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Our first care is your health care
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

December 5, 2012

The Honorable Kathleen Sebelius,
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

RE: State Licensure on Tribal Lands: AHCCCS Letter Supporting Tribal Sovereignty

Dear Secretary Sebelius:

The Arizona Health Care Cost Containment System (AHCCCS), the Arizona Department of Health Services (ADHS) and CMS have worked collaboratively over the years with Arizona Tribes to verify and confirm that AHCCCS providers operating on tribal trust land meet all state requirements. The existing system of Courtesy Compliance Surveys and Tribal Attestations has worked successfully over the years because both state agencies have developed a trusting relationship with Arizona tribes based upon an understanding that tribes have the responsibility to ensure that non-IHS/638 on-reservation AHCCCS providers are in compliance with state regulations. The current system of Tribal Attestations works well, supports government-to-government relationships and tribal sovereignty, and is in compliance with Arizona Executive Order 2006-14, "*Consultation and Cooperation with Arizona Tribes.*"

AHCCCS is deeply committed to protecting American Indian sovereignty. This has been the basis of our successful relationship with Arizona tribes. Recognizing that tribal voices are paramount in these discussions, AHCCCS supports the effort of Arizona tribes to maintain the existing system of Tribal Attestation in lieu of state licensing. We agree that this issue needs to be raised to the national level where those in decision-making positions can be made aware of the seriousness of this issue. This is not just a question of tribes deciding whether to cede jurisdiction to the State so that a facility can be paid for services provided to Medicaid beneficiaries; it is about sovereignty and the fact that every intrusion into that sovereignty has consequences and should be avoided if at all possible.

Thank you for the opportunity to submit this letter of support on behalf of Arizona Tribes. Please let AHCCCS know how we can support you in your efforts regarding this issue.

Sincerely,

Thomas J. Betlach
Director

Cc: Cynthia Mann, Director, Center for Medicaid and CHIP Services (CMCS)
Gloria Nagle, Ph.D., CMS Region IX
Herb Schultz, HHS Region IX
Chester Antone, Tohono O'odham Nation
Albert Long, Navajo Nation
Larry Curley, Navajo Nation