

Minutes  
Indian Policy Advisory Committee  
July 9, 2009

**The next meeting will be October 8, 2009 at OB2, Lookout Room.**

Present: see Sign In sheet

Introductions

*Susan N. Dreyfus, Secretary and Tracy Guerin, Chief of Staff*

Liz Mueller, IPAC Chair, introduced Susan N. Dreyfus, the new Secretary of DSHS, and Tracy Guerin, Chief of Staff. The delegates, audience members and Indian Policy staff introduced themselves, as well. Susan thanked the delegates for the welcome she received upon her arrival in Washington and thanked Colleen for her leadership and assistance in the Office of Indian Policy. She thanked Tracy Guerin for joining DSHS, and discussed the future collaboration in service delivery with DSHS and the Tribes.

Liz asked to discuss ICW issues with Susan and requested that she meet with the Child Welfare Transformation Committee. Susan agreed and will arrange the meeting. Marilyn Scott, on behalf of the American Indian Health Commission (AIHC), said many of the issues AIHC works on overlap with the DSHS Health and Recovery Services Administration. Tribes have had the support and continuation of the 7.01 policy in response to the Centennial Accord requirements, and Marilyn asked Susan to continue to provide direction to the Executive Leadership Team (ELT) to maintain and enforce the policy.

Marilyn also discussed, related to ADSA, bills that passed that change the way home care is provided and increase training hours, which impact the employment of caregivers. Tribes will provide the opportunities for their community members to continue in care giving roles, but relative caregivers will not be paid unless working. Marilyn asked that when setting up regulations, ADSA consider the effect on tribal members as individual providers.

Susan agreed to clarify and reinforce to the Executive ELT that we don't want to lose ground, but want to continue to progress. She suggested that ADSA might decide at some point to make culturally competent training a priority. This might include flexibility in the way tribes can participate. As for relative caregivers, the budget makes us have to figure out how to "do more, smarter".

Susan mentioned she is recruiting for a Director for the Office of Government Relations and asked for resumes. She suggested looking at shared legislative agendas, and that we're now looking at another significant round of budget cuts.

A delegate said we need to look out for the next seven generations, and that it is difficult to change policy and to get information from all the stakeholders. The tribes want to be part of the comment process in policy changes and they need and want collaboration up front.

Susan agreed with the need to plan for future generations' needs. She agreed that good process management involves inclusion and collaboration, and asked for input about how to hardwire the tribes' role in the participatory process. She also wants to encourage greater consolidation of contracting, to include modeling the process outside of DSHS for other state agencies.

Liz will work with IPAC to identify four to five top issues and will provide Susan with recommendations and suggested solutions. One issue is that the policy developers need to get input from the tribes. Susan asked Colleen to follow up on this, saying we need make this happen by design, not by chance.

When asked if privatization would proceed across all of DSHS, Susan said she sees child welfare redesign as an opportunity to talk about performance, management and accountability. She said, "If government contracts out a government dollar, it remains a government responsibility". She described HB 2106 as a way to find the right partnership between public and private sectors to provide services to our children, saying she will always be looking for ways to bring more communities into partnership with DSHS.

A delegate asked that as HRSA reorganizes, that the Office of Indian Policy be involved early in the process. Susan replied she would like to have a shared sense of what we would like to see happen in accountability and performance. She expressed interest in helping tribes build child welfare capacity, saying the Fostering Connection Act gives more opportunity for the tribes' child welfare programs to succeed. She also said she is in the process of searching for the next assistant secretary for Children's Administration and will have tribal participation in that process. She hopes to make the appointment by early fall.

#### Juvenile Rehabilitation Administration (JRA)

*John Clayton, Assistant Secretary*

John reported JRA has a grant from the MacArthur Foundation to address disproportionate contact in the juvenile justice system and he is putting together an advisory group. This grant allows for planning the first year, and three more years to put together a plan. John asked for volunteers with interest in Juvenile Justice, wanting to bring the tribes into the process to develop and execute a plan. (*See Resolution #2009-03*).

JRA will renew their intergovernmental agreements for two more years. John said he hopes they are working well and he hopes to expand the number of tribes with agreements. Monica Reeves is available to work with the tribes to develop agreements.

JRA has had to look at the future of institutions. The number of youth in the system has reduced by half in the past ten years, but as the population reduces, so does funding. JRA has had to decide to close a facility and is now studying whether to close Green Hill School or Maple Lane School. John will keep us posted on the outcome.

John next explained the process leading up to parole, a system which has proven to reduce recidivism. The budget shortfalls necessitate eliminating thirty percent from the parole system. About five hundred youth who leave system next year will be released without parole or supervision. JRA sent a letter

notifying the tribes about this. JRA is developing a plan to provide some service, and is applying for a grant to fund their reentry program. JRA will keep tribes informed, and John asked for ideas about how to do reentry planning, to include jobs, services, housing and other supports.

Applications for the 2009-2011 CJAA contracts were due June 15 but Monica is still accepting them. She has received twenty-two applications so far for the contracts, which bring \$9320/yr to provide evidence based services.

Bill Coleman, Nooksack Tribe, has offered to sit on the Reentry Committee and the CJAA Advisory Committee. Trudy Marcellay will be the contact at the Office of Indian Policy, people can send any ideas for either committee to her. John thanked the volunteers.

A delegate asked whether the regional programs would be maintained or if JRA planned to centralize some of the services that have been available. John said even though additional budget cuts were coming, he would like to look at the structure and keep front line staff working with families. He does not want to minimize the footprint in the community, but he might have to consider some consolidation.

#### Roll Call

Sixteen Tribes were present, which achieved quorum.

#### Invocation

Mary Leitka provided the prayer. Liz asked the Delegates to keep Helen Fenrich, who has been ill, in their thoughts.

#### Health and Recovery Services Administration (HRSA)

*Doug Porter, Assistant Secretary*

Doug announced the new “go live” date for ProviderOne would be December 6. They are currently registering providers and will provide more trainings as needed.

In a consolidation effort, HRSA will close the DASA regional offices and centralize its operations. DASA, which has had regional offices with only a few staff in each, can no longer operate with small economies of scale. DASA will continue to have program management staff available to meet the needs of providers and the Tribes. Doug asked the delegates to let him know how best to meet the needs of Tribal members.

Liz asked how tribes would do their 7.01 plans. Doug said they would work with headquarters staff. Doug will work with Deb Sosa and the Tribes to make sure the process works and maintain quarterly 7.01 Plan meeting schedules.

Marilyn Scott said in Region 3, the only disconnect in the 7.01 process is medical assistance. It has primarily been handled at headquarters level, so if mental health and chemical dependency follow suit,

they may break down too. She anticipates problems with healthcare reform, mental health transformation and consolidation of behavioral health without a regional contact with whom to address the issues. She pointed out with all the changes being implemented on state and federal levels, the tribes need to have immediate input into planning. Doug asked if it makes sense to combine all those plans and have one for the Administration. Marilyn said it could work, but the biggest block would be the RSNs. Liz suggested working with Deb Sosa to come up with issues and potential resolutions. Colleen Cawston will follow up on this.

In the HRSA reorganization, the three state hospitals and the special commitment center are now under Richard Kellogg's supervision, as are legislative issues related to mental health. Maryann Lindeblad manages RSN contracts and will oversee the merger of the RSN and Healthy Options contracts. DASA and Mental Health are now one division. David Dickinson is identifying similar functions to consolidate, and will use best practices from each area to improve business practices. Doug said he will probably bring Mercer Consulting Group back to look at the merging of Mental Health and DASA to best leverage expertise in shrinking resources. He will ask where the Tribes see areas for improvement. Toni Lodge asked if the MH/DASA billing codes would be combined. Doug said it makes sense and he will refer it to the workgroup on billing issues.

Letters went out informing providers, counties and tribes about new allocations. The caseload forecast shows \$300 million not funded, so HRSA now has to reduce program expenditures even more. These reductions will be very difficult to do and stay within parameters. To qualify for the enhanced match, HRSA cannot change Medicaid eligibility. Doug will have Deb circulate the schedule to show the targets for the various Divisions.

The national healthcare reform might be an opportunity to rebuild some programs and services. The Senate finance committee is discussing radical expansion of Medicaid, talking about 133% - 150% of the federal poverty level. There are discussions of changes in eligibility rules, moving to an adjusted IRS eligibility cutoff.

June encouraged Doug to keep the Office of Indian Policy involved in the process of reorganizing/realigning the divisions.

Aging and Disability Services Administration (ADSA) Subcommittee Report  
*Garnet Charles, OIP, and Tiffany Sevruck, ADSA*

The ADSA subcommittee was asked to find out if tribal members could save funding in tribal accounts for burial services. This savings account has been counted as income and the matrix shows the issue was referred to ESA. **WAC 388-475-0500, subsection 5**, states:

**SSI-related medical — Burial funds, contracts and spaces excluded as resources.**

(5) An irrevocable burial account, burial trust, or other irrevocable burial arrangement, set aside solely for burial and related expenses is not considered a resource. The amount set aside must be reasonably related to the anticipated death-related expenses in order to be excluded.

The simple answer is that tribal members can have burial accounts. If any burial decisions are wrong, tribal members can contact Bill Moss directly at 360-725-2311 or [MossBD@dshs.wa.gov](mailto:MossBD@dshs.wa.gov). There was discussion about this, with Marilyn asking that ADSA put the Region 3 manual on the Intranet so other offices in the state could refer to it.

Sixteen Tribes met with the AAA's June 5 at Lummi tribal offices. Ninety people attended and the reviews were mostly positive. Garnet asked for a volunteer to help plan for the next Tribal AAA meeting Sept. 18 at Muckleshoot; most of the planning meetings are held by conference call. Liz Mueller and Marilyn Scott volunteered to serve on the planning committee. Marilyn suggested James de la Cruz might be able to participate as he has in the past.

Liz asked Garnet to send the WAC to all the delegates, and the names of local contact people in case there are any issues.

#### Department of Natural Resources (DNR)

*Craig Partridge, Director of Policy and Gov't Relations, and Rodney Cawston, Tribal Relations Manager*

Craig Partridge and Rodney Cawston attended the meeting to ask for input about potentially setting up a similar entity at DNR. Craig described Commissioner Peter Goldmark's efforts to work with the tribes on natural resources issues. Liz addressed how IPAC is fully engaged in the issues that come up related to social and health services.

Rodney said he recognized the longevity of the committee and was impressed at its organization. He asked if four meetings a year were adequate, saying he knows it doesn't replace consultation with a tribe. He asked if it was very helpful to have input from the tribes about issues the department has to address.

Liz introduced the Executive Committee and explained their positions within their tribes. She said IPAC had some long term delegates, and that many at the table are tribal leaders. IPAC has helped to ensure consistency in policy as the Department experiences changes, and 7.01 plans and policy are consistent. The IPAC subcommittees each have a matrix that identifies and tracks ongoing issues the committees work on with the Department. Developing IPAC took time; it took the department staff a while to understand the government to government relationship, but it has developed into a good and respectful working relationship. Department staff recognize that the tribes have expert staff on hand. The Office of Indian Policy helps to achieve this goal.

Comments from the delegates related the history of IPAC and complimented DNR for the initiative they are taking to look at the IPAC process and working relationship with the tribes. One delegate said it's a good way to get work done and avoid consultations, having addressed some gnarly issues, organized workgroups and come back to the body to resolve the issues. Another delegate said she'd had a chance to educate DNR on gathering, burial sites, ancestral longhouse and ceremonial sites. It's important to let the state know what's important to the people and the culture. Also key is having Indian Policy as part of the DSHS Executive Leadership Team.

Craig reiterated that IPAC is, in part, a group that identifies, frames and discusses, but also resolves issues. He marveled at the ability to have the Office of Indian Policy staff working in each region, saying DNR utilizes Rodney that way. He said Commissioner Goldmark is committed to having a solution oriented, tribally focused mechanism in place.

Children's Administration (CA)

*Randy Hart, Interim Assistant Secretary*

Randy asked that tribes that have not yet billed do so now; all of the contracts are in. He asked programs to submit their reports at least quarterly.

Children's Administration will have to cut sixty FTE, about 2%, and reduce its service budget about 2% per year, all of which can be accomplished without cutting any front line staff. Any further cuts may affect direct service staff.

In light of funding loss, CA is looking at caseload equity. This year they had to look at workloads around the state and found increased workloads in regions 1, 4 and 5, and decreases in regions 2 and 6, so they have adjusted FTEs to better reflect caseloads. They will let go temporary staff, move those who want to move, and may have to lay off a few in some counties and hire in other counties. CA headquarters has lost about thirty-five staff. Nancy Dufraigne, ICW Program Manager, now reports directly to the Assistant Secretary.

There have been rumors about eliminating the regions 1 and 4 ICW offices. CA is reviewing the quality of work and management decisions, but there are no plans to close any ICW offices in the state. Liz will help the region 4 Administrator work through the review process to decide how to better provide services. The budget will force CA to look at how to provide more efficient services and that might impact ICW work.

Interviews for a new Assistant Secretary will begin in early August, with a potential start date in early September.

Randy thanked the Tribes for their work on HB 2106. By advocating for their children and for their relationship with CA, they also had an effect on making the bill more inclusive of the tribes and their sovereign status. The first meeting of the Transformation Design Committee (TDC) was held June 30, where they developed ground rules and expected outcomes.

HB 2106 will be amended if needed. The only contracts in effect so far are behavior related performance based contracts. CA might need to hire people from states that already have performance based contracts to help lead this process. The Tribal State Agreements and Intergovernmental Agreements will be regarded as government to government processes. Nontribal providers will be expected to honor these commitments, which will be built into their performance based contracts. Tribes will be able to help decide who has responsibility to train the contractors. These cases will be subject to review, as they are now. There will be an increase in contract monitoring and quality assurance, to include ICW and the permanency standard.

One part of HB 2106 is to give the tribes full access to Famlink, which replaces CAMIS. So far, the tribes only have view access to the program. The tribal state workgroup will develop policy for full access. CA has gathered all previous agreements from other administrations as reference materials.

Marilyn asked for more information about Partners for Our Children (Partners), the organization partnering with DSHS and the University of Washington (UW) on HB 2106. Rebecca said Marc Courtney, Executive Director of Partners, represents philanthropy money (a few hundred million dollars) to help change the foster care system in Washington. Partners helped write the legislation, are in the legislation, and provide reimbursement for mileage, etc.

Randy agreed with Jennifer LaPointe's question about a guarantee of maintaining the relationship between CA and the Tribes with the influx of contracted providers. He acknowledged the problems tribes have had with private contractors for other administrations. He assured Jennifer that wherever he is in the agency, tribal concerns will be brought to management. There are four IPAC members on the design committee.

Rebecca Peck proposed asking Senator Hargrove and Representative Kagi to send their legislative aides to IPAC meetings. She then formed the proposal as a motion, which passed.

Marilyn Scott talked about the history of contracting with the RSNs and Healthy Options, and said it is vital that the state include the tribes in planning for implementation. She said performance measures for federal funding should be the starting point and she supports bringing the legislative aides into the meeting.

ICW case reviews start in September, with training in August. Tribes are encouraged to send participants; results are expected in December, with implementation early next year.

The ICW foster parent DVD is finished and will be distributed upon request to anyone associated with Indian children and foster care.

Vicki Stock spoke to clarify the discussion from the previous day's subcommittee meeting about guardianship. There had been confusion about HB 1961, which addresses implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. Work to date has been to develop a plan, due July 26. The new Guardianship Assistance Program (ARGAP) is expected to be fully implemented in October, subject to federal approval. The IPAC CA Subcommittee will be included in the workgroup, which will draft policy and procedures and will have conference call capability. Nancy will send the outline to the subcommittee. Any tribe not on the subcommittee may join for this workgroup.

Liz asked Randy if, when redistributing social workers, he had considered disproportionality. Randy replied he had, saying the greatest disproportionality is in King County. He added that he would work with Myra to provide equitable and fair services in the twelve offices in Region 6.

Liz discussed the previous day's TDC meeting, saying that any IPAC delegates could and should attend the meetings. She asked the delegates to keep their tribal leaders informed and urge them to focus on this issue. There will be a conference call August 12 and the next meeting is Sept. 16-17; the meetings do have conference call capability.

The ICW Subcommittee will not meet in August, but will then meet monthly for the rest of the year (second Wednesdays of each month).

### Delegate Committee Report

Liz explained that we would have updates at each meeting from each committee in which the delegates participate.

The TDC update is discussed above; the next meeting is in September. Liz has gotten some vague answers to specific questions, and has concerns about the level of IPAC's involvement in the entire process. She intends to get clarification from Mark Courtney.

Tribal Communities Transforming Mental Health Conference: Colleen reported on the past year's work to develop a conference for the Transforming Mental Health Grant. The workgroup is making progress in planning the September conference at Great Wolf Lodge. IPAC is collaborating with the Alcohol and Drug Abuse Institute (ADAI) at the UW to pool our funds with their grant funds to develop one conference, rather than two. The conference will be September 9-11, with the RSN meeting the afternoon of the 11<sup>th</sup>. The group is finding presenters and identifying topics. There will be regional and national presenters for both policy and provider tracks, and six hours of Ethics in Law for CEU. Jennifer said she wanted to hear fresh presenters, rather than those who have frequently presented at local mental health conferences. The agenda will be available in mid July. The focus is to present to tribes, but if there is space available, non tribal providers will be included.

Conflicts include the ICW Subcommittee meeting set for September 9 (might change), and AIHC's meeting scheduled for September 11. Colleen has mailed letters and three registration forms to each tribal chair, allotting three rooms for each tribe. If delegates are willing to share rooms, their tribe can have more than three delegates attend. The grant will pay for rooms, meals and maybe mileage. If there are funds left over in the UW grant, they will go toward a follow up conversation in January related to policy.

Liz said the Racial Disproportionality Advisory Committee (RDAC) is mainly concerned with HB 2106, and she provided updates on the State ICWA and ICW case review. CA is moving forward on its remedial plan and ICW case file reviews begin again in September. The ICW subcommittee's three priorities are performance based contracts, State ICWA, and guardianship policy implementation for dependency guardianships. There will be a phone conference on Tuesday related to State ICWA, with the target date for completion September 30, plans to meet with tribal leaders in early October, and to hand it over to the legislature when they convene in January. Marilyn suggested asking Representative McCoy's legislative aide to participate in this process; Liz will pursue it.

### Economic Services (ESA) Subcommittee Report

*Troy Hutson, Assistant Secretary, Jennifer LaPointe, IPAC Delegate, Sarah Colleen Sotomish, Tribal Liaison*

Troy reported he had visited some tribes last week and looks forward to more. He is working with Sarah Colleen Sotomish to schedule the visits and wants to work with the Tribes in the areas of health and nutrition. ESA is looking at additional reductions while maintaining service access and service quality, which is a challenge. Liz related that Chairman Allen had requested a summit in November.

Jennifer reported the next ESA subcommittee meeting will be announced. The Tribal Income workgroup met May 11 to look at how tribal income is counted for eligibility determination for cash, medical and food assistance. ARRA created new tribal Medicaid exemptions. HRSA and ADSA staff are closely monitoring these new Medicaid exemptions for language clarifying the provisions. ESA has ongoing discussion with the tribes. The subcommittee will not meet again until the exemptions are clarified.

June said she had a different interpretation of that meeting than what Jennifer's minutes capture, and that she sees no conflicts in the state plan that would prevent implementation of ARRA and Medicaid. Colleen will work with HRSA and ESA to resolve conflicts in interpretation and make sure they are prepared to move forward at the next meeting. The subcommittee hopes to meet by early October.

Jennifer recognized Troy for attending the subcommittee meetings, workgroups and IPAC, saying that shows his commitment. Liz and Marilyn also thanked him for his outreach, commitment and meeting with the tribes.

The State Tribal Relations Office has identified issues and dates for Troy involving future visits to communities with a focus on partnerships that support access to services. He wants to see where the offices are, what they do, the distance between the communities and CSOs, access to outreach workers, and access to community members when there are transportation barriers.

Jennifer reported that the tribal eligibility project at Port Gamble S'Klallam Tribe is progressing. This summer, staff have determined implementation planning, IT connections and implementation schedule. IT staff are actually at the tribal site. They have yet to determine go-live date.

### Caregiver's Choice: Mentoring for Native Youth with Incarcerated Parents

*Christian Rummell, Mentor*

Christian spoke about the mentoring program for children/youth with incarcerated parents, and how tribal programs can be providers for mentoring programs. Mentor requires an FBI fingerprint check as part of the background check for mentors at \$16 each.

Use of the funding (\$1000) is up to the tribe's discretion; it could be used for fingerprinting, outings, operating costs, etc. The voucher works for any approved program and the child/youth could be in foster care, but not incarcerated. Mentoring can be included in the fostering plan. Mentors need one year of experience, due to the potential for harm if the relationship fails.

The meeting adjourned at 3:35 pm.

**Resolution #2009-03:**

**Ronda Metcalf moved to seat Bill Coleman and Mary Leitka on the Reentry Committee, Gwen Gau seconded, motion carried.**

**Resolution #2009-04:**

**Ronda Metcalf moved to seat Betty Taaffe, with Rebecca Peck as alternate, on the committee to address Disproportionate Minority Contact. Bill Coleman seconded, motion carried.**

**Resolution # 2009-05:**

**Rebecca Peck moved IPAC send a letter to key legislators requesting the legislature sends their aides to quarterly IPAC meetings to continue to hear the issues from the Tribes. Jennifer seconded: motion passed.**