

IPAC Minutes
October 11, 2007

Present: refer to sign in log

Invocation

Rosi Francis, Vice Chair, welcomed the Committee members and Jim Sijohn, Member at Large, conducted the invocation.

Secretary Jennifer LaPointe called the roll; seventeen delegates were present so quorum was achieved. Additional delegates arrived during the morning.

Blake Chard, Deputy Secretary of DSHS, presented Colleen Cawston with her 5 year service award, recognizing her close work with the IPAC Committee and the tribes of Washington State.

Aging and Disability Services Administration (ADSA)

Kathy Leitch, Assistant Secretary

Kathy spoke about contracts, including the Whidbey Area Agency in Kitsap County. The situation related to contract language and sovereignty is not yet resolved, but the tribes and AAAs continue to work toward resolution. Kathy agreed to contact the AAA next week for an update.

Kathy will meet regularly with the AAAs and tribes. She provided a draft agenda for the October 23rd meeting at Thurston County Fairgrounds.

ADSA has committed to contribute funds for the September 2008 NICOA conference.

Bill Moss, Director of Home and Community Services (HCS), anticipates 40-50 people will attend the October 23rd meeting with AAAs and tribes. Bill introduced Liz Prince, HCS Program Manager, who discussed Roads to Community Living (formerly Money Follows the Person Grant). Liz explained the project is a national effort to help people who have lived in an institution (nursing homes, residential habilitation centers, etc.) longer than six months to move into the community. Thirty states are participating in the demonstration, which provides \$5.6 million in new funding over the next five years. This money will be paired with existing state and federal funding.

Liz discussed eligibility, funding, qualified institutional and community settings, services, and support means. The non-cash transitional funding is available for a year to each participant. ADSA intends to target services specific to the individual's needs, such as budgeting training, additional supports during the move, counseling, etc. Liz also provided a timeline for the coming year and contact information (360-725-2561, prince@dshs.wa.gov). She asked the delegates and attendees to complete the survey provided in their packets and return to her within the next week.

The intent of the grant is to provide intensive transitional support during the move to the community. Other services are already available and will be implemented when the person moves. If continued services are needed after the year, the individual's needs will be addressed. The targeted population is people who want to leave a nursing home or institution.

The focus of the grant is on people who need additional or different services than those currently available, including independent living skills, budgeting or mental health counseling. The services are to help overcome barriers to living in the community.

The material says this is available to people younger than 18 or older than 65, but people between 18 and 65 are also be eligible if they have physical or developmental disabilities.

Individuals choose their own provider, and the state authorizes the services after developing a contract with the provider.

When asked why members of a treaty tribe have to be documented when illegal aliens received services, Bill responded that DSHS has to follow the federal requirements attached to the funding.

Lawrence asked Bill to draft a letter to Quinault Indian Nation identifying whether annuities are exempt.

- Home Equity and Per Capita

Bill Moss discussed the Home Equity issue and the Deficit Reduction Act (DRA), signed into law by President G. W. Bush. Per federal law, effective May 2006, if a person's equity in his or her home exceeds \$500,000, the owner is not eligible for Medicaid. If equity is less than \$500,000 when the person applies, he or she would become ineligible when the equity exceeds \$500,000. The DRA allows exceptions for individuals who can demonstrate undue hardship. The new hardship waiver is covered in WAC 388-513-1367.

Case workers are required to ask questions about annuities, etc., in order to determine which income is or is not exempt. However, staff need to work on how to ask the questions in a more efficient manner. Lawrence asked for a letter stating this to the Quinault Indian Nation. When an individual knows he or she is dying and deeds land to his or her children, exempt property will remain exempt. Property that is not exempt will affect eligibility. If trust property was exempt under the old law, it's exempt under this law as well. ADSA has been working with its financial workers to learn what is exempt and what is not.

Helen described the Tulalip Tribe's stringent membership criteria in reference to using Tribal ID as proof of citizenship. ADSA has had many discussions with CMS to allow tribal membership as citizenship. Kathy and Bill agreed it is a problem.

Helen then described a tribal member who lives in a HUD house he or she doesn't own who was denied COPEs. Bill asked delegates to call him directly when issues arise so he can address them [(360) 725-2311 or MossBD@dshs.wa.gov]. DSHS staff should not create barriers to access to Medicaid.

Introductions

The committee and audience members introduced themselves.

- Wellness Conference

Lisa Thomas and Lisette Austin provided information and "Save the Date" cards for the Wellness Conference. It will be May 5-6, 2008 at the Kiana Lodge in Poulsbo, with lodging available at the Clearwater Resort and at local motels. A \$100 hotel scholarship will be provided for each tribe.

The intended audience is tribal community service providers and consumers. For more information, visit the website: <http://ada1.washington.edu/TribalConference/>.

- NICOA

Colleen summarized the planning meeting for the September 5-9, 2008 Aging Conference, hosted by the NW Tribes and the Tacoma Sheraton/Murano. The Quinault Nation has pledged food, cooks and a portable kitchen for the traditional dinner and Puyallup has pledged the cost of the Convention Center. Colleen distributed a list seeking volunteers for the various committees. She then introduced the IPSS staff, who are beading lanyards to give the elders at the conference. The planning committee has drafted the agenda; Colleen will provide an update at each IPAC meeting.

IPSS will provide beading kits at the January IPAC meeting for anyone wishing to help make lanyards. Bob Brisbois asked for donations of beads.

Juvenile Rehabilitation Administration

Monica Reeves

Over the past year, JRA has sponsored two of three planned community symposiums. The third will be October 29th at the Yakima Convention Center. To register, contact Bob Salzburg at 360-902-8086.

JRA is allocating three \$50,000 grants, one for each hosting community, to go to qualified organizations to address disproportional contact. Two grants for the Spokane area are anticipated to be released in next 60 days, and the Pierce County grant has been awarded. This information is available at <http://www1.dshs.wa.gov/msa/ccs/index.htm>. The locations chosen were those in the state with the highest concentration of incarcerated youth.

In June, Monica discussed JRA's Intergovernmental Agreements with tribes; she will follow up and release potential dates by the end of the year. JRA meets with tribes at their request. Tribes wanting to meet can call Monica at 360-902-8102.

Economic Services Subcommittee (ESA) Report

Sarah Colleen Sotomish and Bob Brisbois

Sarah introduced Colleen Ambrose, Acting Deputy Assistant Secretary, and said Sam Senn is the Acting Assistant Secretary for ESA. She then introduced the ESA staff in the audience. ESA is working to develop the WAC for Tribal TANF. The notes from the July 19 roundtable discussion were included in packets. The first meeting is scheduled at Port Gamble on November 6th. Thanks to Port Gamble for hosting.

Packets contained a letter about Deficit Reduction Act (DRA) requirements. New rules took effect October 1, 2007 to capture all countable Work First participation.

ESA is moving forward with the Tribal Eligibility Pilot, which includes basic food and Medicaid for families and pregnant women. After several meetings with tribes and workgroups, Port Gamble was the only tribe to apply. The goal is to have the program in place by August 1, 2008. Five workgroups are working and the next meeting will be in early December.

The State Tribal Relations Unit (STRU) is interviewing to fill the position left vacant when Maura Donohue left. They have also hired Sandy Jsames.

The Division of Child Support requested a volunteer to participate in hiring a second child support administrator.

The contract for access to wage and employment data is not finalized but the AAG has approved and it should be finalized soon.

Kelly Franklin provided an update from the Division of Vocational Rehabilitation. The DVR waitlist had 13,595 people; as of October 2007, the list was down to 4,000 and DVR is removing a thousand names each month.

ESA is renegotiating Tribal TANF contracts with Colville and Spokane. Muckleshoot and Kalispel are also interested in having Tribal TANF programs.

Bob asked that updates for the ESA/DVR Subcommittee Matrix be sent to him at least two weeks before IPAC.

Children's Administration (CA)

Nancy Dufraine, ICW Manager

The ICW Summit will be March 2008, Nancy asked for volunteers for the planning committee. It will celebrate the 30th anniversary of ICWA. The committee is meeting monthly to develop the theme and agenda, and to identify speakers.

Representatives Bachus and McDermott have introduced congressional action to allow tribes direct access to IV-E and Independent Living (Chaffee Act). People can direct their questions to Senator McDermott's office [Phone: (206) 553-7170], and a bill analysis is available at http://www.alliance1.org/Public_Policy/legislation/Tribal.pdf.

There was discussion about the legislative commission charged with studying disproportionality of Indian children in care. Toni Lodge was appointed as a community member to this commission and there will be an additional tribal representative. Jim Sherrill is the IPAC appointee to the advisory board. The committee decided to submit the following names for the Disproportionality Commission: Liz Mueller, Marilyn Scott, Linda Holt, Ross Soczehigh and Ricki Haugen.

Marilyn asked, given the legislation and commission established, whether there had been outreach to tribes to promote a representative for appointment to the commission? Blake responded when the legislature creates a task force, they tell DSHS to create it. He suggested that IPAC write a letter to Secretary Arnold-Williams and offer assistance to find a potential delegate for appointment. He also said the tribes should send their concerns to their legislators. DSHS has five seats on the commission.

Jim Sijohn asked for formal action on Blake's recommendation. In clarifying, it sounded like four names had already been submitted so the content of the letter was discussed. Nancy agreed to bring the names that had been submitted to the afternoon session.

The Committee discussed a “Z” bill that changed the timing for a home visit from two weeks to one month once a foster family moves to new home.

Trudy attended NICWA training at which a tribal judge discussed customary adoptions. She addressed the process and how to codify it in tribal code. The discussion was about how a tribe historically would have adopted a child in need and how to keep adopted children eligible for state services. Lawrence reminded the committee of the work done to develop ICW and the need to honor those who worked so hard to bring it to life. He also cautioned the group to carefully word any documents to prevent misinterpretation of the intent.

Marilyn stated the need for representation on the disproportionality commission is to keep native children in native homes. She also described the need to allow tribes to recommend placement of those children in healthy families that have connections with the tribal community. The Executive Committee will draft a letter to the legislature recommending tribal representatives to the Disproportionality Commission.

Elections

After lunch, elections were held for Vice Chair and Member at Large. Rosi Francis will continue as Vice Chair and Jim Sijohn will continue as Member at Large. They both made statements accepting their positions.

Children’s Administration (CA)

Cheryl Stephani, Assistant Secretary

IPAC recognized the ICW Case Review Team, presenting a certificate to Lynn Craik, team leader. Case File Reviews were completed in all CA offices. The information is being analyzed and will result in a statewide report. The results will be used to develop an implementation strategy.

Cheryl distributed a sign up sheet for volunteers to plan the March ICW Summit. The location has not yet been chosen.

The new risk assessment tool, “Structured Decision Making”, assesses the risk of re-offending. CA worked with a subcommittee to determine how to implement it with Native families. Minnesota is conducting a study on the issue, which CA can use to refine the tool. Cheryl will send an explanation letter to Tribal Chairs.

Related to the Adam Walsh Act, CA is working on an RFP for fingerprinting, expected to go out in November, with implementation expected in January or February 2008. In the interim CA is reimbursing for the fingerprinting.

Toni requested a community impact statement for the Structured Decision Making. She is interested in how it interacts with ICW and community norms. Cheryl agreed to provide a status report in two weeks.

Cecile Hansen then asked Cheryl if she was aware Washington State pays the lowest fees to foster homes. Cheryl responded that the report Cecile referred to is difficult to interpret because it lists a base rate, to which additional payment is added for services specific to the individual in care.

Cheryl agreed to provide information about the average rate when calculated like it was in the report. Cecile pointed out that the low rates are one reason for the shortage of foster homes.

The new local agreement template was requested by the tribes and the state. It addresses items that are consistent throughout the state, with each region negotiating individual agreements with the tribes based on available services listed in the addendum. This template updates existing agreements, which remain active until the new agreement is negotiated. Children from non-federally recognized tribes are represented by the Recognized American Indian Organizations (RAIOs). The tribes can file a motion for intervention to a case under Civil Rule 24, the Tribes are notified and consulted for case planning.

Nancy is waiting to receive the signed copies of agreements already negotiated.

Information based on the “Minneapolis Model” should be available early 2008. Nancy is currently analyzing data from the past year’s data.

Health and Recovery Services Administration (HRSA)

Doug Allen, Assistant Secretary, Division of Alcohol and Substance Abuse (DASA)

DASA’s updates were not included on the matrix. DASA met with the tribes September 6th to discuss communication, funding and rumors. A subsequent meeting was held October 3rd, at which ADATSA notebooks were distributed. The notebooks list regulations as they apply to funding streams. IPSS staff will distribute the notebooks that were not picked up.

Tribes have voiced concern about funding DASA combined into one pool rather than 15 separate contracts. Workgroups will continue to meet to address the many issues.

In a CMS audit/review of the state plan and amendment, they raised a question about the non-tribal encounter rate and how DASA keeps track of the match. Of those six tribes receiving the non-Indian tribal rate, DASA has historically asked for certification of the match, which CMS will no longer accept. DASA has approached CMS for options, and then will need to meet with the tribes to determine the outcome. CMS recommends using an intergovernmental transfer process.

Doug will generate a letter asking CMS to delay action and to give DASA six months to work with the tribes. He intends to schedule a roundtable meeting, and consultation if needed, with the tribes.

The next meeting of the HRSA Subcommittees will be November 13 and will be hosted by Quinault at Taholah.

Doug clarified that a person receiving treatment is allowed to receive prevention funding as well. Doug asked that tribes address inaccurate information with the Regional Administrator, and then go up the chain of command if necessary.

DASA has rescinded its request for single contacts at the tribes and will follow the Communication Protocol. They will provide quarterly updates for future IPAC packets.

DASA is seeking tribal participation on the TARGET Advisory Group.

DASA distributed CDs with instructions for the GAIN-SS program and will mail letters to the Tribal Chairs about the information. There are questions about how to use the funding for youth and children. Nationally, there are tribal specific GAIN trainers available to train the tribes' providers. Jennifer plans to invite them to train the Puyallup Tribe's providers; Doug asked permission for DASA staff to attend and Jennifer invited other tribes to attend, as well.

Helen asked for a single spreadsheet with the various contracts for each tribe, a motion passed and Doug will provide the information.

Many people are not eligible for ADATSA because are underemployed. The tribes need a definition of underemployed so they can find a better way to access funding. One reason for underspending their ADATSA contracts is underemployment. Ironically, addiction is a frequent cause for underemployment.

Doug said it's a common problem. One delegate asked how to get an exception. Doug responded that an exception request would raise a policy issue, but he agreed to look into the national issues partnered with the tribes.

There was discussion about using evidence based practice with Juvenile Rehabilitation Administration and the Children's Administration. Doug said the state and tribes would need to work together to promote the model to the Federal Government.

One delegate complimented DASA for responding to the issues from the last two meetings and requested broad distribution of the information. DSHS was encouraged to provide information and training to Regional Administrators and program staff, who would then do outreach in their regions.

Doug was invited to come to next AIHC meeting on November 16th to discuss the issues, or to send a representative who can.

Toni praised Doug for hiring Cindy Beemer in Region 1.

The January HRSA Subcommittee meeting will include the new mental health codes, as well as the WAC, cultural specialists, and future requirements for providers.

Trudy said the Children's subcommittee needed to move a matrix item related to children's mental health to the HRSA matrix. The IPAC Executive Committee and IPSS staff will meet October 24th and 25th and will discuss how to roll new information into the matrixes, as well as transferring items.

HRSA will partner with IPAC to present the October 2008 HRSA gathering. Colleen provided volunteer sign up sheets for help with planning the event. Helen has contacted the Tulalip Tribe to host. Colleen also asked for names of potential speakers.

IPAC had asked for input about subcommittee meetings being held separate from the IPAC meeting. People feel more information is being exchanged with the current schedule. Meetings scheduled for the week of IPAC include HRSA on Tuesday, Children's on Wednesday at 10-2 and ADSA at 2:30-5, and then IPAC on Thursday. The Children's subcommittee meets monthly, as

does HRSA. We will work hard to exchange information to and from the tribes about what they want included in the agendas.

The IPSS website has a meeting calendar available for viewing. The website is www.dshs.wa.gov/ipss/, and the calendar link is on the right side, at the bottom of the section under the header “About IPSS”.

Centers for Medicaid/Medicare Services (CMS)

Maria Garza

Maria works in the Seattle CMS office. Some of her responsibilities are to conduct citizenship outreach, education and training. Kathy Johansen is the State Plan Coordinator and was not able to come to the meeting.

CMS regulations require documentation of citizenship for Medicaid eligibility. Prior to the DRA, people could be determined eligible after swearing they were citizens. In Washington, since the July 2005 implementation of DRA, 8100 individuals have been denied eligibility due to lack of citizenship documentation. Federal requirements allow each state to choose its own approach to implementation. Washington’s requirements differ from those in other states.

Four tribes identified by congress are allowed to use tribal ID to document citizenship; the rest have to be identified by another vehicle. The issue will be addressed at TTAG in Baltimore, which meets twice a year. A delegate recommended a letter be sent to Governor Gregoire requesting tribal ID be accepted as proof of citizenship, with the warning that the letter needs to be written very carefully to prevent fictitious tribes from being included, as well as tribal members living in Canada. The consensus was to have the Executive Committee draft the letter, which is to be worded similar to the one AIHC sent.

There is confusion about the tiered system. Maria provided handouts to document the tiers and asked the delegates to take the information back to the tribes. If a person doesn’t have the document listed in tier one, the eligibility worker can skip that tier and consider the other three documents. If that isn’t happening, each region has a coordinator to contact for accurate information [Maria Garza, Medicaid Eligibility and Citizenship Policy (206-615-2542, maria.garza@cms.hhs.gov), Elizabeth Trias, Medicaid Tribal Liaison (206-615-2400, Elizabeth.trias@cms.hhs.gov), and Cecile Greenway, Native American Contact (206-615-2428, Cecile.greenway@cms.hhs.gov)].

Other Items of Interest

IPSS is in the process of interviewing for a new manager for regions 4 and 5. Second round interviews are scheduled October 15th and Colleen hopes to have a person in place by November 1st.

Jim recommended the state buy a new microphone system for the Lookout Room.