

March 13, 2013

Jim Roberts
Northwest Portland Area Indian Health Board
2121 SW Broadway, Suite 300
Portland, OR 97201

Dear Jim,

As you may already be aware, in collaboration with Tribal representatives, the Oregon Health Authority (OHA) is developing a Tribal Uncompensated Care Payment Program proposal. The program would make payments to Tribal clinics for certain services that are no longer covered under the Oregon Health Plan.

Background

Tribal representatives and Northwest Portland Area Indian Health Board approached OHA about the ability for Tribal clinics to receive payments for certain services that are no longer covered by Medicaid due to benefit reductions in the Oregon Health Plan. The purpose of these payments would be to help the Tribes continue to provide essential services to their members and other American Indian/Alaska Native people through Indian Health Service and Tribal health programs operated under the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

Tribal representatives in Washington are also working with Washington's Medicaid program on the same type of proposal for their Tribal clinics. Both states have been working together to refine their respective proposals, knowing that the Centers for Medicare and Medicaid Services will need to approve them.

Before implementing the proposal, Oregon will need to request federal approval from the Centers for Medicare and Medicaid Services (CMS) to amend the Oregon Health Plan (OHP) Medicaid demonstration waiver. With our commitment to effective Tribal consultation and to comply with the CMS requirement to notify Tribes of anticipated Medicaid waiver amendments (as specified in State Medicaid Director's Letter #01-024 issued July 17, 2001), OHA is sending this letter to formally document our Tribal consultation for this proposal. Our first consultation began in early 2012 after OHA received a letter from the Northwest Portland Areas Indian Health Board that recommended exploring options to provide optional services that have been reduced from the Oregon Health Plan. Consultation has continued to occur since then at OHA/Tribal Consultation and Tribal 770 meetings.

Requested change

After establishing a refined proposal with Tribal representatives, OHA plans to submit to CMS a request to amend the OHP waiver to allow the state to make payments to Tribal clinics for certain services that are not currently covered under Oregon's program. There are two major issues to be finalized before submitting the amendment request:

- Tribal representatives and OHA are working together to define the services to be included in the waiver request
- Based the services to be included in the amendment request, Tribal representatives and OHA need to estimate financial impact to Tribes for providing funding the non-federal share for non-Tribal members who would receive these services.

Impact on Tribes

There are three major impacts on Tribes and Tribal members:

- OHP clients seeking services at Tribal clinics will have greater access to certain additional services.
- Tribal clinics will receive reimbursement for these additional services provided to OHP clients.
- While OHA receives 100% federal matching funds for Tribal members, services provided to non-Tribal members only receive the regular Medicaid federal financial participation match, which is about 63 percent. Tribes will need to cover the non-federal share for non-Tribal members.

Next steps

OHA will continue to work with Tribal representatives to finalize this proposal and obtain agreement among the Tribes on the program design. Nevertheless, this letter is to comply with the formal process and federal requirement to solicit your comments and questions prior to submitting a waiver amendment request. I encourage you to comment and appreciate your advice.

OHA will accept written comments and questions through April 15, 2013. Please send your comments to: Janna Starr, Medical Assistance Programs, Oregon Health Authority, 500 Summer St. NE, E-49, Salem, OR 97301-1079 or dennis.eberhardt@state.or.us. If you have questions, please call Dennis Eberhardt at 503-339-4763.

Sincerely,



Judy Mohr Peterson
Director, Division of Medical Assistant Programs
Oregon Health Authority

CC: Terri Fraser, CMS, Baltimore
Gary Ashby, CMS, Region Office, Seattle
Bruce Goldberg, Director Oregon Health Authority