



*Administrator*  
Washington, DC 20201

AUG 20 2014

Dear Tribal Leader:

The Centers for Medicare & Medicaid Services (CMS) is strongly committed to honoring the special relationship between tribal governments and the federal government. Through our partnership, we share the goal of implementing CMS programs in a way that is respectful of that special relationship and provides American Indians/Alaska Natives (AI/ANs) all of the protections to which they are entitled.

On November 17, 2011, CMS issued its Tribal Consultation Policy. The Tribal Consultation Policy has provided a much needed structure around the agency's process for obtaining advice and input on matters that have a substantial, direct effect on tribes. Since implementation of our consultation policy, CMS has worked with the Tribal leaders on numerous occasions to obtain guidance on the delivery of health care for AI/ANs. As permitted in the consultation policy, these interactions have occurred through mailings, All Tribes' Calls, face-to-face meetings at the local, regional, and national levels, the Department of Health and Human Services tribal budget and policy consultations and other specific program level consultations. We appreciate the efforts that Tribal leaders have invested in consultation. These efforts have resulted in many positive outcomes for the tribal community, such as extending the exemption of the shared responsibility payment under the health insurance Marketplace to individuals who are eligible to get services from Indian health care providers.

While we believe the consultation policy has been successful overall, we want to ensure that it is serving as an effective vehicle for communicating your issues and concerns and for working collaboratively with the agency. The Tribal Consultation Policy provides that CMS will periodically conduct an assessment of the policy and the agency's effectiveness in providing a meaningful consultation process. We are interested in your feedback and recommendations on the specifics of the consultative policy as well as the execution of the federal consultation process. In addition to ideas for improvement, we are also interested in your feedback on what works well and whether additional issues might benefit from consultation.

Finally, we welcome your feedback on how CMS can work with state Medicaid agencies to ensure a consistent and effective tribal consultation process at the state level. As you know, states are required by federal law to obtain the advice and input from federally-recognized tribes and Indian health care providers on policy changes to the Medicaid program that have a direct effect on the tribal community. We will also be reaching out to state Medicaid directors to obtain their feedback and ideas about the state-tribal consultation process.

I have enclosed a copy of the CMS Tribal Consultation Policy for your information and review. The consultation policy is also available at: [http://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Downloads/CMSTCP\\_FINAL\\_11\\_17\\_11.pdf](http://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/Downloads/CMSTCP_FINAL_11_17_11.pdf) and on our new Indian Health and Medicaid page on Medicaid.gov at: <http://www.medicare.gov/Medicare-CHIP-Program-Information/By-Topics/Indian-Health-and-Medicare/Indian-Health-Medicare.html>.

In addition to soliciting your written comments on the CMS Tribal Consultation Policy, we will be hosting an All Tribes' Call on September 15, 2014, to provide an overview of the consultation policy and hear comments and answer questions about the policy.

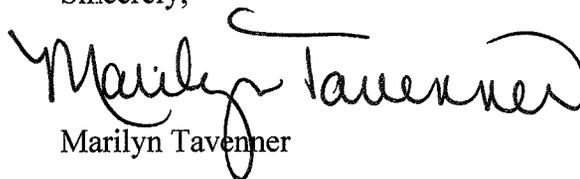
**Monday, September 15, 2014**  
1:30 – 3:00 pm ET  
Conference line: (855) 897-8197  
<http://www.cmsitustrainings.net/>

Please forward your written comments or proposed recommendations to Linda Brown, Deputy Director, Tribal Affairs Division, Intergovernmental and External Affairs Group, Center for Medicare and CHIP Services, at: [Linda.brown2@cms.hhs.gov](mailto:Linda.brown2@cms.hhs.gov) no later than **October 1, 2014**. We will be working closely with the CMS Tribal Technical Advisory Group (TTAG) and working through the TTAG's Tribal Consultation Subcommittee to review all of the comments we receive. We will share the results of this process once it is complete.

Thanks in advance for your consideration. I would also like to take this opportunity to extend my appreciation for your input during our consultations on various CMS issues. Your input has been invaluable as we develop policies that have tribal implications, especially related to implementation of the Affordable Care Act.

I look forward to hearing from you on the consultation process and your ideas for ensuring it is an effective mechanism for working together. Please do not hesitate to contact me if there are any further thoughts or concerns.

Sincerely,

  
Marilyn Tavenner

Enclosure