



Working with Tribal Communities

Tribal Sovereignty and Indian Health Care

**American Indian Health Commission for
Washington State**



Land Acknowledgement

I would like to begin by acknowledging that as we gather today, we are all on the ancestral homelands of indigenous people. Where I live, that is the S'Klallam People, who have lived on these lands from time immemorial. Please join me in expressing our deepest respect and gratitude for our indigenous neighbors, the S'Klallams and other Salish people, for their enduring stewardship and protection of our shared lands and waterways.

nəx^wsłǎyəm' (new-skly-um) means S'Klallam.

The S'Klallams are the Strong People.

American Indian Health Commission for Washington State

About Us

Pulling Together for Wellness

We are a Tribally-driven, non-profit organization providing a forum for the twenty-nine tribal governments and two urban Indian health programs in Washington State to work together to improve health outcomes for American Indians and Alaska Natives.





**PART I:
Tribal Sovereignty and the
Indian Health System**



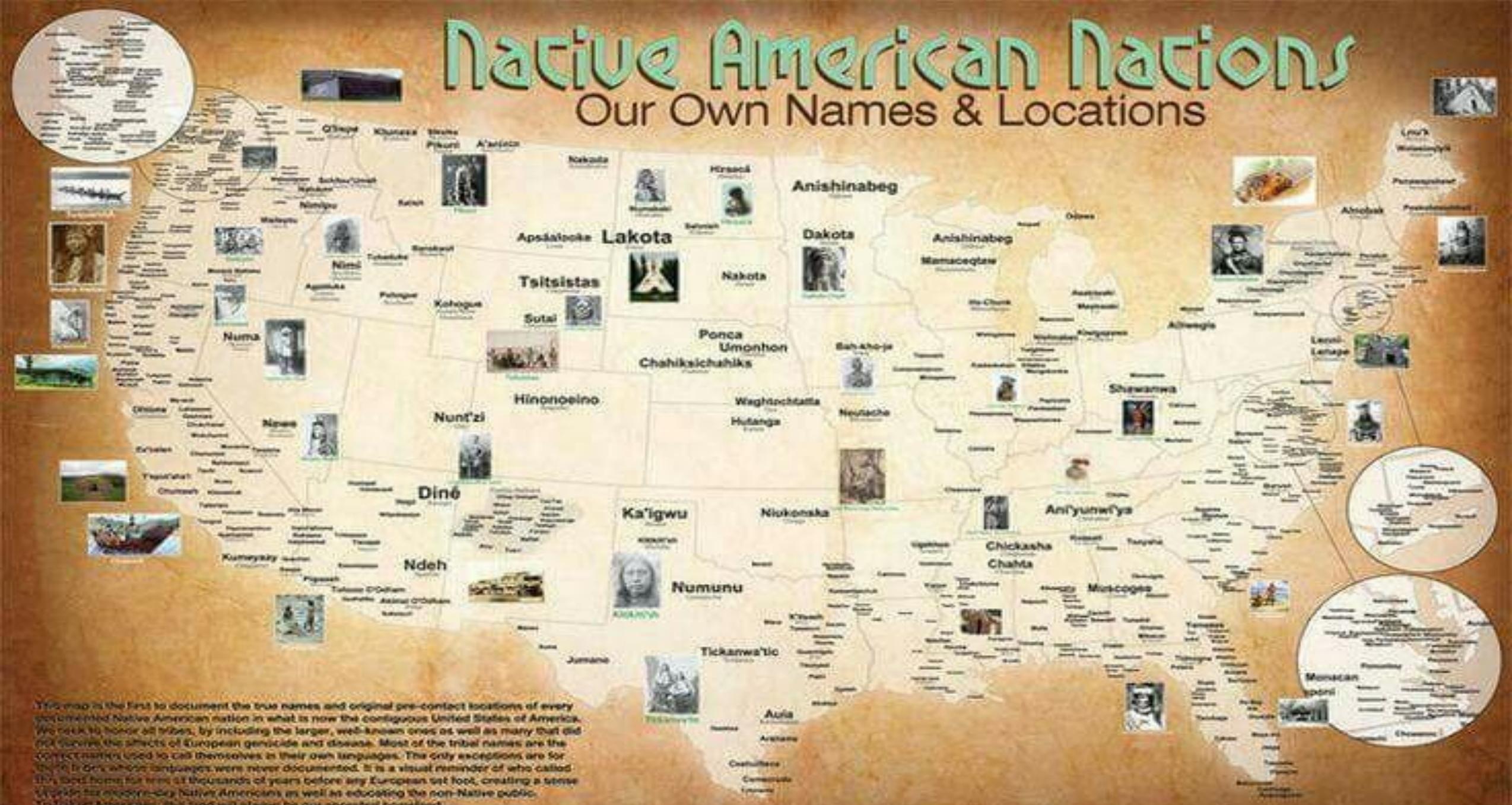
Understanding and respecting Indian law and policy can bring about great improvements for tribal nations and American Indian and Alaska Native people AND benefit the citizens of the state of Washington.



LEGAL AND HISTORICAL FOUNDATIONS OF TRIBAL SOVEREIGNTY

Native American Nations

Our Own Names & Locations



This map is the first to document the true names and original pre-contact locations of every documented Native American nation in what is now the contiguous United States of America. We seek to honor all tribes, by including the larger, well-known ones as well as many that did not survive the effects of European genocide and disease. Most of the tribal names are the correct names used to call themselves in their own languages. The only exceptions are for those tribes whose languages were never documented. It is a visual reminder of who called this land home for tens of thousands of years before any European set foot, creating a sense of pride for modern-day Native Americans as well as educating the non-Native public. To Native Americans, this land will always be our ancestral homeland.

Map created by [Name] in [Year].
Source: [Source]

Tribal Sovereignty Pre-contact

Tribal Sovereignty predates the formation of the United States government. Prior to contact, Tribal governments had complete sovereignty.



They had highly developed ways of life, well-established governments, and engaged in unique Tribal health practices.

Pre-Constitution Policy: (1532-1787)

“(O)ur Indian Law originated, and can still be most closely grasped, as a branch of international law...”
Felix S. Cohen, 1942

In the 1600s, administrators of British and Spanish settlements began negotiating treaties with the Indian tribes. Such actions had the effect of according tribes a sovereign status equivalent to that of the colonial governments with which they were dealing.

Indian Tribes as Sovereign Governments, 2004 - Second Edition;
Charles Wilkinson and the American Indian Resources Institute.

Tribal Sovereignty within the U.S. Legal Framework

- **U.S. Constitution and Treaties (Article VI)**

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and **all treaties made**, or which shall be made, under the authority of the United States, shall be the **supreme law of the land...**”

- **Indian Commerce Clause in the U.S. Constitution (Article III)**

“[The Congress shall have power t]o **regulate commerce** with foreign nations, and among the several states, and **with the Indian tribes...**”

At first, the United States government used treaty making to encourage stable relationships and trade with the Tribes.

Treaty making was a method used to take Indian Land.

370 Indian Treaties were made with the U.S. Government and Indian Tribes from 1789 to 1871.

Changes in administrations and westward expansion changed what was negotiated in treaties.

Under Andrew Jackson, federal policy for treaty making with Tribes changed from alliance to open Indian land for settlement by non-Indians.

TREATY MAKING

American Indians and Alaska Natives in the United States



Percent Distribution of the American Indian and Alaska Native Population by American Indian/Alaska Native Area of Residence: 2010

American Indian Area*	Alaska Native Village Statistical Area	Outside of American Indian/Alaska Native Area
20.5	1.5	78.0
30.7	2.2	67.8
73.3	0.5	92.1

* American Indian Area includes American Indian Reservation and/or Off-Reservation Trust Land (Federal), Oklahoma Tribal Statistical Area, Tribal Designated Statistical Area, American Indian Reservation (State), State Designated Tribal Statistical Area, Alaska Native Regional Corporation, and Alaska Native Village Statistical Area.
 ** Percentages may not sum to 100 due to rounding.

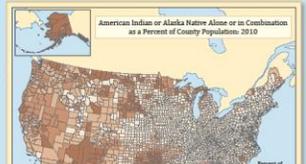


Ten Largest Tribal Grouping Populations: 2010

Tribal Grouping	2010	2000	% Change
Cherokee	309,297	281,000	+10.3%
Nanpaga	282,703	247,500	+14.2%
Cherokee	262,292	247,500	+6.1%
Muscogean American	252,292	247,500	+6.1%
Cherokee	242,292	247,500	-2.1%
Sioux	232,292	247,500	-6.1%
Apache	222,292	247,500	-10.1%
Blackfoot	212,292	247,500	-13.1%
Creek	202,292	247,500	-18.1%

Legend

- American Indian Reservation and/or Off-Reservation Trust Land (Federal)
- Oklahoma Tribal Statistical Area
- Tribal Designated Statistical Area
- American Indian Reservation (State)
- State Designated Tribal Statistical Area
- Alaska Native Regional Corporation
- Alaska Native Village Statistical Area
- International Boundary
- State Boundary



For more information about the U.S. Census Bureau, visit www.census.gov and www.IndianCountry.gov. For information on 2010 tribal programs, visit www.IndianCountry.gov. For information on 2010 tribal programs, visit www.IndianCountry.gov. For information on 2010 tribal programs, visit www.IndianCountry.gov.

Congress ended Treaties Making with Tribes in 1871

“That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: Provided, further, that nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.”

25 U.S.C. § 71

Tribal Reservations and “Checkerboarding”

Dawes Act (1887) abolished group title and allotted Tribal reservations into 80- or 160-acre parcels per Tribal household. Excess lands were sold to non-Indians.

- 65% of traditional land base lost – not enough to support Tribal hunting and gathering

INDIAN LAND FOR SALE

GET A HOME
OF
YOUR OWN
*
EASY PAYMENTS



PERFECT TITLE
*
POSSESSION
WITHIN
THIRTY DAYS

FINE LANDS IN THE WEST

IRRIGATED GRAZING AGRICULTURAL
IRRIGABLE DRY FARMING

IN 1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:

Location.	Acres.	Average Price per Acre.	Location.	Acres.	Average Price per Acre.
Colorado	5,211.21	\$7.27	Oklahoma	34,664.00	\$19.14
Idaho	17,013.00	24.85	Oregon	1,020.00	15.43
Kansas	1,684.50	33.45	South Dakota	120,445.00	16.53
Montana	11,034.00	9.86	Washington	4,879.00	41.37
Nebraska	5,641.00	36.65	Wisconsin	1,069.00	17.00
North Dakota	22,610.70	9.93	Wyoming	865.00	20.64

FOR THE YEAR 1911 IT IS ESTIMATED THAT 350,000 ACRES WILL BE OFFERED FOR SALE

For information as to the character of the land write for booklet, "INDIAN LANDS FOR SALE," to the Superintendent U. S. Indian School at any one of the following places:

CALIFORNIA: Hoopa. COLORADO: Ignacio.	MINNESOTA: Onigum.	NORTH DAKOTA: Fort Totten. Fort Yates.	OKLAHOMA—Con. Sac and Fox Agency. Shawnee. Wyandotte.	SOUTH DAKOTA: Cheyenne Agency. Crow Creek. Greenwood.	WASHINGTON: Fort Simcoe. Fort Spokane. Tukoa.
IDAHO: Lapwai.	MONTANA: Crow Agency.	OKLAHOMA: Anadarko. Cantonment. Colony.	OREGON: Klamath Agency. Pendleton. Roseburg.	Lower Brule. Pine Ridge. Rosebud. Sisseton.	Tulalip. WISCONSIN: Oneda.
KANSAS: Horton. Nadeau.	NEBRASKA: Macy. Winnebago.	Darlington. Santee. Muskogee. Pawnee.	Siletz.		

WALTER L. FISHER,
Secretary of the Interior.

ROBERT G. VALENTINE,
Commissioner of Indian Affairs.

Treaties with Tribes in the Washington Territory

Treaty of Medicine Creek (1854)

Nisqually, Puyallup, Squaxin Island, Steilacoom, S'Homamish, Stehchass, others
Reservation, fishing, hunting, pasturing (stallions for breeding only), [health care](#)

Treaty of Point No Point (1855)

Jamestown S'Klallam, Port Gamble S'Klallam, Lower Elwha Klallam, Skokomish, others
Reservation, fishing, hunting, [health care](#)

Treaty with the Yakama (1855)

Yakama, Palouse, Piquouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, others
Reservation with schools and fishery, fishing, hunting, pasturing, [health care](#)

Treaty with the Nez Perce (1856)

Nez Perce
Reservation with schools, fishing, hunting, pasturing, [health care](#)

Treaty of Point Elliott (1855)

Lummi, Suquamish, Tulalip (*Snohomish, Skykomish, others*), Swinomish, Snoqualmie, Skagit, Duwamish, others
Reservations, fishing, hunting, [health care](#)

Treaty of Neah Bay (1855)

Makah
Reservation, fishing, whaling, sealing, hunting, [health care](#)

Treaty of Walla Walla (1855)

Umatilla, Walla Walla, Cayuses
Reservation, fishing, hunting, pasturing, [health care](#)

Quinault Treaty (1856)

Quinault, Quileute
Reservation, fishing, hunting, pasturing horses (stallions for breeding), [health care](#)

All treaties were signed under duress and most involved relocation.

29 Federally Recognized Tribes in Washington State



Cowlitz Indian Tribe



Skokomish Tribal Nation
SqWuqWu'3sh
"People of the River"



THE SUQUAMISH TRIBE



SNOQUALMIE TRIBE



Swinomish Tribal Community



Samish Nation



Spokane Tribe of Indians



MUCKLESHOOT INDIAN TRIBE



Nisqually Indian Tribe



Upper Skagit Indian Tribe



Port Gamble Sklallam Tribe



Skiyamish Tribe of Indians



Quileute Tribe



JAMESTOWN SKLALLAM TRIBE
"The Strong People"



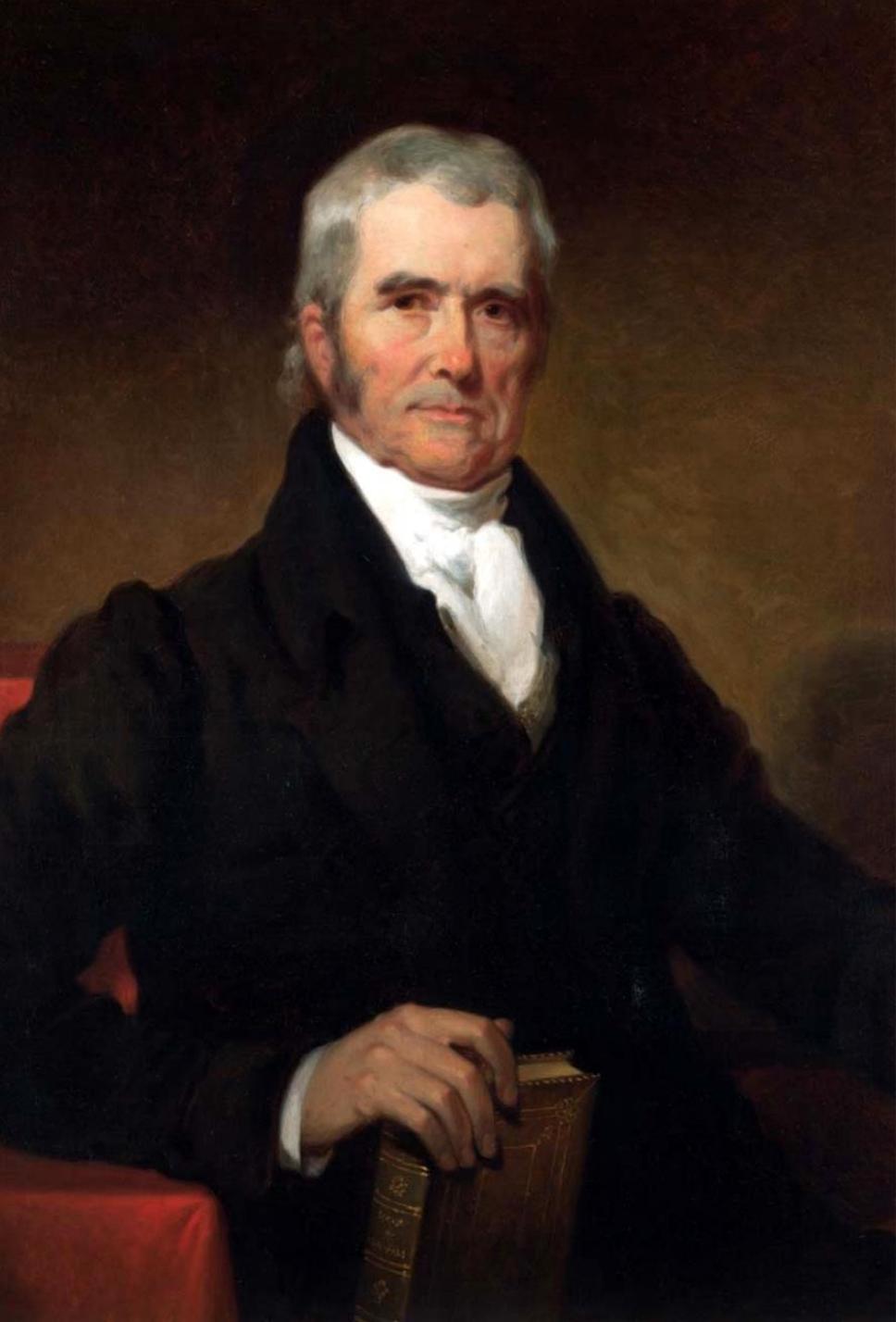
Sauk-Suiattle Indian Tribe
Sah-Ku-Meho
Port Elliott Treaty of 1855

TWO IMPORTANT THEMES FOR INDIAN LAW

THEME 1 → Sovereignty

TRIBES = Independent entities with
inherent power of self-government

See American Indian Law in a Nutshell, William Canby, Jr., 6th Edition



THE MARSHALL TRILOGY

- Johnson v. M'Intosh (1823) ruling used the Discovery Doctrine to establish the nature of Indian title. Upon "discovery" the Indians had lost "their rights to complete sovereignty, as independent nations," only retaining a "right of occupancy" in their lands.
- Cherokee Nation v. Georgia (1831) held that the tribe was not a foreign nation, rather a "domestic dependent nation" subject to the sovereignty of the United States federal government.
- Worcester v. Georgia (1832) ruled that tribal sovereign powers were not relinquished when Indian tribes exchanged land for peace and protection.

"The Indian nations had always been considered as distinct, independent, political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial..." Worcester v. Georgia, 31 U.S. 515, 559 (1832)

THEME 2 → TRUST RESPONSIBILITY

Trust responsibility is a legally enforceable obligation of the United States to protect tribal self-determination, tribal lands, assets, resources, and treaty rights, as well as carry out the directions of federal statutes and court cases.



Building Bridges for the New Millennium: Government-to-Government Implementation Guidelines, State-Tribal Workgroup, May 18, 2000

FEDERAL TRUST – A TREATY RESPONSIBILITY TO PROVIDE HEALTH CARE TO AI/AN

“And the United States finally agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of ...medical attendance to be defrayed by the United States, and not deducted from the annuities.”

Treaty of Point Elliot, 1855, Article 14

FEDERAL TRUST STATUTORY RESPONSIBILITY TO PROVIDE HEALTH CARE TO AI/AN

Under the Indian Health Care Improvement Act (IHCA), “[f]ederal health services to maintain and improve the health of the Indians are ... required by the Federal Government’s historical and unique relationship with, and resulting responsibility to, the American Indian people.”

25 U.S.C. § 1601(a)

TRIBAL SOVEREIGNTY IN PRACTICE

AUTHORITY TO GOVERN

Sovereignty ensures control over the future of the tribes and encourages preservation of tribal culture, religions, and traditional practices.

Tribes have the authority to, among other things, govern their people and their land; define their own tribal membership criteria; create tribal legislation, law enforcement and court systems; and to impose taxes in certain situations.

Building Bridges for the New Millennium: Government to Government Implementation Guidelines, May 18, 2000



Historical Events and Policy that Impact Indian Health

War Department was in charge of health care

1789-1871 Treaty Making

1830s Removal Period

1832 First Congressional appropriation for smallpox vaccine

1849 Indian Health Care transferred from War Department.

Assimilation Policies

- Indian Boarding Schools
- Traditional health care practices outlawed

1887 Allotment Act

1921 Snyder Act

- 1924 Indian Citizenship Act
- 1928 Merriam Report
- 1934 Indian Reorganization Act
- 1955 Indian Health Services established
- 1945-61 Termination Act
 - (109 tribes “terminated”)
- 1975 Indian Self-Determination and Education Assistance Act, P. L. 93-638
- 1976 Indian Health Care Improvement Act, P. L. 94-437
- 2010 Indian Health Care Improvement Act pass as part of the Affordable Care Act.

Federal-Tribal Intergovernmental Relations

- Since 1871, Tribes are recognized by Executive Order.
- Executive Order 13175 (2000) requires all federal executive departments and agencies to consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.
- Federal departments and agencies have their own regulations.



Brian Cladoosby, Swinomish Tribe Chair, with President Obama

U.S. Government is Federalist: States Are Also Sovereign

U.S. Constitution (10th Amendment)

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Federal Powers

- Defense and Treaties
- Interstate Commerce
- Postal Service
- Standards for Weights and Measures
- Copyright and Patent

State Powers

- Intrastate Commerce
- Education
- Family Relations
- Corporate Entities
- Professions
- Public Health

Federal Indian Law – Other Key Cases/Laws

- ***Morton v. Mancari (1974)***

- Bureau of Indian Affairs hiring preferences for AI/AN are not race-based hiring because AI/AN status is a political status (not a racial status).

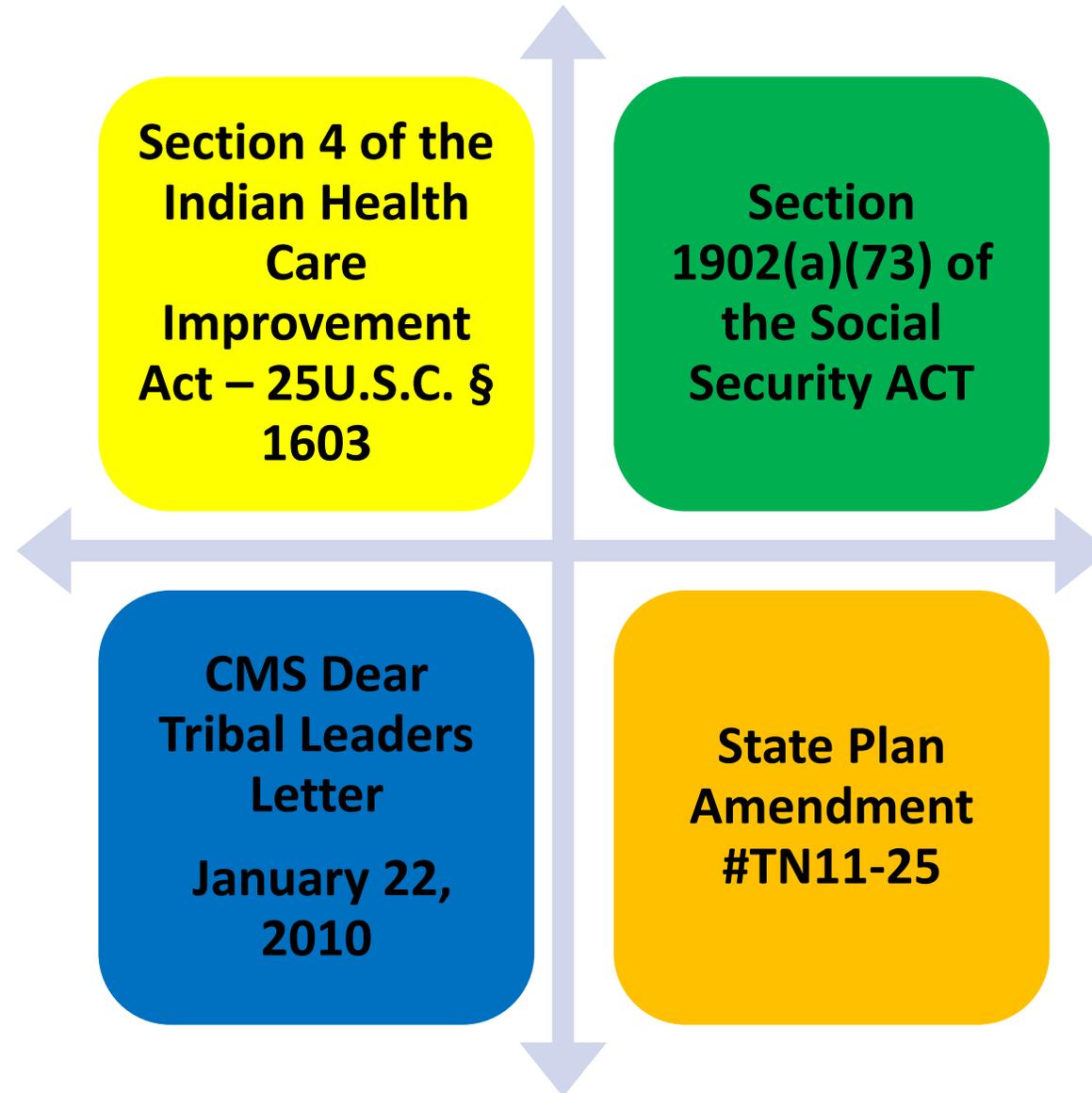
- ***Indian Child Welfare Act (1978)***

- Due to high disparities in rates of child removal by state agencies, Congress enacted ICWA – which gives tribal governments presumptive jurisdiction over placement of AI/AN children.

- ***Indian Health Care Improvement Act (1976, 2010)***

- Due to disastrous policies through 1960s, Congress enacted IHCIA – which created the urban Indian health program and extended tribal self-determination to health care programs.

UIHO Relationship to Federal and State Governments



GOVERNMENT-TO- GOVERNMENT

AT THE STATE LEVEL

Centennial Accord of 1989:

Agreement between the State of Washington and the Tribes where each party “respects the sovereign status of the parties, enhances and improves communications between them, and facilitates the resolution of issues.”



GOVERNMENT-TO-GOVERNMENT

AT THE STATE LEVEL

Chapter 43.376 RCW: In 2012, Washington State codified that state the intent of the Centennial Accord. This includes requiring all state agencies to have a formal consultation policy.

The Governor's Office of Indian Affairs, GOIA, is the office that connects the Tribal Leadership to the Governor.



State-Tribal Intergovernmental Relations

Centennial Accord/Millennium Agreement

- Each Party to this Accord respects the sovereignty of the other...
- ...ultimate purpose is to improve the services delivered to people by the parties...
- ...parties shall establish goals for improved services and identify the obstacles to the achievement of those goals...
- ...institutionalize government-to-government processes to promote timely and effective resolution of issues of mutual concern...
- ...work in collaboration to engender mutual understanding and respect and to fight discrimination and racial prejudice...
- ...strive to coordinate and cooperate...

Chapter 43.376 RCW (2012)

In establishing a government-to-government relationship with Indian Tribes, state agencies must:

1. Make reasonable efforts to collaborate with Indian Tribes in the development of policies, agreements, and program implementation that directly affect Indian Tribes;
2. Develop a consultation process that is used by the agency for issues involving specific Indian Tribes;
3. Designate a tribal liaison who reports directly to the head of the state agency;
4. Ensure that tribal liaison who interact with Indian tribes and executive directors of state agencies receive training...; and
5. Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

Government-to-Government Relations



Governments



Stakeholders



Comparison of U.S. and Tribal Governments

	U.S. Government	Tribal Government
Elections	Requires citizenship to vote	Requires Tribal membership to vote <ul style="list-style-type: none"> • E.g., Suquamish General Council
Structure	Federalist <ul style="list-style-type: none"> • Federal <ul style="list-style-type: none"> ○ Limited jurisdiction • State <ul style="list-style-type: none"> ○ General jurisdiction 	Unitary <ul style="list-style-type: none"> • Single government for all matters
Constitution and Laws (Codes)	Federal and State Constitutions and Laws (Codes)	Tribal Constitution and Laws (Codes) <ul style="list-style-type: none"> • Many Tribal constitutions are based on Indian Reorganization Act constitution models from the 1930s

Comparison of U.S. and Tribal Governments

	U.S. Government	Tribal Government
Legislative Branch	<p>Federal: Congress</p> <ul style="list-style-type: none"> • Bicameral (elected) <p>State: Legislature</p> <ul style="list-style-type: none"> • Unicameral or bicameral (elected) 	<p>Tribal Council</p> <ul style="list-style-type: none"> • Unicameral (elected) • E.g., Colville Business Council
Executive Branch	<p>Federal: President</p> <ul style="list-style-type: none"> • Elected <p>State: Governor</p> <ul style="list-style-type: none"> • Elected 	<p>General Manager</p> <ul style="list-style-type: none"> • Appointed by Tribal Council
Judicial Branch	<p>Federal: Judge or Justice</p> <ul style="list-style-type: none"> • Appointed <p>State: Judge or Justice</p> <ul style="list-style-type: none"> • Appointed or elected 	<p>Judge or Justice</p> <ul style="list-style-type: none"> • Appointed by Tribal Council • General subject matter jurisdiction, limited legal jurisdiction

Comparison of U.S. and Tribal Governments

	U.S. Government	Tribal Government
Revenue Sources	<p>Taxes</p> <ul style="list-style-type: none"> • Federal, state, city or county <p>Fees</p> <ul style="list-style-type: none"> • Federal, state, city or county <p>Tariffs and Customs Duties</p> <ul style="list-style-type: none"> • Federal only <p>Federal appropriations, entitlements, and grants</p> <ul style="list-style-type: none"> • State, city, or county <p>State appropriations, entitlements, and grants</p> <ul style="list-style-type: none"> • City or county 	<p>Business operations</p> <ul style="list-style-type: none"> • Casinos, hotels, stores, gas stations <p>Federal appropriations, entitlements, and grants</p> <p>Taxes</p> <ul style="list-style-type: none"> • Typically on real property

Tribes in and near Washington today

Federally Recognized

- 29 in Washington State
- 4 in Oregon and Idaho with ceded lands in Washington
 - Coeur d'Alene, Nez Perce, Umatilla Confederated, Warm Springs Confederated

Non-Federally Recognized

- 5 in Washington State
 - Chinook, Duwamish, Snohomish, Snoqualmoo, Steilacoom



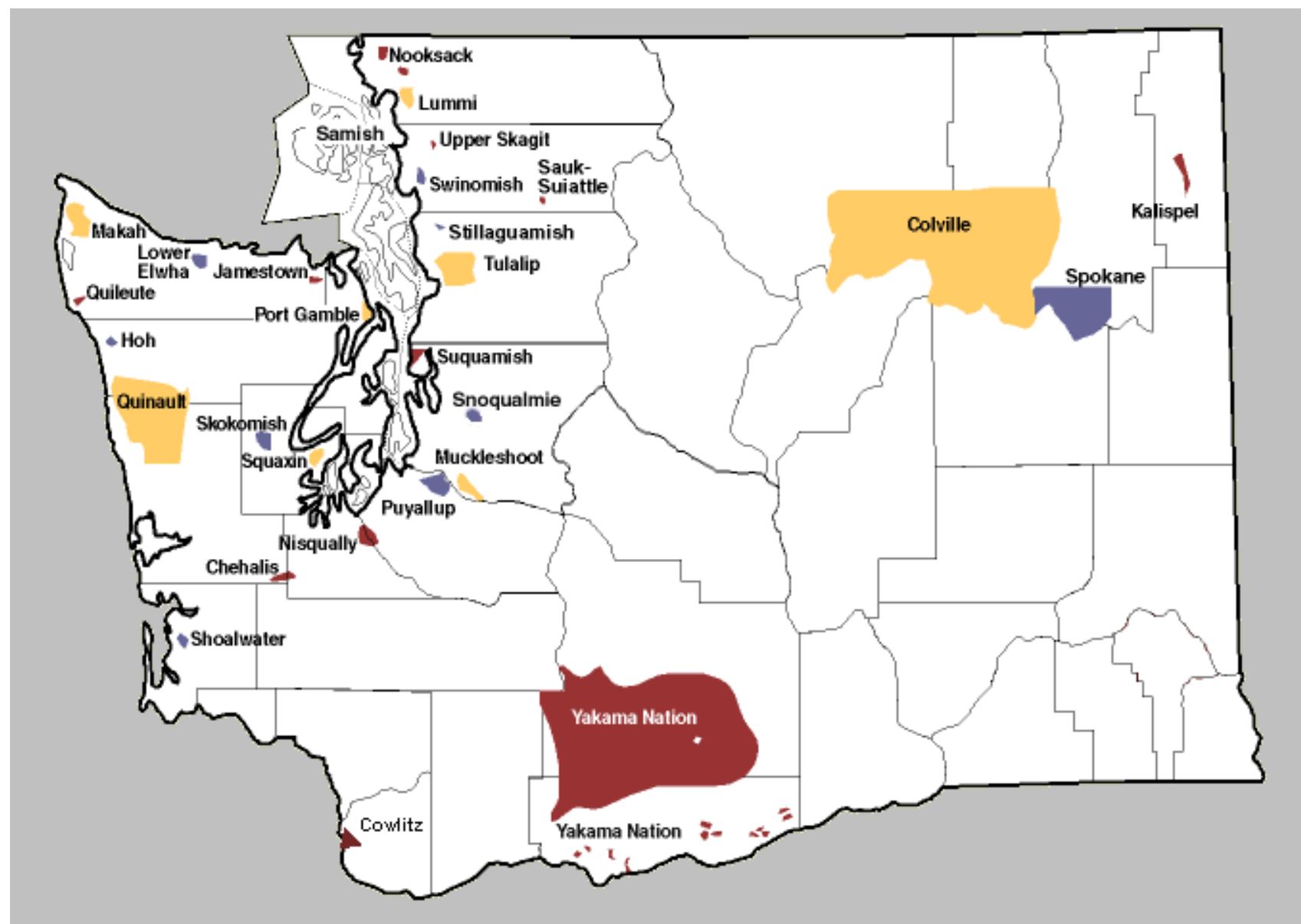
29 Federally Recognized Tribes

Washington ranks 4th in the number of federally recognized Tribes within its borders

- Only Alaska, California and Oklahoma have more federally recognized Tribes in their borders
- Compare: Oregon has 9 federally recognized Tribes and Idaho has 5 federally recognized Tribes



29 Federally Recognized Tribes— Reservation Lands



INDIAN HEALTH CARE DELIVERY SYSTEM

Indian Health Care Improvement Act and the Special Trust Responsibility

Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

1. to ensure the **highest possible health status** for Indians and urban Indians and to provide all resources necessary to effect that policy;
2. to **raise the health status** of Indians and urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 initiative or successor objectives;
3. to **ensure maximum Indian participation in the direction of health care services** so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;
4. to **increase the proportion of all degrees** in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service area is raised to at least the level of that of the general population;
5. to require that all actions under this chapter shall be carried out with **active and meaningful consultation with Indian tribes and tribal organizations, and conference with urban Indian organizations**, to implement this chapter and the national policy of Indian self-determination;
6. to ensure that the United States and Indian tribes work in a **government-to-government relationship** to ensure quality health care for all tribal members; and
7. to provide **funding for programs and facilities operated by Indian tribes and tribal organizations** in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

Indian Health Care = Patient Centered Care

- Goal is to preserve, support, enhance Indian health care and improve coordination with non-Indian health care
- Why?
 - Science/evidence-based practice tells us patient-centered care → high quality, effective care that produces better health outcomes
 - The patient centered medical home for an American Indian or Alaska Native person is the Indian health clinic

Indian Health Care = Patient Centered Care

- Indian Health Care Providers serve their people from birth to death, even if the patient is non-compliant with care plans.
- Indian Health Care Providers have an investment and a lifetime commitment to that individual and to the health of American Indian and Alaska Native people.
- Effective coordination requires having good procedures in place between the Indian and non-Indian systems of care.

Indian Health Services (IHS)

- An agency in the Department of Health and Human Services.
- Provides for health care of approximately 2.56 million eligible AI/AN through a system of programs and facilities located on or near Indian reservations, and through contractors in certain urban areas.
- IHS defines eligible individuals as persons who are of Indian descent and are members of their community. 42 C.F.R. § 136.12 (a)(1)





Indian Health Care Providers (IHCPs)

IHS Facility (Direct Site)

25 USC § 1661

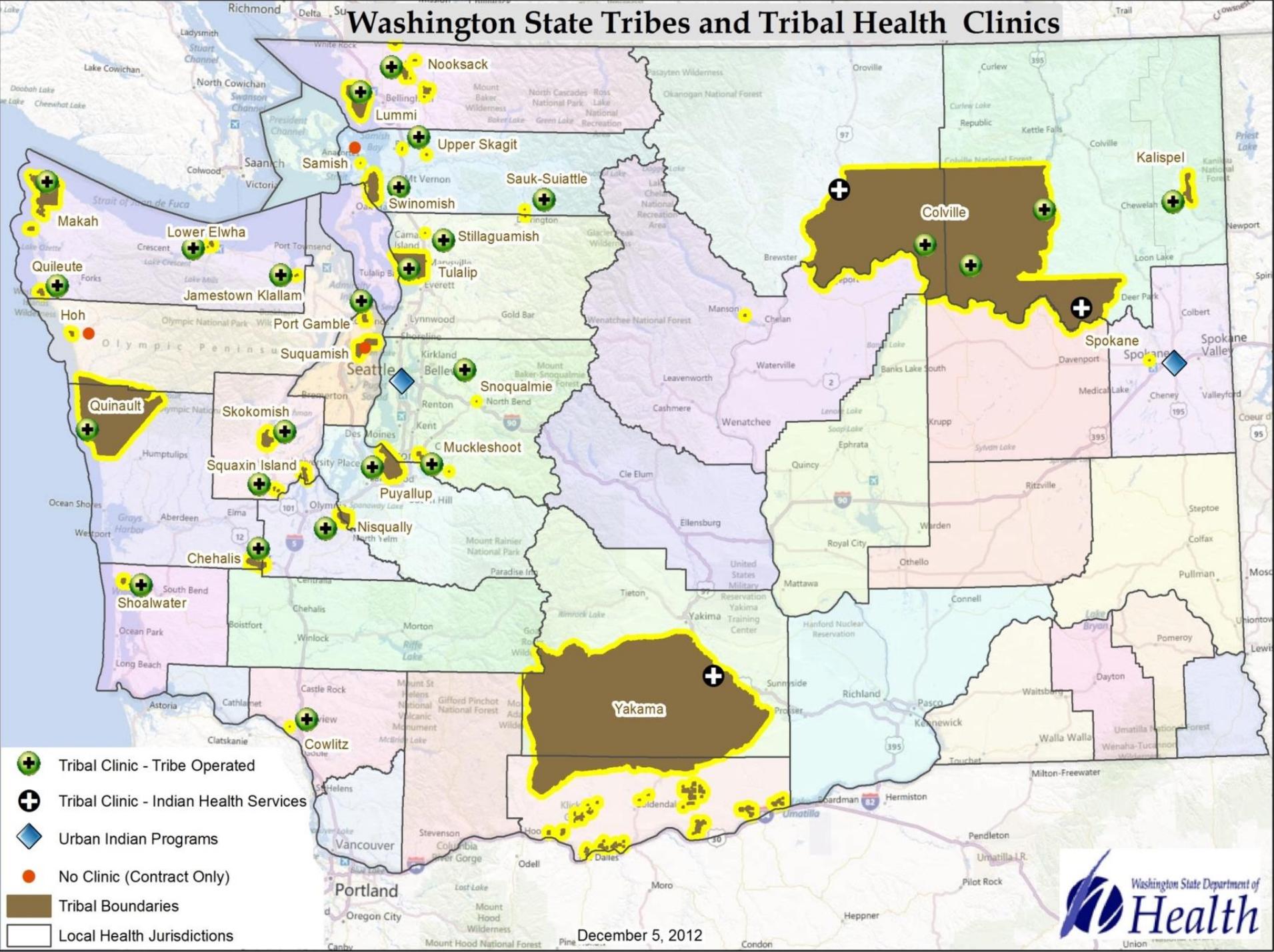
Tribal Compact/Contract
Tribes

25 USC § 450 et. seq.

Urban Indian Health Care
Providers

25 USC 1603 § (29)

Washington State Tribes and Tribal Health Clinics



-  Tribal Clinic - Tribe Operated
-  Tribal Clinic - Indian Health Services
-  Urban Indian Programs
-  No Clinic (Contract Only)
-  Tribal Boundaries
-  Local Health Jurisdictions

December 5, 2012



IHS FACILITY - DIRECT SERVICES TRIBES



Source: GAO | www.gao.gov

Direct Service Tribes (DST) receive primary health care services from the Indian Health Service.

These services include direct patient care such as internal medicine, pediatrics, women's health, and dental and optometry services.

Service Units on the Colville, Spokane, and Yakama reservations



TRIBAL COMPACT AND CONTRACT TRIBES

Titles I and V of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended), provide Tribes the option of exercising their right to self-determination by assuming control and management of programs previously administered by the federal government.

Since 1992, the Indian Health Services has entered into agreements with tribes and tribal organizations to plan, conduct, and administer programs authorized under Section 102 of the Act.

Today, over half of the Indian Health Services appropriation is administered by Tribes, primarily through self-determination contracts or self-governance compacts.

27 Tribes administer Indian Health Services funds to provide health care services in Washington State. These tribes provide both direct care and contracted care.

URBAN INDIAN HEALTH PROGRAMS

Title VI of the Indian Health Care Improvement Act authorizes the Indian Health Services to fund urban Indian organizations to provide health care and referral services to the urban Indian populations. 25 U.S.C. 1651-1660d.

As of 2014, Indian Health Services provides contracts and grants to 33 urban-centered, nonprofit urban Indian organizations providing health care services at 57 locations throughout the U.S.

2 Urban Indian Health Programs:
Seattle Indian Health Board and NATIVE Project of Spokane



PURCHASED AND REFERRED CARE PAYING FOR CARE REFERRED OUTSIDE THE INDIAN HEALTH CARE SYSTEM

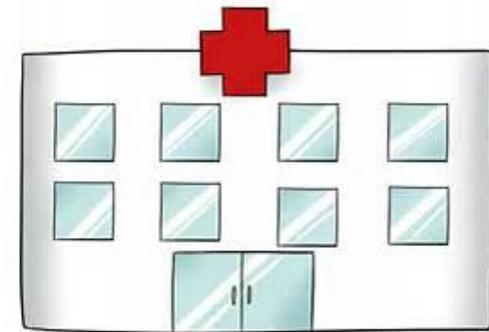
Indian Health Care Provider



- Health Care
- Mental Health
- Substance Use
- Dental

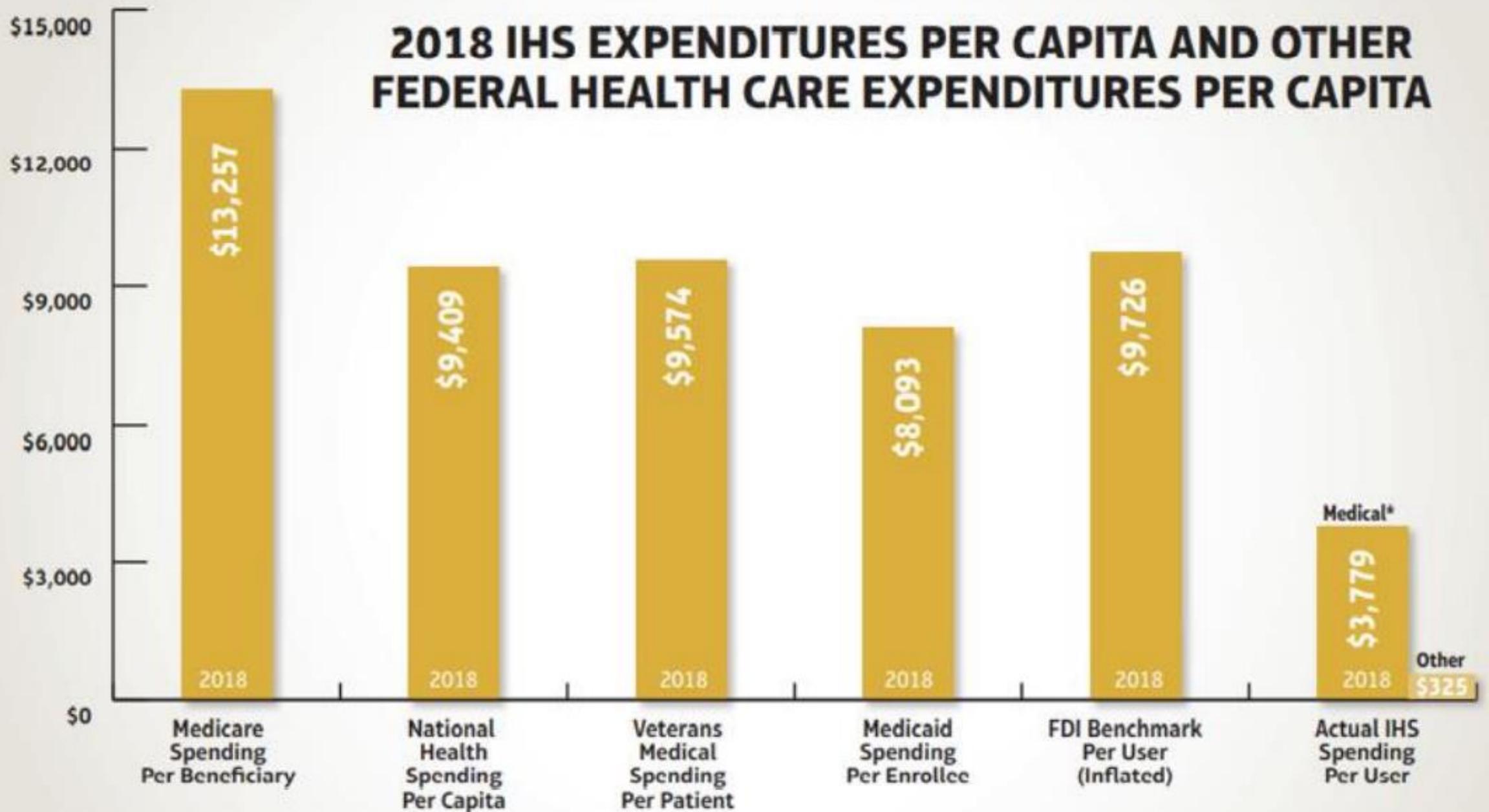
*Referral &
Coordination*

Non-Indian Health Care Provider



- Specialty Care
- Inpatient Care

2018 IHS EXPENDITURES PER CAPITA AND OTHER FEDERAL HEALTH CARE EXPENDITURES PER CAPITA



*Payments by other sources for medical services provided to AIANs outside IHS is unknown.

4/6/2020

State-Tribal Relations: Medicaid Requirements

For *Medicaid matters that are likely to have a direct effect on Indian health care providers or American Indians/Alaska Natives*, state Medicaid agencies must:

- **Seek advice** on a regular, ongoing basis for its Medicaid, Medicaid-related, and Children's Health Insurance Plan programs.
- **Notify** Tribal leaders, Tribal clinic directors, Urban Indian Health Program executive directors, and other Tribal organization leaders of state plan amendments, waivers, and other projects.
- Schedule in-person meetings if requested.

See Social Security Act §1902(a)(73) (codified at 42 U.S.C. §1396a(a)(73)).

State-Tribal Relations: SAMHSA Requirements

To receive a grant from the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), the state will:

- Describe in the grant application the proportion of the AI/AN population to the total population;
- Allocate that proportion of the grant for use for the Indian population; and
- Take reasonable efforts to collaborate with each tribe in the state to carry out youth suicide prevention and treatment measures for members of the tribe.

Tribal governments are not required to waive sovereign immunity to receive block grant funds or services.

See Indian Health Care Improvement Act §724(a)(4)(B) (codified at 25 U.S.C. 1667c).

INTERGENERATIONAL TRAUMA, ACES PROTECTIVE FACTORS AND RESILIENCY

Adverse Childhood Effects and Historical and Intergenerational Trauma in AI/AN Communities

- In AI/AN communities there exist disparately high rates of adverse childhood experiences which are a direct result of historical trauma.
- Historical trauma becomes intergenerational trauma through repeating cycles of ACEs over generations.
- Historical trauma refers to situations where a community experienced traumatic events, the events generated high levels of collective distress, and the events were perpetuated by outsiders with a destructive or genocidal intent.
- The effects of historical trauma, however, manifest in the everyday experience of AI/AN communities today.

Protective Factors in Tribal and Urban Communities

- Community, Culture and Spirituality: Foster thriving communities
- Community Capacity Development: Leadership Expansion, Coming Together, Shared Learning, Results-Oriented Decisions
- Attachment and belonging: The tribe as a large extended family, with responsibility to take care of each other,
- Respect for the elders, grandmas and grandpas as teachers, responsible for sharing their wisdom and watching out for generations to come,
- Aunties and uncles as disciplinarians, reinforcing proper behavior in a clear but loving ways, through human and animal stories.

Protective Factors in Native Ways of Thinking

- Generosity as a symbol of wealth, assuring that contributing members of the community are honoring and caring for each other, or Wealth is determined by what you give, not receive or acquire.
- The importance of striving to live in balance so all our needs get the attention they deserve.
- Our relationships and recognition we are connected to each other and all things.



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QUESTIONS?

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