



STATE OF WASHINGTON

March 17, 2023

Dear Tribal Leader:

SUBJECT: MEDICAID STATE PLAN AMENDMENT 23-0003 BEHAVIORAL HEALTH AIDES AND COMMUNITY HEALTH AIDS - CONSULTATION CONTINUATION

On March 8, 2023, the Health Care Authority (HCA) held a Tribal Consultation on the draft Medicaid State Plan Amendment (SPA) 23-0003 to add Behavioral Health Aides (BHA) and Practitioners (BHP), Dental Health Aides (DHAs) and Community Health Aides (CHA) and Practitioners (CHP) to the Medicaid State Plan. The proposed plan that was reviewed identified that These practitioners must:

- Be certified by an Area Community Health Aide Program (CHAP) Certification Board as defined by Indian Health Service (IHS) Circular 20-06 or by tribal law;
- Be supervised in accordance with the Portland Area Community Health Aide Program Standards and Procedures (PASP) as defined by IHS Circular 20-06, by a licensed provider practicing within the scope of their practice as defined by state law;
- Meet the training, competencies, and experience requirements as described in the PASP for BHPs, DHAs and CHPs; and
- Meet the standards defined by the PASP for BHA I, II, and III, DHA I, II, and III and CHA I, II, and III.

During the meeting, the tribal elected officials and tribal leaders requested changes to the SPA language regarding references to the IHS Circular 20-06. In summary, tribal representatives shared the following:

- Concerns regarding this reference is that this Circular is not statute and has serious flaws, is subject to change, does not recognize tribal authority.
- Recommendation to refer to the Indian Health Improvement Act rather than the Circular, in reference to 36 with 25 U.S.C. Sec. 1616l.
- Request inclusion of tribal attorneys in further discussion regarding SPA language.

As a result, we agreed that more work is needed to solidify the language in the SPA prior to submitting the to the Center for Medicaid and Medicare Services (CMS). Our next steps to address requests by tribal elected officials and tribal leaders are as follows.

- Create a CHAP SPA roundtable that includes tribal and state attorneys to ensure language does not impact the Portland Area CHAP Certification Board or any board by tribal authority, while ensuring the SPA complies to CMS regulations. The workgroup will be coordinated with Tribal partners, the Portland Area Indian Health Board, and the American Indian Health Commission.
- Convene a consultation once the workgroup has completed their work.

Dear Tribal Leader
March 13, 2023
Page 2

The Agency has reserved the following dates and times for Tribal Roundtable and Tribal Consultation:

Meeting	Date and Time	Webinar URL
Roundtable	March 31, 2023 9:30 a.m. – 11 a.m.	https://us02web.zoom.us/j/89652822970
Consultation	April 13, 2023 10:00 a.m. – 12:00 a.m.	https://us02web.zoom.us/j/81493301437

Comments and Questions

HCA would appreciate any additional input or concerns that Tribal representatives wish to share regarding this SPA. To return any comments, please contact Aren Sparck, Tribal Affairs Administrator via email at aren.sparck@hca.wa.gov, with a courtesy copy to Ann Myers, State Plan Coordinator, at ann.myers@hca.wa.gov.

You can find the meeting minutes and materials here <https://www.hca.wa.gov/about-hca/who-we-are/tribal-relations/consultations-and-meetings>.

Please contact Aren Sparck via email at if you have tribal affairs-related questions.

Please forward this information to any interested party.

Sincerely,

Charissa Fotinos, MD, MSc
Medicaid and Behavioral Health Medical Director

cc: Aren Sparck, Tribal Affairs Administrator, OTA, HCA
Ann Myers, State Plan Coordinator, DLS, HCA