

**TTAG Quarterly Board Meeting  
Washington, DC  
February 21, 2008**

**TTAG Requests the Administration to reconsider the President's FY 2009 Budget Proposal to repeal Sec 1932(a)(2) and consult with the CMS TTAG on its impact if not repealed**

**WHEREAS**, the federal delivery of health services and funding of programs to maintain and improve the health of American Indians and Alaska Natives are consonant with and required by the Federal Government's historical and unique legal relationship with Indian Tribes, as reflected in the Constitution of the United States, treaties, statutes, and numerous court decisions; and

**WHEREAS**, the Centers for Medicare & Medicaid Services (CMS) has established the Tribal Technical Advisory Group (TTAG) to enhance the Government-to-Government relationship, to honor Federal trust responsibilities and obligations to Tribal governments, Tribal organizations, and American Indian and Alaska Natives, and to increase the understanding between CMS and Tribal health programs, including those administered by the Indian Health Service; and

**WHEREAS**, the TTAG serves as an advisory body to CMS providing expertise on policies, guidelines, and programmatic issues affecting the delivery of health care for American Indian and Alaska Natives served by Medicare, Medicaid, and the State Child Health Insurance Program; and

**WHEREAS**, the President's FY 2009 Budget proposes to repeal Sec 1932(a)(2) of the Social Security Act that currently exempts children with special health care needs, dual eligibles, and Indians from mandatory enrollment in State Medicaid managed care plans;

**WHEREAS**, exemption of Indian Medicaid beneficiaries from mandatory enrollment in Medicaid managed care plans is important to retain in current law because Indian Medicaid beneficiaries receive services from the Indian Health Service (IHS) delivery system based on the Federal government's trust responsibility; and

**WHEREAS**, before the exemption of Indians from mandatory enrollment, Indian Medicaid beneficiaries would be assigned to Medicaid managed care plans, but would continue to receive services through the IHS system, which resulted in a windfall to the managed care plans who would receive payments but not provide services; and

**WHEREAS**, the Administration did not consult with the CMS TTAG regarding the proposed repeal of Sec 1932(a) that if enacted will seriously impair Indian Medicaid beneficiaries and IHS and Tribal providers participation in the Medicaid program.

**NOW THEREFORE BE IT RESOLVED**, that the CMS TTAG opposes the President's FY 2009 Budget proposal to repeal Sec. 1932(a)(2) and requests that the Administration reconsider its decision to propose to repeal the section and consult with the TTAG on its impact.

**CERTIFICATION**

The foregoing resolution was adopted at the CMS TTAG meeting held at the Hyatt Regency on Capitol Hill in Washington, D.C. on February 21, 2008 with a quorum present.

