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May 17, 2010

## GENERAL MEMORANDUM 10-067

### Tribal Consultation on IHCIA and Patient Protection and Affordable Health Care Act

The Indian Health Service (IHS) and the Department of Health and Human Services (DHHS) have jointly sent the attached letter to tribal leaders initiating a formal tribal consultation on implementation of the newly-enacted amendments to the Indian Health Care Improvement Act (IHCIA) and provisions of significance to Indians/Alaska Natives in the larger health care reform bill, the Patient Protection and Affordable Health Care Act (PL 111-148). The reauthorization of and amendments to the IHCIA were achieved through enactment of PL 111-148.

Attached to the IHS/HHS letter were a fact sheet about the importance of the new law to Indian Country and summaries of the IHCIA and of other provisions in the law of particular importance to Indian Country. These documents may be downloaded from the IHS Director's Blog at:

<http://www.ihs.gov/PublicAffairs/DirCorner/index.cfm?module=blog>

IHS Director Roubideaux and DHHS Intergovernmental Affairs Director Dioguardi solicit recommendations on the consultation process and on suggested priorities for implementation. They request that this first round of comments be submitted no later than *July 1, 2010* to:

Yvette Roubideaux, M.D., M.P.H.  
Indian Health Service  
801 Thompson Avenue, Suite 440  
Rockville, MD 20850  
Or by email to: [consultation@ihs.gov](mailto:consultation@ihs.gov)

PL 111-148 permanently authorizes the IHCIA and makes many advancements to the Indian health system long-sought by Indian Country. In addition, the statute includes many Indian-specific provisions related to health care reform (other than the IHCIA) which hold the promise of supplying additional revenues to the chronically under-funded IHS system. There is an enormous amount of work to be done over the coming weeks, months, and years to implement these new laws. The guidance and regulations that are to be developed will have a huge impact on the Indian health care system.

Please let us know if we may provide additional information or assistance regarding implementation of the new health care law.

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Inquires may be directed to:  
Carol Barbero (cbarbero@hobbsstrauss.com)



MAY 12 2010

Dear Tribal Leader:

On behalf of the Department of Health and Human Services (HHS) and the Indian Health Service (IHS), we are writing to initiate a formal Tribal consultation on implementation of the recent reauthorization of the Indian Health Care Improvement Act (IHCIA) and the Indian specific provisions in the new health reform law, the Patient Protection and Affordable Care Act, P.L.111-148, that was signed on March 23, 2010. Numerous provisions in this important piece of legislation will impact American Indian and Alaska Native individuals, Tribes, and our health facilities. We are at the beginning of an enormous amount of implementation work that is going to positively impact the lives of the people we serve over the coming weeks, months and years.

According to HHS and IHS Tribal consultation policies, consultation with Tribes should occur when there is a "critical event," such as a new law or policy that may impact Tribes. Clearly, the passage of the Affordable Care Act, which included the long-awaited reauthorization of the IHCIA, represents a critical event requiring Tribal consultation. We look forward to partnering with you on our implementation process.

As we work quickly to review every provision in the law that applies to Indian Country and assess next steps and a timeline, we would like to invite your input on how we implement the numerous provisions in the law. To help provide information on these new provisions, we have attached two tables: the first table summarizes provisions in the health reform law that impact Indian Country directly; and the second table summarizes the main provisions in the IHCIA. We hope that you find these tables helpful and informative. We have also included a fact sheet on how the new laws benefit American Indians and Alaska Natives.

From the provisions outlined in the attached tables, we need your help in identifying priorities for implementation efforts here at HHS. While some new programs and regulations will be implemented according to the timelines specified in the law, we would like your advice and guidance on other implementation priorities.

We would also like your input on how to consult with Tribes on an ongoing basis as the various provisions are implemented. We need to establish a mechanism to consult with Tribes in a meaningful way without delaying the implementation process and your access to new programs and services. Some have recommended that we have an open, ongoing consultation process where Tribes can comment in writing or through attending meetings or listening sessions. Others have recommended that we convene a workgroup with Tribal representatives from each Area to advise us on an ongoing basis. Suggestions are to either convene a new workgroup, or utilize the IHCIA Reauthorization Steering Committee that has advised us on this legislation over the years. We are interested in your comments on how to effectively and meaningfully consult with Tribes as we implement the provisions that impact Indian Country.

For this initial round of consultation, please send your recommendations to Dr. Yvette Roubideaux in writing to the address listed below, or to the email address [consultation@ihs.gov](mailto:consultation@ihs.gov) by **July 1, 2010**. However, we encourage you to send in your comments as soon as possible to help us keep moving forward with the implementation process. We plan to continue to ask for your input over time, and the purpose of this first request is to get your initial impressions and recommendations as we start the implementation process.

Thank you for all that you do to improve the health of your communities. We look forward to working with you on the implementation of the Affordable Care Act and the reauthorization of the IHCA.

Sincerely,

/Paul Dioguardi/

Paul Dioguardi  
Director  
Health and Human Services  
Intergovernmental Affairs

/Yvette Roubideaux/

Yvette Roubideaux, M.D., M.P.H.  
Director  
Indian Health Service

**Send recommendations in writing by July 1, 2010 to:**

Yvette Roubideaux, M.D., M.P.H.  
Indian Health Service  
801 Thompson Ave, Suite 440  
Rockville, MD 20852

**Or by email to:** [consultation@ihs.gov](mailto:consultation@ihs.gov)

Enclosures: Affordable Care Act Summary Table  
IHCA Reauthorization Summary Table  
Fact Sheet