



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-070

TITLE: Request CMS to Extend 100% FMAP to All Services Received through the IHS or Tribal Health Facilities and Urban Indian Health Programs and to Include Services Provided through the Purchased & Referred Care Program

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the States of South Dakota and Alaska have submitted proposals requesting that the Centers for Medicare & Medicaid Services (CMS) expand the 100 percent Federal Medical Assistance Percentage (FMAP) to certain services in association with their interest to expand Medicaid under the Affordable Care Act (ACA); and

WHEREAS, CMS' response to these policy proposals will likely have national implications for Indian health providers across the country and has initiated Tribal consultation to seek the advice and input on expansion of 100% FMAP to better support the delivery of care and access to Medicaid services delivered through Indian Health Service (IHS), Tribal, and urban Indian health facilities and programs; and

WHEREAS, the tribal 100 percent FMAP rule is found in Section 1905(b) of the Social Security Act (SSA), and was enacted when the IHS system was first authorized to bill the Medicaid program in 1976 in order to ensure that States did not have to bear the costs associated with such services; and

WHEREAS, currently, if an American Indian or Alaska Native (AI/AN) Medicaid beneficiary receives services through an IHS or Tribally operated health facility, CMS matches the amount paid for those services at 100 percent and is commonly referred to as 100 percent FMAP, however if the AI/AN Medicaid beneficiary receives Medicaid covered services from a non-IHS/Tribal provider, such as through a Purchased or Referred Care (PRC) referral, CMS matches at the State's regular FMAP rate; and

WHEREAS, the 100 percent FMAP rule should apply to purchased/referred care services since Section 1905(b) of the Social Security Act provides that it applies to all services “received through,” the IHS or tribal health facilities, and the purchased/referred care program is a program provided through the IHS and tribal health facilities; and

WHEREAS, CMS current interpretation of the 100% FMAP rule is that urban Indian health programs operated under the Indian Health Care Improvement Act (IHCIA) are not eligible for 100% FMAP however since CMS is revisiting its policy on this consideration should be given to extending 100% FMAP to urban Indian programs contracting with the IHS under the IHCIA.

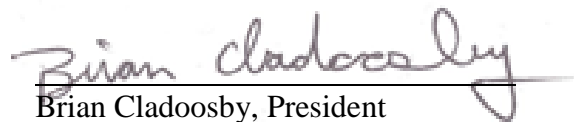
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby support the States of Alaska and South Dakota and respectfully request CMS to amend its 100% FMAP policy to apply to all services “received through,” the IHS or tribal health facilities, and to include services provided through the purchased/referred care program; and

BE IT FURTHER RESOLVED, that NCAI respectfully request CMS to extend 100% FMAP to services provided by urban Indian health programs funded under the Indian Health Care Improvement Act so long as they are provided to eligible beneficiaries of the Indian Health Service; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary