
**Centers for Medicare & Medicaid Services (CMS)
Tribal Technical Advisory Group (TTAG)
Conference Call
Meeting Minutes**

Wednesday, April 9, 2008
Washington, DC

Present:

Ron Allen, TTAG Vice-Chair, TSGAC
Carolyn Finster, TTAG Representative, Albuquerque Area
Kathy Hughes, TTAG Representative, Bemidji Area
Jim Crouch, TTAG Representative, California Area
Dee Sabattus, TTAG Alternate, Nashville Area
Jim Roberts, TTAG Alternate, Portland Area
Mickey Percy, National Indian Health Board
Anslem Roanhorse, Jr., TTAG Alternate, Navajo Area
Cinda Hughes, National Congress of American Indians
Carol Barbero, Technical Advisor
J.T. Petherick, Technical Advisor
Rhonda Butcher

CMS Staff:

Dorothy Dupree, Director, Tribal Advisory Group, CMS
Rodger Goodacre, Tribal Advisory Group, CMS
Jackie Garner, Chicago, CMS
Rosie Norris, San Francisco, CMS
Bob Inzer, CMS TAG
Kathy Pointelle
Cynthia Lafferty

NIHB Staff:

Colette Keith, Policy Associate, NIHB
Caitlin Wesaw, Policy and Legislative Project Assistant, NIHB

IHS:

Elmer Brewster
Balerna Burgess

Action list				
Item no.	Action	By	Deadline	Status
	Progress Report on MAM Plans for states being brought into compliance	Jim Roberts request of Rodger Goodacre	ASAP	Unrealized
	Report from Stacy Bohlen or Kitty Marx about who will be taking on duties at NIHB	Ron Allen for Kitty Marx and Stacy Bohlen	Report at next TTAG Meeting	Unrealized
	Put regulations website, the use of that website and potential regulation review subcommittee on the agenda for next face to face meeting.	Dorothy Dupree/NIHB	July Meeting	Unrealized
	Cynthia Lafferty will provide a Fact Sheet, written summary and a copy of the State Medicaid Director letter to the group on today's presentation of community based services. She will send to NIHB and we will get it out.	TTAG request to Cynthia Lafferty	ASAP	Unrealized
	When Jim Roberts sends us new timeline for SP contract, send out proposal to rest of group	TTAG for Jim Roberts and NIHB.	ASAP	Unrealized

1. OPENING:

Ron Allen opened the meeting, in the absence of Chair Valerie Davidson, at 2:30 p.m. (E.T.). Ron discussed the CMS TTAG budget and requested a report from Stacy Bohlen or Kitty Marx as to how all responsibilities by NIHB, under the cooperative agreement, will be handled.

2. ANNOUNCEMENTS and DOCUMENTS RECEIVED:

Announcements:

- Colette Keith introduced Caitlin Wesaw, a new staff member from NIHB, who will be taking over the CMS TTAG administrative support duties.
- Rhonda Butcher informed the group that Mickey Peercy will no longer hold the Secretary position for the CMS TTAG, therefore the position needs to be filled.

Documents received:

- CMS TTAG April Conference Call Agenda
- Federal Register notice for Home and Community Based State Plan Services Rule
- SMDL #8-001
- Document explaining similarities and differences between HCBS waivers and state HCBS plans
- Dennis Smith MAM Plan Letter

3. APPROVAL OF MEETING MINUTES: February's Meeting Minutes will be put to next months agenda for approval.

4. REPORT FROM CMS

- Hospitals: Survey and Certification (Dorothy Dupree) The group was informed that three more hospitals were added to the list of facilities with survey deficiencies. Dorothy raised this issue at the last meeting, because she questions the point at which the inpatient facilities' cost reports can no longer be used to establish the all inclusive rate. While this is not an issue today it will be the larger question for the future as additional hospital close and/or convert to other types of facilities. Eyes need to be kept open to what the future holds. It was further noted that there is a reliance on hospitals to be backbone of reimbursement methodology in an era when care is being moved to community and other delivery settings..
- Update on the Status of MAM Plans (Rodger Goodacre) A brief update was provided by Rodger Goodacre. The update was in reference to the letter sent by Dennis Smith and CMS' denial of Washington State's MAM plan. Washington has received a letter and has responded and will begin to work with the tribes and implement Dennis Smith's decisions. The timing of when the state will implement the plan is unknown. It was noted that as of June tribes will no longer be able to bill under the previous plan. California, Oklahoma, and Montana are going to be submitting revised plans.
 - Jim Roberts brought up that California has not discussed the MAM plan with tribes. He also requested that progress reports on MAM plans be given for those states being brought into compliance.
 - The question of what the additional data is used for by CMS has still not been answered.
 - The fear of new tribes not coming on board was expressed. The process for existing tribes will be more difficult; however, MAM will continue.
- Notice of Regulations in Development/Proposed Rules (Cynthia Lafferty) Cynthia Lafferty, of the Regulations Development Group, gave a presentation on the website: www.reginfo.gov. This website is a where CMS proposed and final regulations can be found.
 - CMS offered to meet with NIHB staff to give tutorials on how to effectively navigate the regulations website.
 - It was noted that NIHB will be bringing on a staff member for the review of regulations.
 - As a result, the group discussed the possibility of forming a Policy Subcommittee to review the listings of all upcoming regulations and advise the TTAG of regulations that are of particular interest and flag them to CMS. It was suggested that the Policy Subcommittee could be a continuation of the previously disbanded Part D Subcommittee.
- Home and Community Based Services Regulations and State Plan Services (Cathy Poiselle) An extensive overview of the HCBS regulations and State Plans Services. This overview was given so comments could be made accordingly. The group requested a Fact Sheet along with a summary of issues. Once these are provided to NIHB these materials will be forwarded to the group. The following are the main points from the discussion:
 - The law was enacted in 1997 and allows states to add home and community based services to their state plan. Previously, states added these services through a waiver.
 - This regulation was published to allow a public comment period, the period ends June 3rd. State Medicaid Directors letter was published to give an overview of the provisions published on the same day as the regulation, April 4th.

- There are many similar services in 1915(i) of the Deficit Reduction Act and the services in the state plan, but also some unique provisions. These services are a hybrid of the state plan and the home and community services waiver.
- States are allowed to choose the services they include in their plans.
- It is important to note for the TTAG that states can limit the areas in which they provide these services and individuals can self direct these services.
- Currently, Iowa is the only state with an approved plan. Other states with plans pending CMS responses are: Nevada, Colorado, Georgia
- There is great flexibility and opportunities for tribes to work with States. It is important to think about the fact that states are able to choose the populations they want to serve and one set of services. Cathy encouraged working together with States.
- Keep in mind that States can still apply for waivers.

5. REPORT ON HHS/CMS TRIBAL BUDGET CONSULTATION

- Report on HHS/CMS Tribal Budget Consultation (James Crouch) According to James Crouch, Rodger Goodacre and Anslem Roanhorse all felt the consultation went well. Rodger reassured the group that Wes Perich is willing to work with the tribes.

6. SUBCOMMITTEE ACTIVITIES/SCHEDULES

- Data Subcommittee (James Crouch) Data sharing agreements were signed.
- Citizenship Documentation (Anslem Roanhorse) Consultation with NCAI is ongoing regarding tribal identification and proposed federal law for tribal issued birth certificates.
- Budget and Strategic Plan (Ron Allen) The Strategic Plan subcontract has not been completed. Also, this Friday, April 11th Ron Allen and Jim Roberts will be conferencing with Dorothy Dupree on the CMS Budget.

7. CMS BUDGET CONSULTATION FY 2010 REQUEST

8. NEW BUSINESS: None

9. ADJOURNMENT:

Ron Allen thanked all of the meeting participants and concluded the meeting at 4:00 p.m. (E.T.). The next CMS TTAG conference call meeting is on Wednesday, May 14th from 2:30 p.m. – 4:00 p.m. (E.T.)