

- In order to achieve this goal, it is essential that the AHCCCS Administration and Indian Tribes engage in open, continuous, and meaningful consultation **on a government-to-government basis**.
 - Language inserted as proposed under “Introduction.”
 - The Federal Government has enacted numerous regulations **and policies** that establish and define a trust relationship with Indian Tribes (see Authority). As a state agency responsible for administering a federal program, the AHCCCS Administration recognizes that these regulations **and policies** play a significant role in the AHCCCS Tribal Consultation Policy.
 - Language inserted as proposed under “Background.”
 - The guiding principle of this policy is to ensure that, pursuant to the special relationship between the Indian Tribes and Federal and State Governments, reasonable notice and opportunity for consultation with Indian Tribes are provided by the AHCCCS Administration **prior to implementing any** high-level policy changes that significantly impact Indian Tribes.
 - Language inserted as proposed under “Policy.”
 - **AHCCCS recognizes that state laws and regulations will be implemented appropriately as they apply to Indian Tribes receiving payment for services provided under the AHCCCS program.**
 - Language inserted as proposed under “Policy.”
 - Therefore, the AHCCCS Administration is committed to working with Indian Tribes to improve the quality, availability, and accessibility **by eliminating barriers** to care for American Indians in Arizona.
 - Language inserted as proposed under “Philosophy.”
 - **Provide relevant background information on the consultation topics so that Tribal officials may fully consider the information when providing recommendations to the agency.**
 - Modified language inserted under “Objectives” to read:

Provide relevant background information on consultation topics given the scope of available AHCCCS administrative resources so that Indian Tribes may fully consider information when providing recommendations to AHCCCS.
 - **Include Tribal Representation in the State Plan negotiations between the State and CMS.**
 - Modified language inserted in third bullet under “Objectives” to read:

Allow for consultation with Indian Tribes in the development of new policy or a change in policy with substantial Tribal implications, including State Plan
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Amendments and Waiver proposals that will be submitted to the Centers for Medicare and Medicaid Services (CMS).

- AHCCCS staff persons who have a role in the development or implementation of policy substantially affecting Indian Tribes shall understand the purpose of the Policy, its expectations, **applicability**, and its anticipated outcomes.
 - Language inserted as proposed under “Principles.”
- **AHCCCS shall engage in the consultative process with tribal governments on substantive policy matters which include, but may not be limited to the following:**
 - **Proposed amendments to the agency's tribal consultation policy,**
 - **Proposed or existing tribal/state/federal intergovernmental agreements or contractual language revisions,**
 - **Proposed resource distribution methodologies with disclosure of pertinent background information,**
 - **Proposed State Plan development, amendments and implementation or limitation of identified services,**
 - **Proposed policy, protocol or rule changes that would impact the delivery of state funded services provided in American Indian communities.**
 - Modified language inserted under “Consultation Process” instead of “Principles,” which was originally proposed, to read:

AHCCCS engages in consultation with Indian Tribes through a variety of methods and at a variety of levels about policy issues that significantly impact Indian Tribes. Scenarios in which AHCCCS may engage in the consultative process with Indian Tribes include, but are not limited to the following:

- *Proposed amendments to the AHCCCS Tribal Consultation Policy.*
 - *Proposed or existing tribal/state/federal intergovernmental or contractual language revisions.*
 - *Proposed resource distribution methodologies that may affect payments made to Indian Tribes or Indian Health Service, Tribal programs operated under P.L. 93-638, and urban Indian health programs.*
 - *Proposed fee-for-service provider rate changes.*
 - *Proposed State Plan amendments, waiver renewals, and demonstration projects.*
 - *Proposed changes or limitation of eligibility or benefits.*
- If a high-level policy is identified that is likely to have a significant impact on Indian Tribes, the AHCCCS Administration shall provide, **no less than 45 days prior to implementation**, written notice to Indian Tribes soliciting feedback and recommendations regarding the issue.
 - Modified language inserted under “Consultation Process” to read:

If a high-level policy is identified that is likely to have a significant impact on Indian Tribes, the AHCCCS Administration shall make every effort to provide, no less than 45 days prior to implementation, written notice to Indian Tribes soliciting feedback and recommendations regarding the issue.

- **Written communications from AHCCCS should clearly provide affected/potentially affected Indian Tribe(s) of the critical event and the manner in which to provide comment. Written communication in the form of a "Dear Tribal Leader Letter" can be used to notify individual Arizona Indian Tribes of consultation activities. From the sent date of the Dear Tribal Leader Letter Tribes will have ## days to provide written comment to AHCCCS.**

- Language excluded because this process is already addressed in under "Consultation Process." However, current language does not address the number of days for which Indian Tribes are provided opportunity to submit written comments to AHCCCS; this may require further discussion.

- **AHCCCS will provide a written response to Tribes of the outcome of the tribal comments and consultation.**

- Modified language inserted under "Consultation Process" to read:

AHCCCS will provide a written response to Indian Tribes regarding comments received and the outcome of the consultation process. AHCCCS may post relevant information on the AHCCCS website.

- The AHCCCS Administration **will** also provide written notice and a solicitation for feedback to organizations such as the Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, and the Indian Health Service Area Offices in Arizona.

- Language inserted as proposed under "Consultation Process."

- **The AHCCCS Administration may also provide written notice and a solicitation for feedback to Tribal organizations such as the Inter Tribal Council of Arizona. An official resolution and or action approved by a quorum of the member tribes of the Inter Tribal Council of Arizona or other tribal government organization shall constitute a joint position identified by the member tribes of that organization. It should be noted that such communications from tribal or non-tribal organizations do not substitute for direct communication of recommended actions by individual Indian Tribes in Arizona.**

- Modified language inserted under "Limitations" instead of "Consultation Process," which was originally proposed, to read:

An official resolution and/or action approved by a quorum of the member tribes of the Inter Tribal Council of Arizona shall constitute a joint position presented by the Inter Tribal Council of Arizona. If a member tribe of the Inter Tribal Council of Arizona indicates in writing that the joint position of the Inter Tribal Council of Arizona is supported by such tribe, the documented support will be recognized as the position of the tribe.

- **AHCCCS understands that periodically there will be disagreements between both parties, however, in order to maintain a successful working relationship and maintain open communications and to cooperate with one another, both parties agree to develop a dispute resolution process within 90 working days.**
 - Language excluded because this may require further discussion.
- **On an annual basis, but not limited to, AHCCCS will meet with Tribes to review and negotiate proposed Tribal changes to AHCCCS policies and regulations affecting current or future Tribal funding agreements and/or services to Indians.**
 - Modified language inserted under “Ongoing Consultation” to read:

At least annually, AHCCCS will meet with Indian Tribes to review existing AHCCCS policies and regulations and their impact on Indian Tribes as well as provide opportunities for Indian Tribes to establish priorities for the year.
- **Executive Order 2006-14, Consultation and Cooperation with Arizona Tribes**
 - Language inserted as proposed under “Authority.”
- **Children’s Health Insurance Program Reauthorization Act of 2009**
 - Modified language inserted under “Authority” to read:

Children’s Health Insurance Program Reauthorization Act of 2009, P.L. 111-3
- **American Recovery and Reinvestment Act of 2009**
 - Modified language inserted under “Authority” to read:

American Recovery and Reinvestment Act of 2009, P.L. 111-5