



STATE OF WASHINGTON

Indian Nation Agreement Restatement

April 17, 2025, from 3pm – 5pm

Hosted by the Health Care Authority and Department of Health

Tribal Government Attendees:

- Cowlitz Indian Tribe – Emily Gardner, Behavioral Health Director
- Jamestown S’Klallam – Andrew Shogren, Tribal Policy, Dustin Brenske, Social Services Director
- Kalispel Tribe – Weston Meyring, Staff Attorney, Jeff Oka, Chief Financial Officer
- Makah Tribe – Leah Neunecker, Health Director
- Puyallup Tribe of Indians – Mona Miller, Director of Reentry and Community and Family Services
- Samish Indian Nation – Sharon Paskewitz, Essential Services/Housing Director
- Sauk Suiattle Tribe – Shawnaa Smith, Finance Director
- Squaxin Island Tribe - Ofi Tovia, Director of NW Indian Treatment Center
- Stillaguamish Tribe – Danielle Zimmermann, Grant Writer and Administrator
- Tulalip Tribes – Alison Bowen, Director of Family Haven
- Upper Skagit Indian Tribe – Christa McAllister, Prevention
- Shayla Scott

Tribal Organizations/non-Tribal Indian Health Care Provider Attendees:

- American Indian Health Commission – Heather Erb, Lead Policy Advisor

State Agencies:

- Department of Health (DOH) – Candice Wilson, Director, Amber Arndt, Tribal Policy Director
- Health Care Authority –
 - Executive Office: MaryAnn Lindeblad, Director; Lou McDermott, Deputy Director
 - Division of Behavioral Health and Recovery: Teesha Kirshbaum, Director; Kimberly Wright, Section Manager; Kira Schneider, RSS Program Manager
 - Office of Tribal Affairs: Christine Winn, Deputy Administrator; Lucilla Mendoza, Tribal BH Administrator; Mike Longnecker, Claims and Billing Technician, Stacy Swan, Tribal Claims Specialist; Henry Roy, Tribal Contracts Portfolio Manager; Annette Squetinkin-Anquoe, Tribal Grants and Contracts Manager; Maddie Wrolson, Tribal Crisis Response Coordinator; Nakia DeMiero, Tribal Opioid Response Coordinator; Julie Hutchinson, PCCME Specialist, Joe Santos, Medicaid Transformation Specialist; Sarah Cook-Lalari, WSTPS Coordinator; Lonni Rickard, Communications Consultant; Tina Anderson, Regional Tribal Liaison (RTL); Nicole Earls, RTL; Jaron Heller, RTL
 - Division of Audit, Integrity, and Oversight: Rachele Amerine, Deputy Division Director; William Sogge, [add title]; Jessica Stephens, [add title]

Meeting Minutes:

Welcome and Introductions

Welcome by: Christine Winn, Deputy Director, Health Care Authority

- Annette Squetinkin-Anquoe started us off in a good way. Thank you, Annette, – very beautiful.

Introduction of Elected Tribal Officials: No Tribal Elected Officials present.

Introduction of Tribal Leaders and Representatives: Invitation for Leaders to introduce themselves.

Opening Statements

MaryAnn Lindeblad, Interim Director of HCA: Thank you to all elected officials and Tribal leaders in attendance today. We're grateful for the strong government-to-government work that took place in 2019, and we're encouraged to see those agreements being revisited and strengthened. These agreements laid the groundwork for honoring Tribal sovereignty through our contracting processes with Tribes.

We've heard from our HCA teams that the three Tribal workgroups and roundtables have gone well, with attendance from many Tribes that work on INAs providing meaningful feedback and recommendations.

We look forward to continuing the conversation and working together to finalize a Sovereign Nation Agreement (SNA) template.

Purpose of Consultation:

The purpose of the Consultation is to review the proposed Indian Nation Agreement restatement to update the INA to the Sovereign Nation Agreement. HCA maintained much of the INA language as this language has been negotiated by Tribes and HCA since 2019 and has been in good standing. The initial term of the INA umbrella agreement was for 5 years, which had the provision to continue as long as parties continued to agree to the terms. In 2024, the agreement continued past its five-year mark as we needed more time to create an updated INA restatement template to propose improvements. However, over the years there have been updates to our processes not reflected in the INA and parties have identified complexities within the INA that prompted the need to make improvements to the INA overall. This consultation is to review those improvements with the Sovereign Nation Agreements. Our goal is to close out the INAs as they have gotten complex and reopen new agreements with a new structure and updated terms and conditions.

Overview of the Indian Nation Agreement Restatement Changes, documents and next steps, by Lucilla Mendoza, HCA-OTA

- Overview of the INA Agreement established in 2019 following Tribal consultation on House Bill 1388 regarding BH integration. HCA agreed to develop INAs modeled after the DSHS Office of Indian Policy's Consolidated Contracting.
- Overview of change recommendations to INA.
 - Change INA language to Sovereign Nation's Agreement
 - Improve organization structure through clarity by way of task order structure called Service Level Agreements (SLA).
 - Update monitoring section to align with new risk assessment process negotiated in 2023.

- Move INA negotiated terms within the Schedule 1 Scope of Work for BH Services to the umbrella/general terms and conditions SNA to ensure alignment for all SLAs including:
 - Clarify SLA language/SLA templates across all BH project statement of works.
 - Tribal Plan process and allow for one Tribal plan when possible.
 - Quarterly reporting timeframe and payment options.
- Overview and example of SLA structure. See slide 8.
- Review summary of feedback from workgroups and roundtables.
 - Ensure SLA naming convention is passed to A-19s
 - Consider breaking out SLAs by fund source (MHPP) and program
 - Request for a fiscal summary page by fund source and category – consider the Tribal Plan budget grid
 - Improve ways to modify points of contact at Tribe and HCA
 - Improve and guarantee timeliness of contracts delivery and A-19 invoices by HCA and include in the SNA language
 - Recommend HCA adopt a de minimus policy to match federal government at 15% and honor federally negotiated indirect rates for Tribes.
- Overview of the next steps
 - Tribe Statement: Tuesday is the NPAIHB Weekly Update
 - Tribe Statement: 2-3 on Thursdays work best for me.

Review of changes in the Sovereign Nation Agreement:

- Tribe Request: Request to update funding remedies and underspending section to change from will reduce to may reduce to allow for greater flexibility. Add comma next to 60%.
 - HCA Response: OTA does not see any concerns, but we will take back to our team to consider this change.
 - Tribe Response: HCA should take a closer look at statements related to *shall and will* to ensure that it is appropriate. For example, in the risk assessment section, saying HCA *shall* conduct risk assessment in this section, using *shall* is appropriate.
 - HCA Response: HCA will take a closer look at the provisions that state *shall/will* to identify appropriateness.
- AIHC: Remove statement regarding federal jurisdiction because it goes against the clause of no waiver of sovereign immunity.
 - HCA Response: HCA will take this back to our subject matter experts to discuss the recommendations. Thank you for sharing.
 - Tribe Statement: The Governing Law provision alone does not act as an explicit waiver of sovereign immunity, which always can be raised as a defense in federal, state, and tribal courts.
 - AICH response: Tribal attorneys are the subject matter experts on this topic. Tribal attorneys should be consulted, and they will likely be flagged if not removed.
- Tribe Request: Question regarding the Funding Remedies and Underspending Section. Shared an example, what if we underspent 60% on one year and then 60% in another year. Please explain this further. For example, if we do not spend DMA in one year and under expend in another year what can we expect.
 - HCA Response: underspending of less than 60% must be in two consecutive years. If for one year the Tribe spends less than 60% and then more than 60% next year then it will restart. Years must be consecutive. We are also considering the suggestion from a Tribe to change from *shall* to *may reduce* to add flexibility. Additionally, we have a provision

that states if the underspending is due to HCA contracting delays, then the underspending for that year would not count in the two-year consecutive timeframe.

- Tribe Response: Thank you for the information.
- Tribe Statement: Thank you for showing all the changes and allowing time on differences outside of just definitional changes. I appreciate the time.

Next Steps:

- Please share if anyone has concerns about us moving forward with the SNAs.
 - No concerns shared. Several statements of good job and thank yous.
- Consultation Closeout: April 17, 2025, DTLL to be sent out with meeting minutes from Consultation, requesting Tribal leaders to share any concerns regarding moving forward with the SNA.
- Decide by April 30, 2025 – New Sovereign Nation Agreements versus Indian Nation Agreement Amendments based on responses from the Consultation Closeout notice.
- Begin INA/SNA Workgroup May 2025 (Monthly)
 - Thursdays 2-3 pm
 - Thursdays 3-4 pm

Closing Words:

No Tribal leadership closing statements.

Lou McDermott, Deputy Director-EXO: Appreciate the partnership with the Tribes and the close connection that the OTA and Tribes must work on bodies of work to share, gather and incorporate feedback before programs or policies are implemented. We appreciate Tribes that spend time providing feedback to make our programs better and OTA to facilitate gathering feedback on programs and new services so we can make them better.

Meeting Adjourned by: Christine Winn, Deputy Director, HCA-OTA