

MINUTES
Approved by Council
Idaho Council on Indian Affairs
Thursday, January 10, 2019
10:00 A.M.
Room WW53
Boise, Idaho

Chairman Guthrie called the meeting to order at 9:39 a.m.; a silent roll call was taken. Council members in attendance: Senators Jim Guthrie and Cherie Buckner-Webb; Representative Chris Abernathy; Bobbi-Jo Meuleman, Office of the Governor; Ernie Stensgar, Coeur d'Alene Tribe; Shannon Wheeler, Nez Perce Tribe; and Ladd Edmo, Shoshone-Bannock Tribes. Absent and excused: Vice chair Gary Aitken, Jr., Kootenai Tribe; Ted Howard, Shoshone-Paiute Tribes; and Representative Neil Anderson. Legislative Services Office staff present were: Matt Drake and Ana Lara.

Other attendees: Ben Knapp - Idaho House of Representatives staff; Darren Parry - Northwest Band Shoshone Nation; Chief Allen, Tyrel Stevenson, Jennifer Fletcher, Chris Luke, Don Sczenski, and Eric Van Orden - Coeur d'Alene Tribe; Johanna Jones - Idaho State Dept. of Education; Liz Hatter - Veritas Advisors; Melissa Davlin - Idaho Public Television; Matt Wimmer, Lisa Hettinger, and Lori Wolff - Dept. of Health and Welfare; Jake Fruhlinger - Idaho National Guard; Jeremy Pisca and William Barquin - Kootenai Tribe; Yvette Tuell, Jessica James, and Brandelle Whitworth - Shoshone-Bannock Tribes; and Executive Director Janet Gallimore - Idaho State Historical Society.

Chairman Guthrie welcomed the committee and invited Mr. Stensgar to offer the opening prayer. The council members introduced staff members in attendance. The tribal council members provided some brief commentary regarding tribal elections and other pertinent news.

Chairman Guthrie called for the approval of the October 11, 2018, minutes. **Senator Buckner-Webb made a motion to approve the October 11, 2018, minutes. Mr. Wheeler seconded the motion. The motion passed by voice vote.**

Medicaid Expansion Presentation - Matt Wimmer, Medicaid Administrator - Dept. of Health and Welfare (DHW)

Mr. Wimmer stated that Proposition Two became law on November 20, 2018. He explained that it added health care coverage under the Medicaid state plan for adults:

- Ages 19 to 65;
- With modified adjusted gross income up to 133% of the federal poverty level; and
- Provided access to the Medicaid basic benefit plan.

He noted that DHW must submit necessary state plan amendments within 90 days of approval. He stated that the governor's budget includes \$196 million for Medicaid expansion. The Legislature may approve the governor's budget or take other approaches to funding. He stated that DHW is targeting January 2020 for the date the coverage will begin.

Mr. Wimmer said that DHW requested Milliman to conduct an actuarial study to analyze cost impact. He explained that the study estimated an annual cost to the state of about \$45 million. The projected 10-year cost estimate in state funds is \$105.1 million once costs and savings are accounted for. He stated that the state fund match is 10% and the federal fund match is 90%.

Mr. Wimmer explained that Idaho has state and local programs that assist with medical needs for people currently not covered by Medicaid. He further explained that Medicaid expansion increases the number of people covered by Medicaid and reduces the number individuals covered by state and local programs. He noted that the financial impact estimates assume there would be savings from reductions to state and local programs ([slide 5](#)).

Mr. Wimmer said that, while DHW believed that the eligibility process will remain unchanged, the implementation will require changes to the automated eligibility system. He noted that modifications to the financial system used to receive federal payments for each participant will be needed ([slide 6](#)).

Chairman Guthrie had notified the council earlier in the meeting that Governor Little would be stopping by to formally introduce himself to the council and provide some remarks. The Medicaid presentation was stopped at the request of Chairman Guthrie, and with Mr. Wimmer's consent, to allow the governor some time to address the council.

Discussion Between Governor Little and the Council

Chairman Guthrie voiced his appreciation, on behalf of the council, to Governor Little for taking the interest and time to meet with the council. Governor Little expressed his hope that this would be the first of many opportunities to visit with one another. He introduced Ms. Meuleman as the council member representing the Office of the Governor. He noted that Ms. Meuleman is senior staff and emphasized how important it is that a member of senior staff be the conduit between the council and himself. Governor Little referenced his State of State and his inaugural address by stating his goal to continue to make Idaho a place where people thrive. He emphasized that, in order to achieve this goal, Idahoans must have access to good jobs, education, and affordable and accessible health care.

Mr. Edmo expressed his appreciation to the governor for taking the time to address the council. He referenced the American Indian Fee Proposal Request that was scheduled to come before the Board of Education. He also referenced the Indian Child Welfare Act (ICWA) legislation and noted that tribes were seeking to modify Idaho Code to be consistent with ICWA regarding providing notice to Indian parents and guardians when temporary guardianship is being sought for Indian minor children. He also noted that tribes are proposing a renewed discussion about developing the Idaho Tribal Relations Program with the governor.

Governor Little noted that many changes were taking place in the foster care program, given the number of Office of Performance (OPE) studies on the topic as well as a newly appointed director for the Dept. of Health and Welfare. He asked Mr. Edmo to reach out to Ms. Meuleman or his office to see what changes might affect ICWA.

Governor Little emphasized that some of the rural areas of Idaho have limited job opportunities available. He noted that jobs in food processing plants, mills, etc., are being supplanted by technology and it is affecting many Idahoan families. He also noted the importance of accessible broadband in rural areas.

Mr. Wheeler congratulated Governor Little on his election and thanked him for taking the time to address the council. He commented that the tribes of Idaho are very committed in all matters related to protecting Idaho's natural resources. He asked for the state to be mindful of its treaty with the tribe regarding maintaining natural resources in a manner that allows the tribes to continue their way of living that they have had for thousands of years. He noted the tribe's work with the Idaho Transportation Department (ITD) regarding the precarious part of Highway 95/US Route 12 and looked forward to resolving the concern.

Governor Little informed the council that a meeting had taken place yesterday regarding the safety concern in that section of Highway 95. He stated that ITD is working on finding the best solution to keep this area safe for those traveling across the state and for the customers at the Clearwater River Casino. He looked forward to working with the tribe on this concern. He emphasized that the same natural resources that the Nez Perce Tribe has valued for thousands of years are the very reason that so many people are choosing to move to Idaho where they can have access to abundant wildlife and clean water. He noted that the value for natural resources is changing radically as the economy changes. He explained that what is needed to preserve and protect natural resources has changed in the recent years. He referred to the use of fire and stated that the no-action alternative

for handling fire does not work; the state needs to be more active in the manner in which it handles fire. He stressed their common goal of protecting resources.

Medicaid Expansion Presentation - Matt Wimmer, Medicaid Administrator - Dept. of Health and Welfare (DHW) (continued)

Mr. Wimmer stated that DHW was working on submitting state plan amendments and waiver amendments to the federal government for potential approval. He commented that DHW is in regular discussion with CMS regarding these amendments on a biweekly basis and intend to submit them to CMS on or before February 19, 2019. He stated that the Medicaid enrollment forecast is approximately 91,000 adults. He estimated that about 1,800 to 1,900 new participants from tribes will be eligible under expansion. He stressed that current federal requirements related to tribal exemptions and choice will remain. He believed that there would be some impact to tribal clinics.

Discussion

Mr. Wheeler inquired about the source for the estimated number of new participants from the tribes. Mr. Wimmer emphasized that the estimates were fairly high-level and were based on the number of people on Medicaid who self-identify as American Indian (two percent). He noted that many more conversations still need to take place between DHW and the tribal health officials to address how to meet the needs of the new Medicaid participants to be able to serve them well.

Mr. Wimmer stated that DHW and tribal representatives had an initial discussion on Medicaid expansion at the November Medicaid Quarterly Tribal meeting. He noted that tribal notice comment period for input and concerns ends January 16, 2019. He emphasized that this timeline was established by the federal government, but DHW would continue to hear comments and work with the tribal representatives to achieve the best outcome. He informed the council that the next Medicaid Quarterly Tribal meeting would take place in Boise on February 20, 2019.

Mr. Wimmer commented that individuals with incomes between 100% and 133% of the federal poverty level with coverage through Your Health Idaho will become eligible for Medicaid coverage. He stated that DHW would work with Your Health Idaho to coordinate changes for the 2020 plan year.

Dental Health Aide Therapy (DHAT) Presentation - Tyrel Stevenson, Legislative Director, Coeur d'Alene Tribe

Mr. Stevenson stated that tribes have been examining the DHAT program for a couple of years as a way to increase educational opportunities for tribal members, to provide and enhance access to care at the Marimn Health clinic, and to provide more culturally competent care at a potentially lower cost. He mentioned that a tribal member was attending a DHAT program in Alaska and would graduate in May; he hoped there would be an opportunity for her to work at the clinic.

Mr. Stevenson referred to the discussion he had with a number of stakeholders. He stated that the draft provided to the council was the product of those discussions, particularly with the Board of Dentistry and dentists across the state. He explained that the proposal would create an additional exception to the unlawful practice of dentistry and mirrored what the state of Arizona did last April. He noted that in Idaho it is felony for anyone who is not a licensed dentist to practice dentistry.

Mr. Stevenson stated that the tribe was proposing an exception for DHATs who are discharging duties on behalf of the United States in an Indian health clinic on a reservation. He explained that the clinic in Coeur d'Alene is a federally qualified community health center and an Indian health program that provides care to both Indians and non-Indians. However, every provider that issues care in the clinic is legally an agent of the United States and is covered by the Federal Tort Claims Act and the activities undertaken in the clinic are regulated by federal rules. He noted that the DHAT program is no different; it is established by federal statute (Indian Health Care Reauthorization Act). He explained that the act establishes a federal certification board, which oversees the regulation and the certification of health aide therapists including DHATs. He noted that only DHATs require the

authorization of states in order for tribes to access the program; tribes can implement community health aide and behavioral health services without the authorization of states.

Mr. Stevenson expressed their hope to find a manner to access the program and create additional opportunities for their community members to potentially provide better care in a more efficient manner.

Discussion

Senator Buckner-Webb inquired whether a DHAT operates under the oversight of a dentist. Mr. Stevenson responded in the affirmative. He explained that DHATs can only practice under the supervision of a dentist. He further explained that after DHATs complete a CODA-accredited course of study, the DHATs must be directly supervised by a dentist for 500 hours of practice. He stated that at that point, the dentist would understand the level of competence of the DHAT and provide oversight and consult regularly with the DHAT. He said that in Alaska, for example, if the DHAT is visiting a village and has a question about a dental issue, the DHAT would email radiographs to the dentist and consult over the phone. He clarified that if the dentist believes it would be a complicated procedure, the patient would be referred to the dentist. Mr. Stevenson stated that in the Coeur d'Alene Tribe's case, four full-time dentists operate in one clinic, but not necessarily in the same room.

Boa Ogoi Cultural and Interpretive Center Presentation - Darren Parry, Chairman, Northwestern Band of Shoshone Nation

Mr. Parry explained that while the government has designated his tribe as a Utah tribe, historically his tribe traveled with the changing seasons and had called southern Idaho and parts of Nevada and Wyoming home. He explained that, although the tribe and newly arrived Mormon pioneers had learned to coexist with each other, a depletion of natural resources and game began to occur and soon the depredation of the tribe as well.

Mr. Parry explained that people who had volunteered to fight in the Civil War were stationed in Salt Lake City and attacked an Indian village in the early hours of the day. He stated that, in a matter of three hours, 300 to 400 people from their village had been killed in one of the largest massacres of the history in the United States. This massacre is referred to as the Bear River Massacre.

Mr. Parry stated that in the 1880s the federal government attempted to move his tribe to Fort Hall; the chief at that time decided against the move. He explained that, due to this decision, the tribe was not provided with reservation land and is one of the few tribes without land. He said that last year, with the help of their tribal businesses and fundraising, the tribe was able to purchase more than 700 acres of the massacre site in southern Idaho. He stated that it was their intention to build an interpretive center on the site where people can come together and learn about the tragic events of that day. The interpretive center would also educate visitors about how the tribe lived, their creation story, and how they honor their elders.

Mr. Parry informed the council that he had launched a fund-raising effort in June and their goal was \$5 million to build the site; \$2 million has been raised so far. He noted that the Church of Jesus Christ of Latter-day Saints donated \$1 million. He commented that the state of Utah had budgeted \$1 million to donate for the interpretive center and that Congressman Bishop from Utah had provided the same commitment from the federal government. His objective is to introduce Idaho to the interpretive center project. He emphasized how important it is to have buy-in from the state of Idaho.

Mr. Parry invited the council to the commemoration at the Bear River Massacre site on January 29. He explained that it would be a one-hour program where they honor their people and those who perished the night of the massacre. He then proceeded to share some designs of what the site plan would look like.

Idaho State Museum Presentation - Janet Gallimore, Executive Director, Idaho State Historical Society (ISHS)

Director Gallimore provided some historical context for the collaborative work that the museum and the tribal representatives had done to cocreate the tribal content for the new state museum. She referenced a [handout](#) that provided some details regarding the opening impact for the museum. She informed the council that the museum is conducting a comprehensive visitor exit survey to better discern the impact on education. She noted that tribal representatives had emphasized the importance of educating the public about the importance of Idaho's land, water, and the relationship between people and the earth. She stated that the tribes had, through their support of the grant, relayed that one of the goals was not only to tell their tribal stories but also encourage the public build empathy and understanding for the tribes today and for the future. She referenced the [survey results](#) as of January 5, 2019, and clarified that, for the sake of time, the presentation included only the data that was relevant to the tribal history and tribal questions.

Director Gallimore referred to one of the questions posed to the public ([slide 3](#)) about what in the museum would persuade them to return for another visit. She noted that Native American history was highly regarded in the survey results. She directed the council to slide 4 and noted that a very high number of visitors agreed with the statement that, as a direct result of their visit, they feel a greater respect for Idaho's native peoples. She also noted that 92% of the visitors agreed with the statement that, as a direct result of their visit, they had a clearer understanding of the connections among Idaho's natural resources and economic development. Director Gallimore assured the council that the tribal goals are being met and asked for permission to continue to work with cultural resources teams to examine how the museum can create educational programs and opportunities for other ongoing partnerships.

Discussion

Mr. Wheeler voiced his gratitude for her dedication and collaborative work with their tribal representative. He felt that the opening of the new Idaho State Museum was a success and recognized Director Gallimore's efforts.

Mr. Edmo stated that additional programming with the tribal elders might be beneficial to the museum (e.g., live storytelling). He suggested that the Idaho State Museum's gift shop could benefit from the craftsmanship items made by tribal members.

Mr. Stensgar inquired whether tribal military service is referenced in the museum. Director Gallimore responded that while there isn't an area set aside in the museum for veteran affairs per se, this could be a great opportunity for additional programming. She noted that veterans can visit the museum without charge. She explained that military and veteran history is focused primarily in the Old Idaho Penitentiary, but some of the pictures in the native people's area include photos relevant to tribal military service.

Current Tribal Concerns and Other Pertinent Matters

Senator Buckner-Webb stated that, with respect to tribal flags, Mr. Katsilometes had provided her with the pertinent information and noted that new leadership is reviewing the matter. Chairman Guthrie stated that he had spoken with Ms. Meuleman and the matter is still at the forefront of developments.

The council adjourned at 11:03 a.m.