

Arizona Department of Health Services Tribal Consultation Policy

PURPOSE

To specify procedures for tribal consultation.

POLICY

It is the policy of the Arizona Department of Health Services (ADHS) to give reasonably timed notices on consultation with Indian tribes before implementing any new or revised policy changes that have the potential to affect tribal communities or tribal members in the State of Arizona.

ADHS policy changes that potentially impact Indian tribes include but are not limited to:

- changes with direct effects on one or more Indian tribes,
- an affect on the relationship between the State of Arizona and Indian tribes,
- an affect on the distribution of power and responsibilities between the State of Arizona and Indian tribes, or
- funding for all grants, contracts, IGAs, and other policies.

ADHS will designate a workforce member to assume responsibility for the implementation of the tribal consultation policy and will serve as the ADHS Native American Liaison.

APPLICABILITY

All department workforce members.

GUIDELINES

ADHS recognizes the sovereignty of tribal governments and their jurisdiction over lands within reservation boundaries as defined by federal law.

ADHS recognizes tribal and federal governments have the primary responsibility to promote, protect, and improve the health and wellness of individuals and communities within tribal lands.

ADHS is committed to ensuring state services and resources are available to all eligible state citizens residing in Arizona tribal communities to the same extent that such services are available to all other eligible state citizens.

ADHS is committed to developing cooperative relationships with tribes and stakeholders, and will respect the public health concerns of the tribes.

ADHS will seek to establish regular and ongoing communications with the elected leaders of each tribe and the tribal health departments in Arizona.

ADHS will seek, when appropriate, to enter into Memorandums of Understandings, IGAs, or other appropriate agreements with tribes.

ADHS will conduct tribal consultation meetings with Arizona tribal authorities on a semi-annual basis, or more frequently, as needed.

ADHS will conduct orientation sessions for newly elected tribal leaders as requested by tribes.

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ADHS will seek input from tribes in order to identify public health issues for inclusion in the agenda for the Governor's Annual State Tribal Summit.

ADHS recognizes that state laws and regulations will be implemented as they apply to Indian tribes that receive payment for services provided under an ADHS program.

PROCEDURE

ADHS, through the Native American Liaison, will consult with Indian tribes in Arizona about policy issues that have the potential to affect tribal communities or tribal members. Consultation occurs whenever the ADHS Director and Tribal Officials, and/or their designees, engage in oral or written correspondence to discuss an issue. Consultation with a single Indian tribe does not substitute for consultation with other Indian tribes on issues that may affect more than one tribe.

A. Initiating a Concern

ADHS or an Indian tribe may identify an issue that may affect tribal communities or members.

1. Tribe Initiated Issues

When an Indian tribe identifies an issue, the tribe shall bring that issue to the attention of ADHS, through the Native American Liaison. The tribes may request formal tribal consultation in written correspondence to the ADHS Director or the Native American Liaison.

a. ADHS Response

ADHS shall:

- i. send written notice to the Tribe(s) within five (5) working days indicating that the request has been received.
- ii. require its Native American Liaison to review the request and conduct fact-finding to determine if the request warrants consultation.
 1. when the Native American Liaison determines the issue may be significant and consultation may be warranted, the Native American Liaison will place the request on the next Tribal Consultation meeting agenda for discussion. When urgent issues do not permit waiting for the next Tribal Consultation meeting, a meeting shall be scheduled as soon as practicable.
 2. when the Native American Liaison determines the issue is not significant enough to warrant consultation, the Native American Liaison will coordinate resolution with ADHS and the tribe(s) within five (5) working days.
- iii. acknowledge receipt of tribal input, responses, and recommendations to issues within 14 working days.

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2. Soliciting Feedback on Significant Issues

ADHS may also provide written notice and a solicitation for feedback to non-tribal or other American Indian organizations such as the Arizona Advisory Council on Indian Health Care, the Inter Tribal Council of Arizona, Inc., the Indian Health Service Area Offices in Arizona and Urban Indian Health programs, and other state agencies. Such communications do not substitute for the direct consultation with the tribes in Arizona.

B. Reports

1. The ADHS Native American Liaison will prepare a written summary report after each official Tribal Consultation meeting. The Native American Liaison shall also prepare an annual report at the end of the state fiscal year summarizing the actions undertaken as a result of the Tribal Consultation policy and shall submit it to the ADHS Director's Office for review and approval for submittal to the Arizona Governor's Office for distribution to Arizona tribal leaders.
2. The reports shall be posted to the ADHS Native American website.

DEFINITIONS

Significant Issue means an issue that impacts financial budgets, service delivery, and eligibility for services to the tribes; and/or action or inaction that will negatively impact ADHS or the tribes in Arizona.

AUTHORITY

A.R.S. 41-2051, Governor's office on tribal relations; director; responsibilities of state agencies; report.