

Sonosky, Chambers, Sachse,
Miller & Munson, LLP

*A national law firm devoted to representing
Native American interests*

ISDEAA, IHCIA and ACA – How to Expand Services

**32nd Annual National Indian Health Board
Consumer Conference
September 23, 2015**

Myra M. Munson, J.D., M.S.W.



Washington, DC

Juneau, AK

Anchorage, AK

Albuquerque, NM

San Diego, CA

Who Delivers Health Services Is a TRIBAL Decision

Under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638 (ISDEAA), Tribes decide whether to:

- **Have Indian Health Service (IHS) continue to provide health care services to the tribal community;**
- **Assume responsibility for one or more IHS programs under:**
 - **Title I – Self-Determination**
 - **Title V – Self-Governance**



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

What Is Provided? How Is that Decided?

- **How much money was appropriated for health services?**
- **Is there any other money (or other resources) available?**
- **How much flexibility is there in how money may be expended?**
- **Who gets to decide how to spend the money?**
- **Is an Indian health program allowed to do services other than those for which money was appropriated?**

Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

Does YOUR TRIBE . . .

- **Receive all the health services community members need?**
- **Have all the facilities it needs to meet the needs of its community members?**
- **Have the stability and flexibility to actually improve health status?**
- **Have enough health care providers – and the right kind -- to meet the needs of your community?**



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

Do your community members have access to?

- Hospital services
- Specialty care
- Dental health aide therapists (and other community health aides) 25 U.S.C. § 1616f
- Health promotion and disease prevention services 25 U.S.C. § 1621b
- Diabetes prevention and treatment services 25 U.S.C. § 1621c
- Assisted living, home- and community-based services, hospice, long-term care services 25 U.S.C. § 1621d

Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

How about . . .

- Comprehensive behavioral health (mental health, substance abuse, inpatient psychiatric care, suicide prevention, domestic violence)** IHCIA Titles VII and VIIB
- Screening mammograms** 25 U.S.C. § 1621k
- Patient travel** 25 U.S.C. § 1621l
- Comprehensive school education programs** 25 U.S.C. § 1621n
- Prevention, control & elimination of communicable diseases** 25 U.S.C. § 1621q

Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

and, what about

- ❑ **Other authority under the Indian Health Care Improvement Act, Pub. L. 94-437, as amended (IHCIA).**

I RAN OUT OF TIME TO LIST EVERYTHING, BUT YOU CAN LOOK THROUGH IT FOR YOURSELF



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

Are You Using . . .

- Authority to recover from third-parties 25 U.S.C. § 1621e, 1641, 1645
- Prompt payment on contract health service (now purchased/referred care) claims 25 U.S.C. § 1621s
- Cost sharing protections and payor of last resort 25 U.S.C. § 1623

AND, SO ON . . . MORE READING, MORE OPPORTUNITY, TO



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

IHCIA – Design the Program the Tribe Needs

Sec. 3(2) Objectives – For the first time they are the same as for the rest of the Nation. *Healthy People 2010* (or successor standards). See, www.healthypeople.gov.

2020 Objectives Address: access; adolescent health; arthritis, osteoporosis & chronic back conditions; blood disorders & blood safety; cancer; chronic kidney diseases; diabetes; disability & secondary conditions; early/middle childhood; education & community-based programs; environmental health; family planning; food safety; genomics; global health; health communication and IT; health care associated infections; hearing & other sensory communication disorders; heart disease & stroke; HIV; immunizations & infectious diseases; injury & violence prevention; maternal, infant & child health; medical product safety; mental health; nutrition & weight status; occupational safety & health; older adults; oral health; physical health & fitness; public health infrastructure; quality of life & well-being; respiratory diseases; sexually transmitted diseases; social determinants of health; substance abuse; tobacco; vision



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

NOTES



Sonosky, Chambers Law Firm LLP

Washington DC – Anchorage AK – Juneau AK – San Diego CA – Albuquerque NM

Presenter

Myra M. Munson is a partner in the Juneau office of Sonosky, Chambers, Sachse, Miller & Munson LLP, which specializes in representing tribal interests in Alaska and throughout the United States. She earned her bachelor's degree from the University of Alaska Fairbanks in 1972 and her law degree and master's degree in social work with honors from the University of Denver in 1980. After serving as Alaska Commissioner of Health and Social Services from 1986 to 1990, Ms. Munson joined the Sonosky Law Firm LLP where her practice has emphasized self-determination and self-governance under the Indian Self-Determination and Education Assistance Act (ISDEAA), the Indian Health Care Improvement Act (IHCA), Medicaid and other third-party reimbursement issues, and other health program operations issues. She was a technical advisor to the IHCA National Steering Committee for over 10 years; assisted in drafting and editing substantial sections of the reauthorization; and testified before the Senate Committee on Indian Affairs. Ms. Munson was a member of the negotiated rulemaking committees implementing both Title IV and V of the ISDEAA and has conducted negotiations with the IHS on behalf of Tribes throughout the United States. She is also a member of the National Indian Health Board Medicare & Medicaid Policy Committee, and a technical advisor to the Centers for Medicare and Medicaid Services Tribal Technical Advisory Group. She has conducted extensive training on the ISDEAA, IHCA, and the Affordable Care Act. In 2003, Ms. Munson was given the Denali Award by the Alaska Federation of Natives and in 2009 the Healthy Alaska Native Foundation awarded her with its President's Award.



Sonosky, Chambers, Sachse, Miller & Munson, LLP
302 Gold Street, Suite 201, Juneau, AK 99801, 907-586-5880