



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2018 SPF:013

OPPOSITION TO ELIMINATION OF MEDICAID “RECEIVED THROUGH” LANGUAGE

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations’ leadership; and
- WHEREAS,** the United States government has a unique trust responsibility to provide healthcare to American Indians and Alaska Natives (AI/ANs), founded in treaties and other historical relations with Tribal Nations. This trust relationship is reflected in numerous statutes, as well as upheld in federal Indian law and policy; and
- WHEREAS,** on June 22, 2017, Senate leadership released a discussion draft known as the Better Care Reconciliation Act (BCRA), which would repeal and replace the Affordable Care Act (ACA); and
- WHEREAS,** BCRA included a provision that would have eliminated the "received through" language of an Indian-specific Medicaid requirement known as one-hundred percent Federal Medical Assistance Percentage, or 100% FMAP. This requirement stipulates that 100% FMAP only be for services "received through" the Indian Health Service (IHS) or a Tribal healthcare facility; and
- WHEREAS,** if enacted, the provision would expand 100% FMAP to all providers who provide services to AI/ANs, thereby increasing significant Medicaid reimbursement funding to states and non-Indian providers with no guarantee that additional funding will support the Indian Healthcare System or provide better care to individual AI/ANs; and
- WHEREAS,** 100% FMAP for Medicaid services “received through” IHS or a Tribal healthcare facility was enacted under the Indian Health Care Improvement Act of 1976 in order to avoid costs to states for services to AI/ANs; and
- WHEREAS,** the proposed provision would change over 40 years of established Indian Medicaid policy without Tribal consultation and potentially impact the coordination of care for AI/AN patients that IHS and Tribal healthcare facilities provide; and
- WHEREAS,** changes to Medicaid must move forward in a manner that respects Tribal sovereignty and upholds federal treaty and trust responsibilities; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

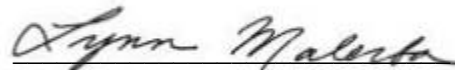
RESOLVED the USET SPF Board of Directors stands opposed to efforts to expand the one hundred percent Federal Medical Assistance Percentage to providers outside the Indian Health System, including the proposed provision found in the Better Care Reconciliation Act, as it would drastically decrease a vital funding resource to a chronically underfunded Indian Health System, resulting in decreased health services to American Indians and Alaska Natives.

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting, at which a quorum was present, in Arlington, VA, February 8, 2018.



Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund