

Tribal Consultation Process Overview

Through Tribal consultation the State of Oregon and the Oregon Department of Human Services (ODHS) share the goal of upholding and honoring Tribal sovereignty, strengthening government-to-government relationships, and promoting effective communication with the Nine Federally Recognized Tribes of Oregon.

Below is a high-level overview of the ODHS Tribal consultation process:

Potential Critical Event is identified by the Nine Federally Recognized Tribes of Oregon* or by ODHS Leaders and managers using their respective program process and in coordination with designated Tribal consultation program contacts.

Examples of Critical Events:

- a. State Plan Amendments,
- b. Waiver requests or renewals,
- c. Program activities impacting Tribal members,
- d. Policy development impacting Tribal members,
- e. Data collection and reporting activities impacting Tribes,
- f. Funding or budget development impacting Tribes,
- g. Rulemaking or any other event with significant, specific, and/or disproportionate impact to Tribes.

To conduct and initiate consultation, ODHS programs are guided to:

- a. Identify the Critical Event: complexity, implications, time constraints, deadlines, and issue(s).
- b. Identify how the Critical Event impacts Tribes.
- c. Identify affected/potentially affected Tribes.
- d. Begin drafting a Dear Tribal Leader Letter (DTLL) using template.

Day
1

Designated Tribal consultation program contacts in coordination with ODHS Tribal Affairs will confirm Critical Event, identify engagement methods to notify Tribes and review **draft DTLL**.

ODHS Tribal Affairs will provide feedback on draft DTLL. Tribal consultation program contacts will coordinate edits with subject matter experts, get final approval from ODHS Leaders and managers and send to ODHS Tribal Affairs.

Day
14

ODHS Tribal Affairs will review and send DTLL and supporting information **for waivers needing Centers for Medicare & Medicaid Services approval to the Oregon Health Authority Tribal Affairs Office** within 14 days.

ODHS Tribal Affairs will send final DTLL to Tribal governmental officials within 14 days of the Critical Event being identified.

Day
30

If a consultation meeting is requested, ODHS Tribal Affairs will convene the meeting within **30 days of the request**.

ODHS will report on the outcomes of the consultation within **30 days of final consultation via letter or email**.

For permanent rulemaking ODHS Tribal Affairs will send the DTLL, including an invite to attend Rule Advisory Committee (RAC) meetings, and the rules text with proposed changes tracked, no less than 30 days before the RAC.