



United South and Eastern Tribes, Inc.

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USET Resolution No. 2011:050

REQUEST THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO ENGAGE IN MEANINGFUL CONSULTATION REGARDING QUALIFICATIONS FOR THE MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE PAYMENT PROGRAM AND TRIBAL HEALTH PROGRAMS

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** members of the USET Board of Directors are working for the best interest of their Tribal nations, and their citizens to protect, promote, and enhance opportunities for their people; and
- WHEREAS,** the USET member Tribes have always maintained that a government-to-government relationship exists between the federal government and federally recognized Indian Tribes; and
- WHEREAS,** this unique relationship requires the Administration and its Agencies and Operating Divisions to consult with Indian Tribes on any policy and/or legislative matters that impact or may potentially impact Indian Tribes; and
- WHEREAS,** the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), commonly referred to as the Stimulus or the Recovery Act, is an economic stimulus package enacted by the 111th United States Congress in February 2009; and
- WHEREAS,** Section 4201 of the Recovery Act established the Medicaid Electronic Health Record (EHR) Incentive Payment Program to encourage the adoption and use of certified EHR technology; and
- WHEREAS,** in order to qualify for the EHR incentive payment program a Medicaid eligible professional must meet one of the following criteria: 1) have equal to or greater than 30% Medicaid patient volume (20% for pediatricians); or 2) practice predominantly in a Federally Qualified Health Center (FQHC) or Rural Health Clinic (RHC) with greater than 30% "needy individual" patient volume; and
- WHEREAS,** for the purposes of the EHR incentive program, Tribal health programs have expressed to the Centers for Medicare and Medicaid Services (CMS) their desire to be treated as FQHCs and to utilize the "needy individual" patient volume criteria as outlined above; and
- WHEREAS,** CMS has stated on an "All Tribes Call" that they acknowledge that Tribal programs fall within the definition of an FQHC under Section 1905(l)(2)(B) of the Social Security Act, but the clinics have the option of being paid as a FQHC or at other Medicaid payment rates; and
- WHEREAS,** it is CMS' position that if the Tribal programs decided to collect payments at rates other than the Medicaid payment rates, they will NOT be treated as FQHCs for the Medicaid incentive payment program; and
- WHEREAS,** USET member Tribes believe that CMS should have consulted with Indian Tribes regarding the EHR incentive payment program and the treatment of Tribal programs, as it has the potential to significantly impact the Tribal programs; therefore, be it

RESOLVED the USET Board of Directors requests the Centers for Medicaid and Medicare Services initiate meaningful consultation in its decision regarding the Medicaid Electronic Health Record Incentive Payment Program; and, be it further

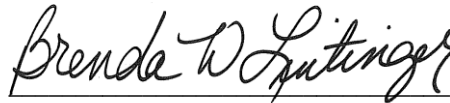
RESOLVED the USET Board of Directors requests that Tribal Programs be designated as Federally Qualified Health Centers that have at least 30 percent of their patient volume attributable to “needy individuals” as defined under statute for the purposes of successfully implementing an Electronic Health Record system as intended by Section 4201 of the American Recovery and Reinvestment Act of 2009.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Marksville, LA, Thursday, May 19, 2011.



Brian Patterson, President
United South and Eastern Tribe, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”