Compliance Challenges and Tips for American Indians and Alaskan Natives (AI/AN)

Question One:

Breadth of Knowledge
Confederated Tribes of the Colville Reservation

The present day members of the Colville Tribe are actually descendants of 12 smaller bands of distinct tribes forced to reside together on one reservation. The original bands all roamed the water ways of the Pacific Northwest hunting, fishing, and gathering as far north as British Columbia and as far south as present day California.

- **Population**: The eighteenth-century Colville Indian population stood at roughly 2,000. Today there are nearly 10,000 tribal members.

- **Location**: In the eighteenth century, the Colville Indians lived in northeastern Washington, around the Kettle and Columbia Rivers. Today, most live in Ferry and Okanogan Counties, and in nearby cities and towns.

- **Language**: Colville Indians spoke a language from the Okanogan group of the Interior division of the Salish language family.

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History & Background of the Indian Health Services (IHS)

The IHS is the principal federal health care provider and health advocate for Indian people, and its goal is to raise their health status to the highest possible level. ... IHS Mission Statement is: To raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level. Indian Health Care services are offered to both reservation communities as well as Urban Indian populations. Funding from the Health and Human Services (HHS) is provided either through the agency itself or to the tribe to administer themselves under a 638 self governing structure.
Program Overview

Overseeing Diverse Programs

Many HHS programs receive federal funding, these clinics often do not directly bill for services. In order to distinguish programs from those that direct bill and those that do not, our Compliance Committee designated all programs actively billing for services to either Medicaid or Medicare as Health Services Programs or HSPs.

The Healthcare Compliance program oversight focuses primarily on HSPs, however offers support to non-HSP programs as well.

All HSPs are required to adhere to the Healthcare Compliance Policies and procedures, the Healthcare Compliance Manual, and to attend training. The Tribe engaged a compliance software system to consolidate all compliance policies, procedures, and training.
**EBCI Program Overview**

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Multi-Program Compliance?
Just a few of the granting, regulatory, and accrediting agencies we strive to comply with.

So How Do We Achieve Compliance

- **By keeping compliance at the forefront of the mission:**
  To ensure the EBCI Public Health and Human Services Division continues to provide excellent care through strategies and processes that promote employee safety, ethical behavior, high quality care, and compliance with applicable regulations.

- **By stressing that all employees have some responsibility for compliance:**
  Onboarding and compliance plan trainings clearly illustrate to each employee that they have their own specific responsibility for compliance.

- **By utilizing Compliance Ambassadors:**
  Ambassadors are front line employees who seek to advance their compliance knowledge and assist the Compliance Department with communication, supporting initiatives, and serving as a good role model for the organization.

- **By continuous education, agency list serves, and constant monitoring for regulatory updates:**

- **By building the work plan on a well-developed compliance risk assessment**

- **By building a solid compliance program based on the 7 elements and program accountability.**
Operating an Effective Compliance Program

- Policies and Procedures
  - Regularly review and update with department managers and Compliance Committee.
  - Assess whether they are tailored to the intended audience and their job functions.
  - Ensure they are written clearly.
  - Include “real-life” examples.

Seven Fundamental Elements of a Compliance Program

1. Written policies and procedures
2. Compliance professionals
3. Effective training
4. Effective communication
5. Enforcement of standards
6. Internal monitoring
7. Prompt response
Voluntary Tribal Compliance Agreement:

oig.hhs.gov/fraud/cia/agreements/The_Confederated_Tribes_of_the_Colville_Reservation.pdf

Voluntary Tribal Compliance Agreement

February 6, 2017
Andrea Trease Berlin, OIG senior counsel, is interviewed by Sheila Davis, a public affairs specialist in Washington DC.

• Download the Podcast
• Read the Transcript
• Voluntary Tribal Compliance Agreement
• Tribal Alert (Issued November 2014)

Question Two:

Tribal Counsel
Keeping Executives and Tribal Leaders in the Know

- Health Board | Sub-committee of Tribal Council members and subject matter experts
- Community outreach
- One-on-one communication regarding programs services, rules, and eligibility.

TRIBAL COUNCIL

There are four distinct districts on the CCT reservation. Each district elects officials who serve two year terms, conversely elections take place every year. The Colville Business Council has 14 members who oversee 12 separate committees.

The Council is the highest authority in the Tribe and approve tribal law and codes, however they regularly seek advice from attorneys and program administrators.

See right: HHS & ORA Org Chart Ex.
Look to Health Care Board Resources:
oig.hhs.gov/compliance/compliance-resource-portal/index.asp

Compliance Resource Portal

- Toolkits
  - Provider Compliance Resources and Training
  - Advisory Opinions
  - Voluntary Compliance and Exclusions Resources
  - Special Fraud Alerts, Other Guidance, and Safe Harbor Regulations
    - Resources for Health Care Boards
    - Video: Compliance Oversight for Health Care Entities
    - Toolkit for Health Care Boards
    - OIG Toolkit to Identify Patients at Risk of Opioid Misuse

Question Three:

Tribal Law
Tribal Council : Legislative Body : Sovereignty

- While it is possible for the council to make a law that contradicts the trends of federal, local, and state partners, it is very seldom they do so.
- With good communication, they understand the benefits of being able to leverage federal funding and the positive aspects of having good regulatory checks and balances.

COMMON COMPLIANCE ISSUES WITH COUNCIL

- Confidentiality
- Lack of understanding or comprehension for program requirements
- Council adds an additional line for administrative approval
- Accepting the role of compliance & operations. The importance for compliance to maintain a certain level of authority
In January of 2017 the Colville Confederated Tribes of the Colville Reservation entered into a Title 1 Contract and Annual Funding Agreement, on a government-to-government basis to provide health and social services to tribal members and other eligible individuals. The agreement is called a Voluntary Tribal Compliance Agreement (VTCA), and is the principal reason the Tribe implemented a formal healthcare compliance program.

The tribes Healthcare Compliance Program consists of both a Compliance Manager as well as a Compliance Committee.

- The Compliance Manager reports to the Executive Director as well as the Colville Tribal Business Council.
- The Compliance Manager collaborates as a partner with any designated Health Service Program (HSP), to develop, implement and manage compliance within those programs. Together they ensure coordination with regulations, manage risks, ensure reporting channels, and approve compliance training.
- The compliance program also works to maintain conformity with the VTCA.
Question Four:

Limited Resources

HOW COMPLIANCE IMPACTS TRIBAL PROGRAMS

• On a very basic level compliance is about prevention, detection, collaboration and enforcement. It is a system of policies, procedures and processes developed to assure compliance with all applicable federal, state, and in our case, tribal laws governing the organization.
• Consequently the primary purpose most healthcare entities have adopted formal compliance programs is based on fear of financial, criminal or civil penalties.
• The Compliance Program works to ensure adherence to regulations in order to safeguard programs and to help sustain services.
Compliance on a budget

- Understand the Core Compliance Elements
  - They are scalable to any organization.
- Utilize free resources: e.g., OIG website
- Utilize HCCA when possible
- Network with other compliance professionals

OIG Free Resources:

- General
  - OIG.HHS.GOV
- Indian Health Services
  - oig.hhs.gov/reports-and-publications/featured-topics/ihs/
- Opioid Issues
  - oig.hhs.gov/reports-and-publications/featured-topics/opioids/
- Compliance, Generally
  - oig.hhs.gov/compliance/compliance-resource-portal/index.asp
- Enforcement Issues
  - oig.hhs.gov/fraud/enforcement/
- Self Disclosures
  - oig.hhs.gov/compliance/self-disclosure-info/index.asp
- Grants Information
  - oig.hhs.gov/fraud/grant/index.asp
- OIG Alert
  - oig.hhs.gov/compliance/alerts/guidance/20141124.pdf
Opioid Issues:
oig.hhs.gov/reports-and-publications/featured-topics/opioids/

Compliance, Generally:
oig.hhs.gov/compliance/compliance-resource-portal/index.asp
Enforcement Issues:  
oig.hhs.gov/fraud/enforcement/

Self-Disclosure:  
oig.hhs.gov/compliance/self-disclosure-info/index.asp
Grants:
oig.hhs.gov/fraud/grant/index.asp

OIG Alert:
oig.hhs.gov/compliance/alerts/guidance/20141124.pdf

OIG ALERT
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For Immediate Release
November 24, 2014

OIG Alerts Tribes and Tribal Organizations To Exercise Caution in Using Indian Self-Determination and Education Assistance Act Funds

Tribes\(^1\) that enter into ISDEAA contracts and Title V Self-Governance compacts with IHS must protect IHS funds from misuse. Further, all tribes that receive Medicare, Medicaid, and Children’s Health Insurance Program (CHIP) reimbursements must ensure that those funds are used in accordance with applicable Federal Standards in the ISDEAA and the Indian Health
Question Five:

Tribal Culture and History

Cultural Impacts on Healthcare Services

- Cultural values of our patients shape the way we provide services.
  - Kinship
  - Sense of dignity

- Cultural traditions of the community require our healthcare systems to provide, and account for ancillary services.
  - Traditional medicines and therapies
  - Eligibility issues with who is provided for
INCORPORATING CULTURALLY CONGRUENT PRACTICES

Ensure practices are identified in the Medicaid State Plan as a service that is both of the following:

1. Covered by the agency
2. Performed by a health care professional within their scope of practice and the services must be included in the Core Provider Agreement

Question Six:

Transportation/Rural Setting
Overcoming AI-AN Public Health Needs in Rural Settings

• Find a voice and inform leaders who will advocate for tribal needs at all levels of government.
• Compliance role?
• Examples
  • Patient Transportation
  • Home Heating

ADDRESSING COMMON BARRIERS

Transportation: reservation wide transit system. Offering specific transport for various programs
Education: Coordination with Tribal Health Educators health promotion through things like health fairs and offering diseases specific resources
Insurance: Helping tribal members to sign up for Medicaid and Medicare
Audience Questions?

Thank you for attending!