



STATE OF WASHINGTON
HEALTH CARE AUTHORITY

626 8th Avenue, S.E. • P.O. Box 45502 • Olympia, Washington 98504-5502

August 24, 2012

SUBJECT: Tribal Trust Accounting and Management Lawsuits

Dear Tribal Leader:

The purpose of this letter is to share information concerning recent federal tribal trust settlements and how they may affect your tribal members' eligibility for medical assistance programs.

The Health Care Authority (HCA) received guidance from the Centers for Medicare and Medicaid Services (CMS) that per capita payments issued as a result of the Nez Perce, et al v. Salazar lawsuits are exempt as income for medical assistance, and exempt as a resource, as long as the funds are separately identifiable from countable resources. Settlement payments made directly to tribal members as a result of Cobell, et al v. Salazar are also exempt as income for medical assistance, and exempt as a resource, for a period of one year.

HCA is working on a notice to eligibility staff explaining how to verify and document these exempt payments. We want to ensure that HCA clients do not have their coverage interrupted. An email alert has already been sent to state staff regarding one tribe's distribution of per capita payments. If your tribe would like to make similar arrangements please contact us. Our staff will need to confirmation the following elements:

- The distribution is a per capita payment funded by the Nez Perce, et al v. Salazar or a Tribal Trust Accounting and Management settlement.
- The amount of the per capita payment (including shares or special treatment for minors).
- The date that it will be sent to tribal members.

This information will confirm that the payments are exempt and give state staff the information they need to properly document the information.

Since we have staff from all over the state processing cases, we also encourage your administrations to provide a contact name for our staff so they know who to contact when state staff need to verify a payment for a tribal member. If you have a specific process our staff should follow to obtain the information, please share details so we can make staff aware.

Please feel free to contact us if there is anything we can do to be of assistance. The agency's goal is to help identify these funds so tribal members do not lose health care coverage if the funds are not clearly identified as exempt.

You may contact either of the staff below if you require further information or would like to arrange for an alert to state staff.

- Kevin Cornell, Health Care Authority, Kevin.cornell@hca.wa.gov, (360) 725-1423
- Deborah Sosa, Health Care Authority, Deborah.sosa@hca.wa.gov, (360) 725-1649

Very truly yours,



Manning Pellanda, Assistant Director

cc: IPAC Delegates
Tribal TANF/Social Services Directors
ESA Directors
Sheryl Lowe, Executive Director, American Indian Health Commission for Washington State
Robin Arnold-Williams, Secretary, WA State Department of Social and Health Services
MaryAnne Lindeblad, Director, WA State Health Care Authority
Colleen Cawston, Executive Director, Office of Indian Policy, WA State Department of Social and Health Services
David Armes, Financial Program Manager, Home and Community Services, WA State Department of Social and Health Services
Deb Sosa, Tribal Program Manager and Agency Tribal Liaison, WA State Health Care Authority
Mike Mowrey, Tribal Relations Program Manager, WA State Department of Social and Health Services
Nathan Johnson, Assistant Director, Health Care Policy, WA State Health Care Authority
Jim Stevenson, Chief Communications Officer, WA State Health Care Authority
Jane Seidel, Section Manager, MEDS, HCA
Mary Wood, Section Manager, OMMEP, HCA