

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-26-12  
Baltimore, Maryland 21244-1850



Center for Medicaid and State Operations

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May 29, 2009

ARRA #2  
CHIPRA #3

Dear Tribal Leader:

On February 4, 2009, the President signed into law the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3. The law contains provisions that directly affect both the Children's Health Insurance Program (CHIP) under title XXI of the Social Security Act (the Act) and the Medicaid Program under title XIX of the Act. On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009 (the Recovery Act) to jumpstart the economy, create or save millions of jobs, and modernize our Nation's health care, schools, and infrastructure.

I am writing to you today because both CHIPRA and the Recovery Act contain provisions that amend titles XIX and XXI of the Act and, when implemented, will have an impact on American Indian and Alaska Native (AI/AN) communities. You can view the State Health Official letter providing an overview of the CHIPRA provisions at <http://www.cms.hhs.gov/SMDL/downloads/SHO041709.pdf> and the Tribal Leader Letter of March 24, 2009, providing an overview of the Recovery Act provisions at <http://www.indiancountryworks.org/file/HHS%20letter%20to%20tribes>.

The Centers for Medicare & Medicaid Services (CMS) is committed to implementing these provisions on a government-to-government basis through consultation with Tribal governments. The Center for Medicaid and State Operations (CMSO) has established a workgroup consisting of staff from CMSO, the Tribal Affairs Group (TAG), the Office of External Affairs, the Indian Health Services (IHS), and members of CMS' Tribal Technical Advisory Group (TTAG). This Tribal workgroup will serve as an important resource to CMSO in identifying and defining the issues as we move forward to provide detailed guidance both to Tribes and States on the CHIPRA and Recovery Act provisions.

While we appreciate the work of the TTAG, we know it is not a substitute for Tribal Consultation, and thus, we are planning opportunities for Tribal Consultation over the next several weeks. We are planning regularly scheduled conference calls with Tribal Leaders to listen to questions and implementation concerns. These calls will be held each Friday afternoon in June from 2:00 - 4:00 p.m. Eastern Time and are scheduled as follows:

**Friday, June 5, 2009**

**The Recovery Act**

- Section 5006(a-c) – Premium and cost sharing protections under Medicaid and exemption of certain Indian-specific property from consideration in determining Medicaid eligibility from Medicaid estate recovery.

**Friday, June 12, 2009**

**The Recovery Act**

- Section 5006(d-e) – Medicaid managed care protections for Indian health programs and Indian beneficiaries; consultation on Medicaid and CHIP with Indian health programs.

**Friday, June 19, 2009**

**CHIPRA**

- Sections 201-203 – Grants and enhanced administrative funding for outreach and enrollment; increased outreach and enrollment of Indians; State option to rely on findings from and express lane agency to conduct simplified eligibility determinations; facilitating cooperation and agreements between States and the IHS, Indian Tribes, Tribal Organizations, or Urban Tribal Organizations.
- Sections 211-213 – Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP; reducing administrative barriers to enrollment; model of interstate coordinated enrollment and coverage process.

**Friday, June 26, 2009**

**CHIPRA**

- Sections 301-302 – Additional State option for providing premium assistance; outreach, education, and enrollment assistance.
- Sections 401-403 – Development of child health quality measures for children enrolled in Medicaid and CHIP; child health quality improvement activities for children enrolled in Medicaid or CHIP (childhood obesity demonstration project); child health quality improvement activities for children enrolled in Medicaid or CHIP; improved availability of public information regarding enrollment of children in CHIP and Medicaid; application of certain managed care quality safeguards to CHIP.
- Sections 501-503 – Dental benefits; mental health parity in CHIP plans; application of prospective payment system for services provided by federally qualified health centers and rural health clinics.

**Thursday, July 2, 2009**

**The Recovery Act**

- Sections 4201 – Medicaid provider for health information technology adoption and operations payments; implementation funding.

**CHIPRA**

- Section 505 – Clarification of coverage of services provided through school-based health centers.
- Sections 602-604 – Improving data collection; updated Federal evaluation of CHIP; access to records for the Inspector General and the General Accounting Office audits and evaluations.
- Section 611 – Deficit Reduction Act technical corrections.
- Section 621 – Outreach regarding health insurance options available to children.

**CHIPRA - Information about sections not administered by CMS**

- Section 401(e) and (g) – Child health quality improvement activities for Children Enrolled in Medicaid or CHIP; (e)(6) – child health quality improvement activities for children enrolled in Medicaid or CHIP.
- Section 402 – Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
- Section 501 – Dental benefits .
- Section 506 – Medicaid and CHIP Payment and Access Commission.

The call in number for each week is 1-888-455-5059 and the pass code is Tribal Affairs. This is a toll-free number. The format for the call will include a brief overview of the provision by CMSO and then the lines will be open for questions and concerns. You may e-mail your questions prior to or after the call to [tribalaffairs@cms.hhs.gov](mailto:tribalaffairs@cms.hhs.gov). We will either try to answer your question on the call or provide a response after the call.

In addition to the All Tribes Calls, CMS is scheduling a Tribal Consultation Session in conjunction with the Indian Health Summit, July 7-9, 2009 in Denver. The Session will be held Friday, July 10, from 8:30 a.m. – 1:00 p.m., at the Colorado State Bank & Trust Building, 1600 Broadway, 7<sup>th</sup> floor conference room. The Tribal Consultation Session will provide another opportunity for Tribal Leaders to ask questions and present their issues and concerns regarding these important CHIPRA and Recovery Act provisions. If you are planning to attend the July 10 Tribal Consultation Session, please send your name, title, and tribal affiliation to [lois.serio@cms.hhs.gov](mailto:lois.serio@cms.hhs.gov) on or before June 19<sup>th</sup>.

Please be assured that CMS is committed to working with Tribal governments in the implementation of the CHIPRA and Recovery Act provisions that amend titles XIX and XXI. We hope that you will be able to participate on the All Tribes Calls and to attend the July 10 Tribal Consultation Session in Denver.

I look forward to working with Tribal Leaders as we implement these provisions.

Sincerely,



Jackie Garner  
Acting Director  
Center for Medicaid and State Operations

cc:

CMS Regional Administrators

CMS Associate Regional Administrators  
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