 conference with many tribes on September 29. She said it is a good way to get acquainted and share information. Liz agreed that meetings between Tribal and State staff are a good way to clarify issues and expectations.

Marilyn S. recommended Tribal Liaisons send their subcommittee minutes in the same format Betsy uses. The information Betsy sends notifies the Delegates of any changes or other items they need to pay attention to, as well as legislation. She stressed the importance of making sure subcommittee information gets out to all tribes timely, and that it's the tribal IPAC representative's responsibility to get that information to the appropriate person in the Tribe.

Liz will identify subcommittee participants at the October IPAC meeting, saying we have some new delegates and need to renew our list of who is on which subcommittee. Subcommittees share a lot of information, delegates need to attend and get that information to the Tribes.

Colleen said one possible solution is that DSHS now has video conferencing (VC) equipment. Delegates will be able to drive to regional VC sites for subcommittee meetings, rather than driving to Olympia. Each location will seat up to 20 people with the maximum travel about two hours. Makah is the only Tribe that is farther away, but may be able to link into the system via K20 after the 90 day pilot. For those who couldn't travel to the VC location, they would be able to join the meeting by phone. The video screen will split to show the speaker and handouts at the same time. Colleen is trying to reserve the equipment for the subcommittee meetings.

Rebecca suggested some might consider subcommittee work unappealing. She asked how to get the Tribal leaders to focus on the issues.

Marilyn S. said the Department of Health (DOH) is providing the VC equipment to four or five tribes across the state for emergency management work; Jamestown will be one of the first to get the equipment. She then asked about the restructure of the ADSA subcommittee with DBHR. Liz answered that the group could look at the organizational chart and decide how to configure the subcommittee.

Marilyn Olson asked if all the meetings could be scheduled through OIP to avoid having two important meetings scheduled at the same time. She also said some tribal staff work M-W-F, so meetings on Tuesdays and Thursdays are difficult. When handouts are given at meeting, people calling in don't get them. People need the handouts by midday the day before any meeting.

<u>Children's Administration (CA)</u>
Denise Revels Robinson, Assistant Secretary

Supervisor's Training: Children's Administration (CA) has trained 190 of their 271 supervisors on Indian Child Welfare (ICW), and has additional trainings scheduled through mid 2011. Denise feels that supervisors need a strong daily role in implementing ICW and had the training implemented from that perspective. CA is becoming more diligent at identifying native children at point of intake.

Matilda Sampson asked if the training includes CPT LICWAC meetings. Nancy Dufraine answered that the bulk of the training is on federal and state requirements, the policy manual and implementation. CPT LICWAC is not covered in depth, but the training does discuss types of mandatory staffings. Nancy said CPT LICWAC training would need to be done at local levels and added that ICW will be incorporated in the Supervisors' Training academy so all new supervisors will get the training. Denise asked for recommendations about content that is not in the training.

Liz suggested inserting into FAMLINK a system that tracks a child's status after he enters the system. Denise will pursue that.

The new Quality Assurance system being developed for 2106 will follow up to make sure supervisors are following ICWA. Some staff will be reassigned to monitor, evaluate, and assess compliance with procedures across the board, including ICW. They will review the work of supervisors and line workers and produce monthly data. The CA/JRA Subcommittee, as a citizen's review panel, recommended building ICW case review as part of that quality assurance process. Denise said she would like to see an increased number of cases reviewed in the sample.

Denise reported the federal review will be the week of Sept 13. King, Spokane and Whatcom Counties will be the review sites. Reviews will include 65 randomly chosen cases statewide, for children in in-home and out of home care, adoption and independent living. Up to three cases will involve tribal children and families. Reviewers will interview parents if they agree, children if they are old enough and able, service providers and case workers. The review will include what is documented in the file and what's said in interviews. The federal review team chooses the cases.

The review team will consist of two people for each case, one from the state and federal, as well as extra helpers on the review team. Local reviewers are Mike Yates, Liz Mueller, Laura Munn, Lynette Jordan and Francis Cacalda. CA will train the reviewers prior to the onsite review, which will electronically capture the information with laptops. The training will include how to use the computers, the review tool and what to expect. The review will be Monday through Thursday with the exit interview on Thursday and the final review in Seattle on Friday. The team will give a verbal overview of the

outcome, subject to a final written report several months later. Reviewers' responsibility ends Thursday, and no one will be assigned in his or her own area.

Delegates are welcome to volunteer and participate in the review. They will be invited to participate in local exit interviews, where there will be an opportunity for some members of the assessment team to speak to the federal reviewers.

Michael Sampson from the Hoh Tribe volunteered for the review team.

Rebecca Peck commented it's very hard to keep focus on disproportionality in the meetings and reminded reviewers to look through the disproportionality lens.

2106: The statewide Transformation Design Committee meets quarterly. There was a consultation May 12 and the group met June 15 with the national consultant to discuss issues unique to the Tribes related to performance based contracting (PBC).

At the consultation, four options were identified. Each tribe needs to decide how they will implement the contracting options, which are:

- Be a Master Contracting (MC) Agency/provider for their own tribal children and families.
- Partner with other tribes to serve multiple tribal children and families.
- Continue to contract directly with DSHS through an Intergovernmental Agreement (IGA); if a tribe currently has other contracts, they would all be part of the consolidation process.
- Not provide services.

CA will send an RFP to private agencies, but wants to work with tribes to be clear on the process. Every region will need its own MC agency, which will serve all children and families not being served by Tribes. She has extended the due date to July 30 for Tribes to register their intent.

The RFP will be released the end of October, and will allow eight weeks for people to write their proposals, which will be scored in January or February. Liz volunteered to share Jamestown's letter as a template for other Tribes.

There was discussion about the options, acknowledging there is no new money. Nancy Dufraine suggested looking at current services and gaps as a starting point for negotiations.

Tribes' letters of intent needs to state which of the four options they prefer. If a tribe chooses to do an Intergovernmental Agreement (IGA), their agreement would go into the consolidated contract process.

Legislation affecting children of incarcerated parents: Miriam Bearse, a policy analyst in Planning, Performance and Accountability (PPA), works with Children's Administration and the Department of Corrections (DOC) to develop and implement the legislation that affects parents with custodial children in the prison system who are safe with their kids, and their kids live with relatives. Handouts in the packets include Miriam's contact information, a summary of SSB 6639, a policy summary of confinement alternatives, and two flow charts for how parents qualify: Family Offender Sentencing Alternative (FOSA) draft and Community Parenting Alternative (CPA).

This bill and these procedures provide two ways Tribal social service programs can choose to be actively involved. If the tribe is working on a case where the parent is safe in the community and wants to be involved in the child's life, they can notify DOC or refer parents involved in the child welfare system to DOC for consideration. Both took effect June 10. The options are up to the courts when a parent is sentenced for a year or longer. The court is required to request information from CA and any involved tribal child welfare program whether the person is appropriate for the program. Jim Sherrill encouraged tribes to look at the flowcharts for the criteria the offender must meet.

Marilyn Scott said there is a small tribal set aside in the state's maternal infant child health funding. This is a nationwide set aside; the other component is prevention of child abuse and neglect. The tribes need to collaborate with DSHS CA, DOH and DEL on this, which is due July 9.

Roll Call

Gwen Gua called the roll; 15 Delegates were present, so there was no quorum.

Juvenile Rehabilitation Administration (JRA)
John Clayton, Assistant Secretary

In order to comply with the provisions of the budget, JRA fund a reduced number of beds, which will result in the closure of Maple Lane over the next three years. JRA has four major institutions and many community sites. The number of juveniles in the system has declined by half over the past ten years. In order to close Maple Lane, they are increasing the admission age at Echo Glen from 15 to 16, and are looking at Green Hill School, too. Some staff will transfer to other institutions.

Maple Lane will decrease by 58 beds by December. JRA will refit the other three institutions and is looking at opening a facility in Eastern Washington. A committee is looking at how to address future needs and will need tribal representation. John asked that anyone interested call him for details (360-902-7957).

JRA will increase the number of group home beds, where youth stay while transitioning back to the community after their stay in an institution. They increased the number of beds in small institutions from sixteen to twenty three, and will open two new group homes this year, one in Thurston County and a Job Corps center in Ephrata.

John will consider holding committee meetings on the east side.

Liz discussed having Assistant Secretaries attend 7.01 meetings; John said the Regional staff try to meet with the Tribes individually, with Region 3 participating in quarterly meetings. He liked the idea of attending 7.01 meetings and said he would try to coordinate some of his annual Tribal visits with their 7.01 meetings.

John explained that group homes have lower staffing needs due to participants' better behavior. They are set up for youth who can stay there while attending school and work. The four existing group homes are run by the state, but the two new homes will be contracted.

John announced there will be meetings in August and September about measureable outcomes and how to better get funding to the community.

Monica Reeves explained that each year there is an opportunity to set aside funds for evidence based and promising programs for tribal youth in juvenile courts. There are stringent standards on use of the funding. Some of it is designated for tribes to implement programs; JRA worked with individual entities on the practice involved. Now there is more scrutiny on JRA and accountability on how the funds are used. JRA needs a group to look at accountability and justifying how to use the funds in Tribal communities. The first meeting was in May, the next will be in August or September. The group will identify common measurable outcomes, including reducing recidivism and negative behaviors that result in youth involvement in the juvenile justice system. Interested persons can contact Monica (360-902-8102) or OIP.

Liz mentioned the increase in youth using prescription medicines, asking if this is common across the state, and is increasing juvenile detention. Monica responded that increased drug use commonly increases juvenile contact with the justice system and said

there are some programs with CJAA funding that do great job working with kids using prescription medicines and getting into trouble.

Doug said the workgroup could use participation by phone or in person. He said a barrier is that courts have a specific list of evidence based practices they are allowed to use. There is high cost associated with those practices because of the implementation requirements. If tribes use some form of evidence based program, or a program with the same outcome, the group needs to hear about it, as they are trying to identify programs. "If you know of a program that has been adapted for real world use, let us know."

Monica clarified that "evidence based" has gone through rigorous research. "Promising" has some research but not enough to become "evidence based". JRA is working with some communities that have successful programs to gather data to justify funding.

Department of Early Learning (DEL)
Dr. Bette Hyde, Director

Dr. Hyde presented information from Washington State Early Learning and Development Benchmarks Survey Summary and Key Themes from January 2010. Governor Gregoire asked Bette to create a system to show what we want for our children based on benchmarks of what children typically know and do. The Benchmarks will help to identify families with the greatest need for early education (prenatal through grade three). She discussed forming a workgroup to start in late summer, beginning with in-person meetings. DEL might be able to pay a stipend to parents and would reimburse per diem. The workgroup would be a six to eight month commitment.

In the past, Tribal input was severely limited, so the IPAC sought assurances that any Tribes that wanted to provide input would be allowed to do so. The importance of extended family input and differences in learning styles for Native children were also pointed out. Bette agreed on both points, saying all of the process would be open to all Tribes. She needs Tribal representatives who can come on a regular basis, including family members, childcare providers and primary teachers.

Liz agreed to appoint four to six people to work on the committee and asked Bette to present to Jamestown's Tribal Council information about early learning programs.

Marilyn S. said DEL's communication protocol, developed with Tribal input, is based on the IPAC Communication Protocol. Next they will work on a consultation policy. She asked the delegates to review the communication protocol with their Tribes and make recommendations. She also said the benchmark development needs more tribal input.

Economic Services (ESA) Subcommittee Report
Doug North, OIP Program Administrator

The update included reminders of the upcoming temporary layoffs, starting July 12. ESA Headquarters and all Community Services offices will be closed, Child Support offices will be open but staff in collocated offices will only be available by phone.

The Division of Disability Determination Services has moved to ESA. They determine eligibility for social security disability income.

The positions for the two outstation staff at Tribal locations were lost. ESA is awaiting an answer to the exception request they submitted in order to continue the outstation positions.

Disability Lifeline will have a retroactive time limit of twenty four months in a five year period, effective in September. David Rendon, 360-725-4610, RendoD@dshs.wa.gov, is the contact for Tribal staff who want to participate in teleconferences to provide updates and monitor progress.

With the signing of Engrossed Second Substitute House Bill on April 1 of this year, the Governor directed the WorkFirst Subcabinet to examine best practices for WorkFirst families, provide a report by December 2010, and a plan to implement best practices. To engage legislators, Tribes and key stakeholders in WorkFirst re-examination and program redesign discussions, the WorkFirst Subcabinet will be holding One Table meetings in Tacoma every month for the next four months – starting with the first meeting on Wednesday morning, July 21, 2010 and ending in October 2010. ESA asked IPAC to nominate two tribal representatives to participate in the One Table discussions for the WorkFirst Re-examination process. Liz agreed to nominate two people for the committee.

ESA continues to work toward piloting the benefit portal/kiosk project. The goal is to develop a web-based universal application that will make it much easier for low-income families and individuals to apply for, access or learn about a variety of services and benefits that can help them. Technical development of the portal is underway. Jennifer LaPointe of the Puyallup Tribe and Joe Ruiz of the Samish Tribe are members of the steering committee.

New state law requires a twelve month WCCC child care authorization period for children who are enrolled in Early Childhood Education and Assistance Program

(ECEAP), Head Start and Early Head Start. ESA is working with the Division of Early Learning to implement these changes by late summer.

Sarah Colleen Sotomish, Administrator for ESA State/Tribal Relations, retired from state service in June. ESA requested and received from the Office of Financial Management an exemption to the hiring freeze to fill the position. ESA plans to begin the recruitment process by the end of July, and will seek tribal representation on the interview panel. Colleen F. Cawston will also be involved in the selection process.

In December 2009, Secretary Dreyfus invited Tribes to participate in Roundtable meetings on State funding for Tribal TANF programs; the third Roundtable meeting was in April. Tribal leaders and representatives have consistently said they prefer one on one negotiation to a uniform funding process. ESA agrees with this position, and Secretary Dreyfus wrote to Tribal Leadership in May asking whether the Tribes preferred to negotiate the MOE funding through individual negotiations, which responses have confirmed.

In early May the federal Administration for Children and Families (ACF) officially notified DSHS of the Shoalwater Bay Tribe's intent to start a TANF program beginning July 1, 2011. The Tribe intends to serve all Tribal members both on the Tribe's reservation and Tribal members in the Tribe's near reservation service areas of Gray Harbor County.

By the end of 2010, ESA will renew eight Intergovernmental TANF Agreements (IGAs). The Tribes include Quinault Nation, Lummi Nation, Upper Skagit Tribe, Port Gamble S'Klallam Tribe, Lower Elwha Klallam Tribe, Quileute Tribe, Colville Tribes and South Puget Intertribal Planning Agency (SPIPA).

Due to legislative changes, beginning July 1, 2010, DCS resumed distributing IRS collections as it did before October 2008. The change has two parts: 1. DCS will distribute IRS collections to past due support only; and 2. DCS will apply IRS collections to debt owed to the State before it will apply these funds to debt owed to the custodial parent.

DCS invited various stakeholders, partners and community members to apply for the 2011 Child Support Schedule Workgroup. Delegates' handouts include a copy of the letter. RCW 26.19.025 sets out the membership requirements for the workgroup. The group will include a representative of the tribal community, three noncustodial parents and three custodial parents; tribal members may be interested in being appointed to those

positions. There is an online application process through the Governor's website; applications are due by August 31.

DCS continues to explore ways to reduce facility leasing costs and alternative ways to deliver DCS services, including:

- Closure of the Fife Office and merging the remaining Fife employees into the Tacoma DCS office.
- Outstations in some CSOs (i.e. Bremerton, Mt Vernon, Smokey Point).
- Colocating some offices with CSOs (i.e. Kennewick is moving July 16, 2010, and DCS is exploring possibilities in Everett).
- DCS is also researching other telework and virtual call center opportunities.

Aging and Disability Services (ADSA) Subcommittee Report
Phillip Ambrose, III, Region 2 Manager

The ADSA organizational chart was in Delegates' packets. It shows the incorporation of the Division of Behavioral Health and Rehabilitation (DBHR) into ADSA. Phil discussed combining the DBHR matrix items into the ADSA matrix and where the DBHR Tribal Liaisons fit into the updated ADSA organizational chart. The Infant Toddler Early Intervention Program has moved to DEL so is removed from ADSA's purview.

The ADSA Subcommittee is proposing new meeting dates, September 30 at 1:00 p.m. – 5:00 p.m. and December 16 at 1:00 p.m. – 5:00 p.m. Phil assured the group he will try to reserve the videoconferencing system and not meet during another committee's meeting.

Phil introduced Deb Knauf, ADSA HCS, and Greg Twiddy, ADSA DBHR.

Colleen said Doug Porter had been assigned to the Health Care Authority, which prompted the department to move the functions that were in the Health and Rehabilitation Services Administration (HRSA). The state Medicaid office and its functions were moved into the newly formed Medicaid Purchasing Administration (MPA). The rest of HRSA's functions were placed in other Administrations. Tribal-Centric Mental Health work is conducted across administrations, with Deb Sosa being the point of contact.

Colleen asked Doug whether he wanted an MPA subcommittee, but he didn't respond. Tribal-Centric Mental Health work is reported through the American Indian Health Commission (AIHC), and all DBHR items are report through ADSA.

Liz said she wants IPAC to write to Governor Gregoire soon asking that the information system for any health issues remain intact.

The discussion that followed included the need for the Tribes to be clear on the subcommittee process with the redistribution of former HRSA functions and the existing mental health system being connected to MPA. The new patient protection care act and the health care improvement act have a new provision not allowed previously in long term care. Tribes are already moving forward, and some have met with the Health Care Cabinet (HCC) and will not wait for IHS to develop long term care services. These issues would continue to be reported under ADSA's subcommittee. ADSA will report any mental health issues unrelated to developing the Tribal-Centric MH System.

RCW 74.34.020 revises Adult Protection Services. It was sent out for comments, and brought to IPAC for tribal input to assure the proposed amendments do not impact Tribal services. Deb Knauf asked that Delegates take the proposed amendment to their Tribes and their attorneys, and then submit comments to Carol Sloan, 360-725-2345, SLOANCS@dshs.wa.gov, by the third week in August. This issue will continue to be an agenda item for the ADSA subcommittee.
Deb passed around a volunteer signup sheet, asking for volunteers to finalize the burial fund project. Liz said it should be worked on in the ADSA Subcommittee instead of an ad hoc committee.

Liz mentioned she would review which Delegates are working on which subcommittees in October, allowing new Delegates to sign up for one of the four committees.

Marilyn S. asked if the department had gotten any responses from the tribes to the letter about setting up irrevocable accounts for their members. Some Tribes are not willing to set up accounts because it would cause problems with the IRS.

Deb Sosa said she was contacted by one Tribe and two Tribal members. Liz asked the Delegates to raise the issue with their councils. Deb Knauf, 360-725-2393, KnaufDJ@dshs.wa.gov, is now the contact for this issue, which needs to be completed.

Phil passed around a volunteer signup to help plan the next Caregiver's Conference. Sharon Curley reported on the successful Caregiver's Conference in February 2010, which had nearly 200 attendees. ADSA and Muckleshoot Tribe contributed the funding, and there is some left over for another conference, with a potential additional match from Muckleshoot. Sharon suggested working to develop a joint conference with Oregon in February. The planning workgroup will begin meeting in early August, primarily by phone.

Deb Knauf will start looking for dates for the next Tribal / AAA meeting. She asked IPAC for dates to meet and invite the AAAs by mid September and will get a date from the AAAs for a later meeting.

Deb discussed the handout requesting tribal representation on the Traumatic Brain Injury Strategic Partnership Advisory Council; applications are online at http://www.governor.wa.gov/boards/application/default.asp. Samantha Asbjornsen, 360-725-2320, Samantha.Asbjornsen@dshs.wa.gov, is the contact.

Packets also contained information about a federal grant to help older adults with chronic diseases, the statewide falls coalition, and a save the date notice for the September 24, 2010 Healthy Aging in Healthy Communities Summit.

Delegate Committee Reports

- *Liz Mueller* reported the Disproportionality Committee has planned a retreat.

Tribal-Centric Mental Health
Jim Roberts, NPAIHB and Deb Sosa, MPA

In May, Doug Porter met with the Tribes about on-going issues with the RSNs. He asked the Tribes if they were interested in exploring an option (called the tribal-centric mental health system) to allow Tribes to create a "carve-out" of the existing mental health waiver which could alleviate some of the issues with RSNs. The carve out would allow Tribes to be reimbursed under a fee-for-service system for providing behavioral health services under the State Medicaid Plan. Tribes responded favorably and are interested in pursuing this option. Subsequently, the state has found grant funding to conduct an analysis of the tribal mental health system that will inventory current mental services provided by tribes, identify those services that Tribes would like to provide but lack the capacity and infrastructure, and provide recommendations on how to develop this capacity. DSHS has contracted with Northwest Portland Area Indian Health Board (NPAIHB) to do the research. Jim provided copies of the Statement of Work. The purpose of the contract is to provide the Tribes, RAIOs and department the technical assistance and resources for a tribal-centric mental health system. The current name of the project is temporary and can be changed if Tribes feel a different name is appropriate.

The state provided funding to help reform Medicaid expansion and integrate primary and behavioral health. That language is in the grant so must be in the contract. The contract was finalized last week. Consultant Nancy Weller will work with NPAIHB on this.

Deb and Jim reviewed the Statement of Work. Notables include:

- Item B is a place holder; they intend to work closely with IPAC, AIHC and NPAIHB. It refers to focus groups, which will include IPAC.
- Item C is a core item, assessment of the tribal mental health system. They will do an inventory and matrix, then provide a report of their assessment of Washington's mental health system, what Tribes provide, gaps, and recommendations for developing capacity. They will coordinate with the state Medicaid office and hope to have most of work done within ninety days of signing the contract.
- Now is the time to include recommendations from IPAC in the work plan.
- Tribes will still pay the encounter rate as far as we know. They might need to disenroll tribal members from RSNs.
- A workgroup was assembled from IPAC, AIHC and NPAIHB, and the technical team. Their work will be reviewed by the stakeholders.
- The contract will require at least one formal consultation with the Tribes.

Jim Sherrill speculated the inventory would find Tribes that don't have capacity to provide all fee for service mental health services in the managed care system. He asked if there were providers who would take the Medicaid fee for service reimbursement.

Jim R. responded there were, and Nancy Weller, who set up this system in Alaska, will look at those types of arrangements. They hope to complete the project by next April, although the contract stipulates a completion date by July 31, 2011.

<u>Washington State Partnership Council on Juvenile Justice (WA-PCJJ)</u>
Ryan Pinto, Director, Office of Juvenile Justice and Bonnie Glenn, Special Assistant to the Secretary

The Washington State Partnership Council on Juvenile Justice (WA-PCJJ) is accepting applications for new members. Ryan and Bonnie hoped to gain information from IPAC, talk about the new advisory committee and hoped to get some Delegates to apply. Delegates' packets include a general overview and a briefing report that talk about why and how they are going to reposition the advisory group. To get funding, the Office of Juvenile Justice must have a state advisory group on juvenile justice. This committee has been housed in DSHS since 1982.

The committee advises Secretary Dreyfus and Governor Gregoire, and leverages resources around the table. The committee includes people from juvenile justice and child welfare. It has national, international and local input that informs state policy

recommendations, organizational policy recommendations and practice changes. There is a good knowledge base on the committee.

The application deadline is July 22, 2010; it can be found at www.governor.wa.gov/boards/applications/default.asp. Applicants will also need to complete the Supplemental Questionnaire at the DSHS Office of Juvenile Justice website at www.dshs.wa.gov/gjjac/. Ryan's office gets federal money and passes it along to entities reviewed by the committee; the funding includes funds for disproportionate minority contact.

Issues

Susan Dreyfus, DSHS Secretary

Liz introduced Secretary Dreyfus, saying the group had some questions about the mental health issue. Colleen introduced the topic.

The Registered Counselor category was eliminated, effective July 1. The Department of Health (DOH) notified the Counselors of this change. In the meantime, staff for the tribal offices discovered June 1 there were problems with some tribal counselors getting registered with DOH. There are a short term fix and a long term fix. Before the bill passed, Counties had "County" added to the legislation, but Tribes were not addressed. Federal law says Tribes don't have to have an actual license, but need to be credentialed. The Tribes need Secretary Dreyfus to identify them as "Agency Affiliate", and then they will work on the long term fix with legislation, but also need a "plan B".

IPAC asked that Secretary Dreyfus request of DOH that the Tribes operate as Tribes and that they are identified as agency affiliates. Future legislation change would allow the Tribes to be included in the language as Counties are. Deemed status would be "tribal government", staff involved would provide services in a facility on the IHS list.

June O'Brien then discussed the history of working with what is now DBHR to try to come up with a process by which tribal behavioral health programs could have quality of care standards, to no avail. Tribes are now proposing to develop a process to assure quality of care.

Marilyn S. pointed out that, with the elimination of "Registered Counselor" status, Tribal programs did not feel it was an issue because they met the standard for licensed programs. They feel that they are not asking for anything the department has not previously recognized. The tribes have met these standards previously, but suddenly feel

they were no longer deemed eligible to provide a service and be reimbursed for the service.

One issue is the organizational license. At Tuesday's meeting, Tribes thought they were talking about this issue and were told they need to meet the WAC standards to be "licensed" in order to be a Medicaid provider. Some of the options they had discussed for years were taken off the table; potential loss of payment was intimidating. Suddenly they had the registered counselor issue and the equivalent of being "licensed" by the state. When the Tribes tried to point out their sovereignty, they were told to "move the discussion along". She discussed a history of condescending attitudes from DBHR that have prevented solutions.

Secretary Dreyfus clarified the three separate issues.

1. The need for an interim step around the registered counselor issue. She needs to advocate for the reasons, inconsistency in the statute, and would ask Secretary Selecky to give the Tribes deemed status under agency affiliate while we work with Sen. Kauffman to get Tribes added to the legislation.

2. Long term strategy to change the statute to include the Tribes.

3. Work with IPAC and DBHR on the long term relationship around rules and understanding of engagement related to sovereignty. Susan would like to see the Tribes work with DBHR to identify outcomes and relational issues. She is concerned about the auditing issues with DBHR, would commit to moving as part of the IPAC agenda.

Rebecca Peck clarified that point #2 is not just the legislative fix but assurance if the legislature doesn't agree, that Tribes would develop quality standards.

The preferred outcome would be that Tribes do meet the state licensure requirements by the state Medicaid agency around certification. Jim S. sees this as doing an end run around tribal sovereignty. Secretary Dreyfus asking for deemed status is not the same as the State recognizing that Tribes have this item in the Medicaid act.

Susan asked whether the WACs referred to Tuesday describe state standards. Deb Sosa replied they were three minimum requirements the Counties have to meet.

Greg Twiddy said the urgency was about Affiliated Agency status; a couple of Tribes were no longer able to practice under this status. He said the other piece is about what

standards are we talking about. The state was looking at the IHS standards and the state realized there was no monitoring going on, and credentialing was to put standards into the process.

Jim S. said the Tribes had the same discussion years ago about whether they could credential providers for medical care and whether they had to re-credential through insurance rules. Tribes have a scope of work and a compact with IHS, which turns the process over to the Tribes to make that determination that they are performing the work. Tuesday's message was perceived as the State telling Tribal programs they were suddenly providing substandard care and not meeting the status.

Jim R. said when Tribes assume programs under self determination, they are required to meet standards of care with IHS and are annually renewed by the federal government. He asked why DSHS is not recognizing this.

Susan said she needs to know the federal language and requirements to make the case that IHS status supersedes state requirements. While there is a need to meet with DBHR and "hash it out" she will move forward asking Sec. Selecky for deemed status. Locally, we need to interpret when federal statutes supersede state, and address the DBHR conversation.

<u>UW Alcohol and Drug Abuse Institute: TARGET Report.</u>
Sandra Radin and Caleb Banta Green, Research Scientist, University of Washington's Alcohol and Drug Abuse Institute

In June 2008, the group approached AIHC and IPAC and the Tribes for permission to use the data in the TARGET database, repository for treatment intake information. Eleven tribes decided to participate. They described the study on substance use and community needs and resources, after having partnered with many tribes to ask questions about substance abuse. Their report is in Delegates' packets.

Dr. Banta Green discussed the TARGET data. The study found reported patterns differed along racial lines. In youth, marijuana was the most prevalent drug, with methamphetamines declining, having peaked around 2008. Among adults, alcohol is the substance most commonly abused, then opiates and pharmaceuticals. Native Americans showed a higher rate of opiates.

The analysis is very limited, as only eleven tribes participated.

The group discussed the increased use of suboxone, a new opiate replacement. Sandra said it was a preliminary study. If Tribes are interested in pursuing this, they can contact Lisa Rey Thomas, Sandra or Caleb at the University of Washington's Alcohol and Drug Abuse Institute (206-543-0937, adai@u.washington.edu).

Lisa Rey Thomas brought copies of the report from the September 2009 Tribal Communities Transforming Mental Health Conference at Great Wolf Lodge to distribute.