

From: Sooner Davenport <SDavenport@nihb.org>

Sent: Thursday, January 18, 2018 8:48:03 AM

Subject: CMS ALL TRIBES' CALL: Opportunities to Promote Work and Community Engagement Among Medicaid Beneficiaries State Medicaid Director Letter

Dear MMPC:

Yesterday, Brian Neale, Director for Medicaid and CHIP Services issued a [Dear Tribal Leader Letter](#) (PDF attached) announcing a CMS All Tribes' Call that will provide an overview of CMS Administrator Seema Verma's [SMDL: Opportunities to Promote Work and Community Engagement Requirements among Medicaid Beneficiaries](#) (also, linked below). CMS staff will be available to answer any questions regarding the SMDL.

CMS ALL TRIBES CALL DETAILS:

Date: Monday, January 22, 2018

Time: 12:00 PM – 1 PM ET

Conference Call : 1-844-224-0415 | Passcode: 3366139

For questions or concerns, please contact Kitty Marx, Director, Division of Tribal Affairs, by phone, (410) 786-8619, or via e-mail, kitty.marx@cms.hhs.gov.



CENTERS FOR MEDICARE & MEDICAID SERVICES

Date:
Monday,
January 22, 2018

Time:
12:00 – 1:00 p.m.
Eastern Time

Dial-in number:
1-844-224-0415

Dear Tribal Leader:

On January 11, 2018, the Centers for Medicare & Medicaid Services (CMS) issued a State Medicaid Director Letter (SMDL) announcing a new policy

designed to assist states in their efforts to improve Medicaid enrollee health outcomes through incentivizing work and community engagement among non-disabled, non-elderly adult Medicaid beneficiaries who are eligible for Medicaid on a basis other than disability. The SMDL indicates that CMS will support state efforts to test incentives that make participation in work or other community engagement a requirement for continued Medicaid eligibility or coverage for certain adult Medicaid beneficiaries in demonstration projects authorized under section 1115 of the Social Security Act (the Act). These demonstration applications are subject to the full federal review process, the public review process, and transparency requirements, including those described in regulations at 42 C.F.R. Part 431, subpart G.

A copy of the SMDL can be viewed by following this link,

<https://www.medicaid.gov/federal-policy-guidance/downloads/smd18002.pdf> and

Frequently Asked Questions accompanying the SMDL can be viewed here,

<https://www.medicaid.gov/medicaid/section-1115-demo/community-engagement/index.html>.

CMS received several requests for Tribal Consultation from Tribes located in states that have proposed work and community engagement requirements. CMS held consultation with those Tribes and heard Tribal concerns that work and community engagement requirements as a condition of eligibility for Medicaid could serve as a barrier to enrollment of American Indian and Alaska Native (AI/AN) beneficiaries in Medicaid. Through Tribal Consultation, Tribes requested CMS to require states to exempt AI/ANs from work and community engagement requirements. Unfortunately, we are constrained by statute and are concerned that requiring states to exempt AI/ANs from work and community engagement requirements could raise civil rights issues.

Passcode:
3366139

However, as indicated in the SMDL, States will be required to comply with Tribal Consultation requirements. The SMDL provides examples for states and tribes to consider on how AI/ANs can meet the work and community engagement requirements, such as through enrollment in tribal work programs or through exemptions specific to tribal communities under the SNAP and TANF work requirements.

CMS is committed to honoring the special relationship between Tribal governments and the Federal government. To that end, CMS has scheduled an All Tribes' Call to provide an overview of the SMDL that outlines some options for states to consider in promoting work and community engagement requirements among Medicaid beneficiaries. CMS staff will be available to answer any questions you might have regarding the SMDL.

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

[Download Dear Tribal Leader Letter](#)

Sincerely,

Brian Neale

Director