

# Legislative and Policy Update

July 27, 2021

NPAIHB Quarterly Board Meeting

*virtual*



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Legislative and Policy Update Agenda

- Update on Dental Health Aide Therapy (*Oregon*)
- FY 2022 Appropriations Updates
- Recent Legislation
- Administrative Updates
- Litigation
- New Committees
- State Updates
- Policy Resources
- Upcoming Regional and National Meetings



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Enrolled HB 2528

Licensing Dental Therapists in Oregon



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# HB 2528 History

- A bill to license dental therapists was first brought to Oregon Legislature in 2011
- Two dental therapy pilot projects were approved in 2016 and 2020.
- Based on the success of our pilot project, HB 2528 was sponsored by Rep. Tawna Sanchez in the 2021 session.

**HB 2528 passed with bipartisan support in the Senate 20-9 and House 45-11, and was signed by Gov. Kate Brown on July 19, 2021.**



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# What's in the Bill?

- Directs the Oregon Board of Dentistry (OBD) to issue a license to practice dental therapy to qualified applicants
- Allows federally certified dental health aide therapist or tribally authorized dental therapist in a clinic operated by the Indian Health Service to practice without a state license.
- Requires collaborative agreement with supervising dentist(s) that is specific to supervision for each procedure and can place limits on scope of practice.
- Scope of practice is similar but not identical to the CHAP standards
- State licensed dental therapists shall dedicate at least 51 percent of the dental therapist's practice to patients who represent



# Next Steps

- Oregon Board of Dentistry will convene a committee to promulgate rules to implement the law. OBD is expected to determine next steps at an August 20 board meeting.
- Members of the Oregon Dental Access Campaign, including NPAIHB, are requesting a formal Rules Advisory Committee be formed, with representation from dental therapists, NPAIHB and OR Tribes.
- We will also work with OR Tribes to request consultation on draft rules.





Thank you to these outstanding dental therapists, all of whom completed the Alaska Dental Therapy Education Program as part of the Oregon Tribes Dental Pilot Project, and most are actively practicing at their Tribal or Urban Clinic.

Without their leadership this groundbreaking law in Oregon would not have been possible!



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Appropriations Updates



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# FY 2022 House Appropriations

## Committee Recommendations for Labor, HHS, Education

Agency	Recommended Amount	Increase/ Decrease	Funding Focus
SAMHSA	\$ 75m		Tribal Opioid Response Grants
SAMHSA	\$ 25m	+ \$4.25m	Tribal Behavioral Health Grants
CDC	\$ 27m	+ \$5 m	Good Health and Wellness in Indian Country Program
HRSA	\$ 15m		National Health Service Corps Officers in the Indian/Tribal/Urban health system
ACL	\$ 70.2m	+ \$35 m	Native American Nutrition and Supportive Services
ACL	\$15.8 m	+ \$5 m	Native American Caregiver Support Services
ACF	\$ 3.9 b	+ \$150m	LIHEAP
	\$3 m		Tribal Set-Aside for HIV/AIDS Prevention and Treatment Program



# FY 2022 House Appropriations Cmte. Recommendations for Interior (IHS)

Programs	Recommended Amount	Increase/ Decrease
Hospitals & Health Clinics	\$ 2.7b	+ \$ 483m
EHR	\$ 285m	+ \$250m
PRC	\$ 1.2b	+ \$216m
Indian Health Professions	\$ 93m	+ \$25.5m
CHAP	\$ 25m	+ \$20m
Alcohol & Sub. Abuse	\$ 269m	+ \$17m
Mental Health	\$ 125m	+ \$9.5m
Small Ambulatory Programs		+ \$8m
<b>Total for IHS</b>	<b>\$8.1b</b>	<b>+ \$2b</b>



# FY 2023 Appropriations Updates

- **Historical OMB tribal consultation on President's FY 2022 Budget**
  - NPAIHB submitted comments last week on FY 2022 budget priorities for IHS and HHS
- **Proposed fall consultation with OMB on FY 2023 budget!**
  - Forthcoming—will keep you updated.
- **Mandatory funding for IHS**
  - OMB will include this topic on the fall consultation



# Recent Legislation



Hill visit Feb 2020



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Legislation

- **H.R.2379**
  - State Opioid Response Grant Authorization Act of 2021
- **H.R.3841**
  - Tribal Health Data Improvement Act of 2021
- **S.2226 (*House version* H.R.4251)**
  - Native Behavioral Health Access Improvement Act of 2021



# Infrastructure Legislation Updates

- American Jobs Plan initially released in March as Biden's \$2.3 trillion comprehensive infrastructure package
- **Bipartisan Group Infrastructure Plan--\$600 billion**
  - Last month Biden signed onto this plan
  - High priority for the Senate!
- **House INVEST Act**
  - \$715 billion for transportation
- **Infrastructure advocacy:**
  - NPAIHB joined the joint infrastructure letter with other national organizations.
  - NPAIHB submitted testimony to House Subcommittee on Indigenous Peoples in the US on infrastructure priorities.



# Federal Agency Updates



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Recent and Upcoming Consultations

- **Veterans Affairs on Eliminating Co-Pays**
- ***Operation Lady Justice*: Presidential Task Force on MMIP**
- **CDC Consultation on Tribal Consultation Policy**
- **Indian Health Service NTAC on Behavioral Health / DBH**
- **Historical OMB Tribal Consultation on President's FY 2022 Budget**
  - OMB will be conducting another consultation in the fall!



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Administrative Updates

- **105(I) leases**
- **4-Walls Extension until Oct 31, 2021**
  - WA, OR, and ID have state plan amendments in place for tribal FQHC designation.
  - **CY 2022 Medicare Physician Fee Schedule Proposed Rule**
  - Proposed policy changes for Medicare Payments, including telehealth.
- **CY 2022 Home Health Prospective Payment System Rate Update**
  - Proposes a nationwide expansion of Home Health Value-Based Purchasing, home infusion therapy services payment rates, and make permanent some PHE changes to home health.
- **340B Update**
  - HRSA announced that 6 pharmaceutical manufacturers are in violation!
- **Special Enrollment Period – Federal Health Insurance Exchange (OR)**
  - Ends August 15<sup>th</sup>



# Provider Relief Fund Updates

	Payments Received Period	Deadline to Use Funds	Reporting Time Period
Period 1	4/10/2020 – 6/30/2020	6/30/2021	<b>7/1/2021 to 9/30/2021</b>
Period 2	7/1/2020 – 12/31/2020	12/31/2021	1/1/2022 to 3/31/2022
Period 3	1/1/2021 – 6/30/2021	6/30/2022	7/1/2022 to 9/30/2022
Period 4	7/1/2021 – 12/31/2021	12/31/2022	1/1/2023 to 3/31/2023



# New Committees and Workgroups

- Contract Support Costs Advisory Group (CSCAG)
  - First virtual meeting **Sep. 2, 2021**
- IHS Director's Advisory Committee on Tribal Consultation
  - First virtual meeting **Aug. 24, 2021**
- VA Advisory Committee on Tribal and Indian Affairs
  - First virtual meeting the **week of Oct. 18, 2021**
- HRSA TAC (*pending*)
  - First meeting proposed at the end of 2021
- Proposed Office of Minority Health TAC
- CDC Tribal Public Health Workgroup



# Litigation

- **California v. Texas – U.S. Supreme Court upholds the Affordable Care Act**
- **Contract Support Cost (CSC) Claims**
  - *Sage Memorial*, 2016 court decision finding that IHS owes CSC on health care services funded by third-party revenues.
  - In *Swinomish* and *San Carlos Apache* cases, courts ruled in favor of the IHS. D.C Circuit denied the Tribe's petition for rehearing en banc. *San Carlos* appealed its decision to the 9<sup>th</sup> Circuit.



# State Updates



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Idaho Updates

- Tribal FQHC designation update
  - DTLL sent yesterday
- Managed Care Requests
- Tribal Technical Advisory Board- seeking nominations!
  - DTLL from DHW issued last week
- Reminder Idaho Quarterly Medicaid Meeting is **Aug. 18, 2021**
  - Please send me any agenda items request!
- **NPAIHB sent comment letter on proposed SPA on SNF rate changes**
  - Waiting on formal response from DHW



# Oregon Updates

- **State Plan Amendment for IMCE approved by CMS!**
  - OHA has sent out official announcement to THDs today.
  - Effective date – July 1, 2021
- **1115 OHP Demonstration Waiver**
  - Expires Jun 2022; tribal consultation expected to begin Aug.-Oct.
- **Behavioral Health / Harm Reduction**
- **Measure 110 and BH legislation**



# Washington Updates

- **Medicaid Transformation Project 1115 Waiver Demonstration**
  - Dec. 2020- HCA requested 1-year extension on waiver.
  - HCA is still formulating their plan for the 1115 Demonstration Waiver.
- **IHCP Primary Care Case Management (PCCM) Expansion**
  - Current PMPM rate: \$3-\$6—HCA held tribal consultation last month on updated contracts
  - Looking at different state models for expanding these rates – OR, MT, AZ
- **Behavioral Health**
  - Tribal Designated Crisis Responder
  - SUPPORT ACT – HCA (Cooperative Agreement)



# NPAIHB Policy Resources

- Weekly – COVID-19 Call Lists (Mondays)
- Weekly – Legislative and Policy Updates (Tuesdays)
  - Federal Health Agency and Congress Tracker (*FHACT*)
- Weekly – Cindy Darcy's D.C. Legislative Update (Fridays)
- Monthly – Tribal Advisory Committee updates
  - First TAC Update emailed June 24, 2021



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Upcoming Meetings

**July 28<sup>th</sup>**

**SAMHSA TTAC Meeting** *virtual*

**Aug 2nd**

**Region 10 Opioid Response Learning Collaborative (ORLC) Annual Meeting** *virtual*

**Aug 3rd – 4th**

**Joint SAMHSA TTAC / IHS NTAC on Behavioral Health** *virtual*

**Aug 4th – 5th**

**CDC/ATSDR TAC Bi-Annual Meeting** *virtual*

**Aug 5th**

**CDC/ATSDR Tribal Consultation** *virtual*



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*

# Questions or Comments



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)



NORTHWEST PORTLAND AREA  
INDIAN HEALTH BOARD  
*Indian Leadership for Indian Health*