

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

Wednesday, September 19th, 2007
2:30 – 4:00 p.m.

Valerie Davidson, welcomed participants to the call.

Colette Keith, gave the roll call.

Present were:

Valerie Davidson, TTAG Chair, Alaska Area Representative
Robert Moore, TTAG Representative, Aberdeen Area
Carolyn Finster, TTAG Representative, Albuquerque Area
Phil Norrgard, TTAG Alternate, Bemidji Area
James Crouch, TTAG Representative, California Area
Dee Sabattus, TTAG Alternate, Nashville Area
Anslem Roanhorse, TTAG Alternate, Navajo Nation
Roselyn Begay, 2nd TTAG Representative, Navajo Nation
Melanie Knight, TTAG Representative, Oklahoma Area
Jim Roberts, TTAG Alternate, Portland Area
Ron Allen, TTAG Representative, Tribal Self Governance Advisory
Mickey Peercy, National Indian Health Board
Cinda Hughes, National Congress of American Indians

CMS Staff Members present: **Dorothy Dupree**
Priya Helweg
Cynthia Gillaspie
Rodger Goodacre

IHS Staff Members present: **Chris Menagade (OTSG)**
Balerna Burgess (OR)

Others: **Kitty Marx, NIHB**
Colette Keith, NIHB
Kris Locke, MMPC
Deb Broken Rope, MMPC
Mim Dixon, MMPC
Renee Bernard, NPAIHB
Carol Barbero, MMPC

Mickey Peercy, hearing that there was a quorum, made motion to open the meeting.

Jim Roberts, seconded the motion.

Motion to open the meeting carried unanimously.

Mickey Peercy, made motion to table August 1st meeting minutes.

Jim Roberts, seconded the motion.

Motion to table the approval for the August meeting minutes carried unanimously.

Valerie Davidson, said that due to time constraints she would suspend the Chair report.

Mickey Peercy, said that due to time constraints he would suspend the Secretary's report.

Dorothy Dupree, gave report from CMS. She said the Aberdeen Area training was a success. Over 200 people attended. All 4 states in the region were represented. She said Robert Moore did an excellent job facilitating the meeting. Evaluations that were turned in indicated very high ratings, including good comments on the video rollout. She said CMS held a long term care conference. Tribal Affairs Group staff will start meeting with CMS Regulations staff on an ongoing basis. They will be given notification of departmental meetings for the year.

Mim Dixon, asked who the lead person at IHS is on regulations.

Dorothy Dupree, responded that Jackie White, Director of the Office of Strategic Operations and Regulatory Affairs (OSORA) and Michelle Shorrt, Director of the Regulations and Development Group (OSORA) are the CMS people. She will have to find out who the IHS contact is.

Priya Helweg, gave update on the Long Term Care Conference. It was in Albuquerque. There were more than 200 people there. Presentations were more technical than in the past. There will be an LTC Workshop at NIHB conference next week in Portland. Melanie Knight will be available and there will be a representative from Alaska to talk about their LTC programs.

Committee Reports:

Outreach and Education

Rodger Goodacre, gave a report on activities of the Outreach and Education Committee. He said that the 1st broadcast of the satellite network was aired last week. It was a success. He reiterated Dorothy's statement that first AI training was a success. The next one is scheduled for Navajo on the 23rd and 24th. They will schedule the next 10 trainings

for the rest of the year. With regards to Part D, they are working on a poster and will do a satellite broadcast for Part D.

Jim Roberts, said he has concerns regarding satellite broadcasts. Specifically, he asked what CMS is planning with regard to funding and recommendations made during the last TTAG meeting.

Dorothy Dupree, responded that with regard to funding reprogramming, the contract was awarded and it was too close to the end of the year to switch gears. Plan is to continue on with trainings and broadcast through the end of 2008. There is also web stream cast with NIH. She asked if there is going to be a redrafting of Strategic Action Plan. They are working the best they can to implement the Strategic Action Plan. They will rely on recommendations from TTAG. With regards to the concern in way in which action plan is funded, they designate funding for specific projects.

Jim Roberts, said maybe we can continue this conversation later. He feels we should discuss how satellite broadcasts will be used. He also wonders when/how tribes will be involved for their input into subject matter, use of resources, etc. He believes the satellite training is out of date, expensive, etc. He would like to preserve the opportunity to discuss this in more depth at a later date.

Dorothy Dupree, said she has received reports that some tribal sites attempted to view the recent broadcast through the NIH web cast but had difficulty because it was too choppy and would cut off. She said she's not a techie but her understanding is that when there isn't enough bandwidth, web casts are choppy and would, at points, cut off altogether. It is difficult to accommodate areas sites that are rural and hard to reach with web based telecasts. Satellite downlink sites are the best for these conditions.

Jim Roberts, said that a lot of reasons for making recommendations to reprogram money is that we will have to include satellite broadcast costs. He asked what the terms of the contract are.

Dorothy Dupree, responded that the contract is good for 12 months.

Jim Roberts, said our concern was that we don't know what the curriculum is that would be developed.

Dorothy Dupree, said we are reviewing the list of training recommendations received from the TTAG and will also incorporate emerging issues.

Valerie Davidson, said the point TTAG is trying to make is:

- A determination of the challenges to the system
- There are limited resources and therefore need to get "Best bang for the buck".

Dorothy Dupree, said she understands that the issues are flexibility and funding. She suggested a meeting during CMS Day at NIHB conference in Portland.

Jim Roberts, agreed that there should be another meeting.

Ron Allen, said he shares the same concern that Valerie has. That even though we have a strategic plan we need to have a lot more flexibility. We may need to shift to areas of higher priority. We need good understanding of time limits, etc., so we can maximize possibilities. He feels the system is not as flexible as it could be.

Policy

Kris Locke, said there has not been policy meeting for some time. She is concerned that TTAG is not involved in regulation development issues and that bases are not getting covered.

Robert Moore, said he agrees. In year that he has been involved with TTAG there has not been a policy meeting.

Ron Allen, asked if the agenda could be sent out so there could be more involvement.

Robert Moore, said he could send out agenda.

Valerie Davidson, said there will be discussion of this at next face to face TTAG meeting. She agrees that we really haven't taken a good assessment of where we are at, moving forward, etc. She said she thinks there needs to be more of an in-depth discussion on how we can accomplish things that we need to accomplish.

Robert Moore, says we need to celebrate what has been accomplished.

Tribal Consultation Policy

Mickey Percy, said he hasn't gotten anything back from CMS regarding the Tribal Consultation Policy.

Dorothy Dupree, asked Rodger to explain what he has on this.

Rodger Goodacre, said we have a number of comments from other CMS components. They won't have anything to share by the NIHB conference. But will have final version by the full face to face TTAG meeting. They will deliver comments early to the committee.

Across State Borders

Anselm Roanhorse, said a letter was submitted in February. Kerry Weems will visit New Mexico in October. They will ask him questions then. Will make comments regarding Deficit Reduction Act on Medicaid Citizenship requirements.

Dorothy Dupree, said it is their intent to have draft model agreement before next TTAG meeting. Her commitment is to have discussion at next TTAG meeting.

Mickey Peercy, said they have draft language in Oklahoma. (he will pass along to TTAG members who want it) It is about 4 sentences long but that language will help move the issue forward and would make, children at boarding schools eligible for Center Care.

Anslem Roanhorse, said he would like to get input from Dorothy.

Data

James Crouch, said they were on Capitol Hill and met with American Academy of Pediatrics.

Dorothy Dupree, said they met with I H S and private sector pediatricians serving on the CONACH (Committee on Native American Children's Health). They had good discussion in preparation for SCHIP legislation.

James Crouch, said they have taken everyone's comments back to Dr. Korenbrot, who revised the data report and will share with Dorothy. The data subcommittee is still discussing utility of using technical writers working from CMS. NIHB has notified CRIHB of subsequent award of 50 k. The subcommittee will work on Phase II of data project which crunches Medicaid data and produces standard set of tables for TTAG to look at around November or soon afterward.

Mike Lyman, said he was impressed with report.

Long Term Care

Robert Moore, said he has no new information.

CMS Day

Kitty Marx, said workshops have been developed well. Today is last day to register for NIHB ACC online. She recommends workshop presenters bring 50 copies of each handout. One room has internet access for CMS planfinder. Her understanding is that neither Herb Kuhn or Kerry Weems will be there for keynote speech. We need CMS talking points so Val can prepare an adequate response.

Valerie Davidson, said it's really difficult to stand up and represent Indian Country when we don't have CMS comments. Our response is in response to CMS. So can't really respond when we have not been provided material.

Priya Helweg, said she had call in with Jackie Gardner and said she will ask if there was one or two key points that she could work on. Priya said that CMS was asking for tribal comments before their comments. They are working fast and furious on draft speech.

Besides real frustrations over process, if there are other concerns, they can work that into the speech.

Valerie Davidson, asked when we will have the comments.

Priya Helweg, responded by Thursday.

Kitty Marx, indicated that the final agenda was changed from “Tribal Response to Tribal Perspective.”

Valerie Davidson, called for new business.

Dorothy Dupree, said that CMS-2234 P (Medicaid Program; State Option to establish Non-Emergency Medical transportation program). She made copies available to NIHB and IHS.

Cindy Gillaspie, said the DRA Transportation provisions apply to those Medicaid programs that provide transportation as a medical service, not to the administrative assurance of transportation required of all Medicaid programs.

James Crouch, said he doesn't think brokerage aspect will be relevant to California.

Valerie Davidson, introduced the State Medicaid Directors letter of August 11, 2007 that restricted states from expanding SCHIP coverage.

Kitty Marx, said this was put on agenda from MMPC. She was hoping that the CMS people could respond. Senator Kennedy introduced legislation that would make the letter null and void.

Dorothy Dupree, said there will have to be some attempts made to do damage control. She said, “We're upset and we're talking to people on the Hill.”

Next discussion was regarding the September 11, 2007 letter that was sent by Secretary Leavitt to the Senate Finance Committee.

Valerie Davidson, said the whole point of TTAG is to advise CMS. We have host of meetings to address issues. It is amazing to her that despite all of TTAG activities, we are put in position that we are in today.

Dorothy Dupree, said it is shocking to them also. How is it that TTAG can be talking to CMS and this comes out when no one is aware of it? Components in the Department are not taking ownership of it. She is not involved in discussion at all.

James Crouch, asked if we should vote up or down on TTAG perspective?

Dorothy Dupree, recommends a point, counter point approach.

Robert Moore, asked if TTAG has done a public document that states position.

Mickey Percy, thinks response must be better if it came directly from tribes.

Robert Moore, disagrees. He said TTAG members are elected tribal leaders and should have ability to do a resolution to address this.

Mickey Percy, said TTAG is an extension of CMS, not NIHB.

Robert Moore, said he will be advising tribes in Aberdeen Area. He agrees with what Val stated that we are spending energy and resources to keep work alive and it seems as if no one has heard us. He said if TTAG can produce a document stating our disapproval, then we should do it. He said he is inflamed by this letter.

Carol Barbero, stated that:

- 1) Kerry Weems has stated that he wants transparency at CMS. That needs to be the case. If CMS is being cut out of the deal, they need to tell us that.
- 2) With all due respect. She sees comments [by the letter author] as disingenuous.
- 3) There are other questions. For example she would like to know the roll that Mr. Kuhn played in developing comments. Also questions on the data collection role.

Dorothy Dupree, responded that:

- 1) Letter got to the Finance Cmte at the 11th hour.
- 2) When TTAG met with Dr. McClellan, he was new. It would be good to have a heart to heart talk with Kerry Weems, as new Acting CMS Administrator.
- 3) TTAG needs to be prepared about what comments need to be made and reserve the right to make additional comments. Also it is important to get clarification on data activities.

Kitty Marx, said the National Steering Committee had brief conference call yesterday. NIHB will develop point, counter point document. They have heard that the Senate Finance Committee is not going to play games. She and Carol have gone through the comments where CMS TTAG subcommittees are regarded. There is a huge disconnect. It would be important to know who is making the comments, they don't make sense.

Ron Allen, said it is very obvious that there is a major disconnect with respect to what we have been doing with CMS, going back to Robert's comments. Need to send a tribal leaders letter back expressing our disappointment and disconnect. He said he is outraged that they have no sense of their responsibility to our communities. Should copy letter back to Senate and House leadership. He concurs with Robert that we are the ones closest to this issue. We are not communicating as advisors to CMS but working with CMS on these matters.

Valerie Davidson, said that it is obvious that committee members are pretty disappointed that we keep running up against the same issues. She recommends submitting a response to the letter. She asked who would be appropriate to cc copies to.

Ron Allen, responded that since it came from the Secretary, he takes the lead, so he feels Secretary should get the letter with copies to: 1) CMS Administrator and Leadership in House and Senate.
2) Disingenuous understatement of their responsibilities to our comments
3) Kitty and Carol could design the letter and state blatantly in the letter that we feel it was very “disrespectful.”

Carol Barbero, said she sees two fundamental points of dismay:

- 1) Process of the policy. How CMS views TTAG’s role? She hopes that Mr. Weems can repair the damage that has been done.
- 2) What purpose is TTAG in CMS’s eyes.

Mim Dixon, asked if the intent is to eliminate TTAG.

Unidentified Person, said they will do it, if and when they are ready.

Carol Barbero, said she feels we are being used. Recommends we should respond
1) Secretary of DHHS and, 2) Senate Finance and Senate Cmte on Indian Affairs.

Ron Allen, said focus of letter should be:

- respond to inappropriateness and disingenuousness of letter
- our recommendations to the cmte.

James Crouch, agrees. He feels we need to express disappointment with the process and then address the actual comments. He said that their recommendations to the policy breeches the payor of last resort for I H S. Who are they defending? Certainly not the I H S budget.

Kitty Marx, said each of the comments shows a lack of understanding. This could have been different had they spoken with TTAG or CMS members.

Mim Dixon, wondered if there was any correlation between the timing of this letter and Dr. Grim’s resignation.

Valerie Davidson, said at this point we are speculating wildly. We should:

- respond via formal letter
- asked for people to draft letter and have available at NIHB conference.

Carolyn Finster, said she agrees to idea of writing a response letter to object to main issues: It should go to DHHS Secretary and the others already mentioned.

Carolyn Finster made motion to send a letter addressed to Secretary Leavitt indicating regret for the manner in which letter was submitted and the disregard for TTAG advisory role, and to address specific concerns with points made in the letter. Motion was seconded by Jim Crouch. Motion carried unanimously.

Carol Barbero, said TTAG has to be mindful of its role. She wonders about the appropriateness of TTAG communicating directly with Congress.

Melanie Knight, agrees with Jim Crouch that our communication should be with HHS and CMS. NIHB could send out alert and send out with NCAI and letter to go to tribes.

Valerie Davidson, said as she understands it, we are taking approach to respond to fundamental issues we have with the letter. Also, that we were shocked and surprised to see the letter. She understands that we will then follow up with NIHB and NCAI letter.

James Crouch, said No. Send letter to Secretary Leavitt. Specifically and discuss at next TTAG meeting.

Mickey Percy, said we can get some issues out through NIHB. Tribal leaders can weigh in wherever they want to.

Anslem Roanhorse, asked if HHS tribal consultation policy would apply to this case. Either way, they need to comply with the consultation policy.

Ron Allen, asked Valerie, Kitty and Carol to craft a draft to get message across. He said the stronger messages will come out of NIHB, NCAI, NSC. He said our role is to let Secretary and administration know that this is absolutely inappropriate and goes against the tribal consultation policy.

Mickey Percy, asked group to keep in mind the timing of all this. We are talking about careers here. It is a lame duck session until new one gets in and so it will be a fight.

Valerie Davidson, asked Kitty and Carol to help with the letter.

Kitty Marx, said that with regards to the next face to face meeting, the NASMD mtg is on November 15th. NCAI is 11th-16th.

Discussion on when to have face to face meeting.

Valerie Davidson, said we will have to cancel another meeting with NASMD.

Discussion on meeting with NASMD people.

Dorothy Dupree, said NASMD is meeting and has representatives from Region 2. Request with tribes of Region 2 on Cross Border payments. That is one of the agenda items.

Kitty Marx, said there are no specific tribes on the NASMD agenda.

Dorothy Dupree, said that Unity House, Partridge House and Cross Border Payments is scheduled for Thursday, November 15th.
More discussion on when to meet next.

Kitty Marx, agreed to coordinate with NASMD, CMS, etc, for scheduling next mtg. Also stated that NIHB would schedule next MMPC call for Wed, Oct. 3rd.

Mickey Percy, made motion to adjourn meeting. Seconded by Ron Allen. Motion carried unanimously.