



---

April 26, 2016

Dear Tribal Leader:

The Centers for Medicare & Medicaid Services (CMS) is committed to implementing CMS programs in a way that honors the special relationship between Tribal governments and the Federal government.

We are pleased to announce that on April 25, 2016, CMS published a final rule on managed care in Medicaid and the Children's Health Insurance Program (CHIP), which incorporates the Indian protections in section 5006 of the American Recovery and Reinvestment Act (ARRA). CMS engaged with Tribes throughout the rulemaking process to ensure that the final rule is consistent with the ARRA protections for American Indians and Alaska Natives (AI/ANs).

CMS received more than twenty comments from Tribes and Tribal organizations, including the CMS Tribal Technical Advisory Group (TTAG). We reviewed these comments carefully and considered them when making important changes to the final rule. The final rule codifies the Indian managed care protections in section 5006 of ARRA, including those provisions that allow AI/ANs enrolled in Medicaid managed care plans to continue to receive services from an Indian health care provider and ensures Indian health care providers are reimbursed appropriately for services provided. The final rule addresses other tribal comments CMS received, such as network and payment requirements for managed care plans that serve Indians, contracts with Indian health care providers, state tribal consultation requirements, and referral and prior authorization requirements. The Indian specific provisions are located in the section entitled: "Standards for Contracts Involving Indians, Indian Health Care Providers and Indian Managed Care Entities."

We received several comments from Tribes and Tribal organizations regarding mandatory enrollment of AI/ANs in managed care and use of an Indian health care addendum for contracting with managed care entities. We appreciate the comments received from the TTAG and its drafting of an initial Indian Managed Care Addendum. We are committed to finalizing that addendum through sub-regulatory guidance.

We will be hosting an All Tribes' Call to provide an overview of final rules and address any questions you may have. At that time, we will walk through the tribal specific provisions in more detail. The All Tribes' Call will be held:

Monday, May 23, 2016  
12:30 – 2:00 pm ET  
Conference call #: 1-866-901-6455  
Participant Code: 361-333-070

Please register at:

<https://attendee.gotowebinar.com/register/3741894629588526337>. After registering, you will receive a confirmation email containing information about joining the call.

The final rule is available at <https://www.federalregister.gov/articles/2016/05/06/2016-09581/medicaid-and-childrens-health-insurance-program-chip-programs-medicaid-managed-care-chip-delivered> and can be viewed at <https://www.federalregister.gov> starting April 25, 2016.

For more information about the proposed rule, please visit

<https://www.medicaid.gov/medicaid-chip-program-information/by-topics/delivery-systems/managed-care/managed-care-site.html>.

Please contact Kitty Marx, Director, Division of Tribal Affairs, Intergovernmental and External Affairs Group, Centers for Medicaid and CHIP Services, with any questions or concerns by phone, (410) 786-8619, or via e-mail, [kitty.marx@cms.hhs.gov](mailto:kitty.marx@cms.hhs.gov).

Sincerely,

/s/

Vikki Wachino  
Director, Center for Medicaid and CHIP Services