



**Investigations Division**  
**Arizona Department of Insurance and Financial Institutions**  
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**Douglas A. Ducey, Governor**  
**Evan G. Daniels, Director**

## **TRIBAL CONSULTATION POLICY ANNUAL REPORT for July 1, 2019 to June 30, 2020**

Arizona Department of Insurance and Financial Institutions Mission Statement:  
“Committed to helping Arizonans receive the benefits and protections to which they are legally entitled by enforcing insurance and financial institution laws, supporting public agencies that combat automobile theft, and providing information and assistance.”

### **AGENCY OVERVIEW**

The Arizona Department of Insurance and Financial Institutions (DIFI) licenses, supervises, and regulates the insurance industry, state-chartered financial institutions and enterprises and persons engaged in the transaction of insurance in Arizona. The agency's primary responsibilities include licensing individuals and entities transacting business in Arizona, monitoring and promoting the financial safety and soundness of these financial entities and insurance companies and assisting consumers with insurance-related questions and problems.

### **TRIBAL GOVERNMENT CONSULTATION POLICY**

Arizona-licensed insurers and insurance producers may transact business on tribal lands, and members of Arizona tribal communities may purchase and subscribe to insurance products and services, both on and off tribal lands. Consequently, the Division of Insurance (DOI) occasionally receives questions concerning the sale of insurance in tribal communities or involving claims arising out of incidents on tribal lands. When investigation cases involve evidence on tribal lands, the DOI's Fraud Unit and Administrative Enforcement Section seek assistance from tribal authorities to conduct investigation activities and obtain evidence on tribal lands.

DIFI recognizes the sovereignty of tribal governments and their jurisdiction over lands within "Indian Country" as defined by federal law. See 18 U.S.C. § 1151 (federal law definition, which includes all lands within reservation boundaries). Further, DIFI recognizes that the federal government has the primary responsibility for assisting tribes on issues within Indian Country. DIFI is committed to developing cooperative relationships with the Tribal Nations of Arizona ("Tribes").

### **TRIBAL LAISON**

A tribal liaison was created within the Department in accordance with A.R.S. § 41-2051(C) to communicate with the 22 Tribal Nations on issues of mutual concern.

## TRIAL CONSULTATION ACTIVITIES

GOAL	OBJECTIVE	ACTIVITY AND PERFORMANCE MEASURES
Ensure that matters that are appropriately within a tribe's jurisdiction are promptly referred to the tribe.	Conduct communications within the Department to ensure consistent application with the Department's Tribal Consultation Policy.	As new issues arise, employees within the impacted divisions are trained to ensure that they are providing consistent responses and that each issue is dealt with in a consistent manner.
Enforce insurance provisions requiring health insurance plans offered through the federal Health Insurance Exchange to include additional enrollment opportunities for Native Americans.	Review policy forms to ensure that the policy eliminates any cost share for co-payments, co-insurance and deductibles for eligible Native Americans and that the forms do not prohibit Native Americans from changing plans on a monthly basis.	The Product Filing and Compliance Division reviews all policy forms marketed through the Exchange. Any identified non-compliance is corrected before form approval.  Compliance criteria on the DIFI's filing checklist requires insurers submitting new form filings to attest that its forms are in compliance with these requirements.
Seek assistance of tribal police in order to conduct fraud and administrative enforcement investigation activities and obtain evidence on tribal lands.	Work with tribal authorities in areas of mutual concern.	There were no fraud or administrative investigative cases during this fiscal year that required assistance from a tribal police agency.
The agency will only conduct activities within Indian Country when invited by the appropriate Tribal official.	The agency recognizes the sovereignty of the Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law.	The agency did not conduct any activities within Indian Country.
Provide early notification to Tribes about decisions that may affect them.	The agency monitors changes in laws and regulations that may have an effect on a Tribe and would work to communicate any such changes to the appropriate Tribal official.	There were no decisions affecting a Tribe that required notification by the agency.
Enter into Intergovernmental Agreements ("IGA") or Memoranda of Understanding ("MOU") when mutually beneficial to the agency and an interested Tribal government.	The agency is available to meet and discuss areas of potential benefit for an IGA or MOU.	There were no mutually beneficial opportunities to enter into an IGA or MOU during this fiscal year.

## CHALLENGES IN PROVIDING SERVICES TO TRIBES

Staff encountered no challenge in providing services to tribes and/or tribal community members:

## **LEGISLATION IMPACTING TRIBES OR TRIBAL COMMUNITY MEMBERS**

DIFI did not identify any laws during the 2020, 54<sup>th</sup> Legislature – 2<sup>nd</sup> Regular Session, that impacted tribes or tribal community members under A.R.S. Titles 6, 20, or any other relevant titles.

For questions or more information, please contact the DIFI Tribal Liaison:

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