

MINUTES
Approved by Council
Idaho Council on Indian Affairs
Thursday, October 11, 2018
9:30 A.M.
Room EW40
Boise, Idaho

Chairman Senator Jim Guthrie called the meeting to order at 9:36 a.m.; a silent roll call was taken. Council members in attendance: Chairman Senator Jim Guthrie; Vice-chair Gary Aitken, Jr., Kootenai Tribe; Senator Cherie Buckner-Webb; Representative Neil Anderson; Pete Katsilometes, Office of the Governor; Christopher Luke, Coeur d'Alene Tribe; Shannon Wheeler, Nez Perce Tribe; Ted Howard, Shoshone-Paiute Tribes; and Nathan Small, Shoshone-Bannock Tribes. Absent and excused: Representative Margaret Gannon. Legislative Services Office staff present were: Matt Drake and Ana Lara.

Other attendees: Yvette Tuell, Ladd Edmo, Krissy Broncho, Blake Youde, and Randy'L Teton - Shoshone-Bannock Tribes; Miren Unsworth, George Gutierrez, and Roxanne Printz - Dept. of Health and Welfare; Tim Olson, Kayeloni Scott, Darren Williams, Casey Mitchell, Rebecca Lehman, and Chantel Eastman - Nez Perce Tribe; Michael Garshak and Jake Fruhman - Idaho National Guard; Janet Gallimore - Idaho State Historical Society; Corinne Prindle - Risch Pisca; Jennifer Fletcher, Tyrel Stevenson, Chris Luke, and Charlotte Nilson - Coeur d'Alene Tribe; Kiri Brown - Lapwai Community Coalition; and Nicole Fitzgerald - Office of Drug Policy.

Chairman Guthrie provided some opening remarks and invited Chairman Small to offer the opening prayer. The council members introduced staff members in attendance. The tribal council members provided some brief commentary regarding tribal elections and other pertinent news.

Chairman Guthrie called for the approval of the March 16, 2018 minutes. **Senator Buckner-Webb made a motion to approve the March 18, 2018 minutes. Vice-Chair Aitken, Jr. seconded the motion. The motion passed by voice vote.**

Report from a visit to the Alaska dental health aide therapy (DHAT) program - Tyrel Stevenson, Coeur d'Alene Tribe and Chantel Eastman, Nez Perce Tribe

Mr. Stevenson informed the council that staff had taken a trip to Alaska, where the DHAT program originated, to visit the training center and learn more about the dental health aide therapy (DHAT) program. Ms. Eastman explained that the DHAT program is needed in their communities and would help address the continuity of care in their tribal clinics. She stated that the program provides detailed training for students in the DHAT program.

Ms. Eastman began the [presentation](#) by listing some of the barriers in Indian Country:

- Shortage of dentists in tribal communities;
- Cost of care;
- Coverage and Medicaid acceptance; and
- Lack of resources.

She stated that the ADTEP/Illisagvik Education program is the gold standard for dental therapy training. She was impressed with the students' level of knowledge and the training provided by the program.

Ms. Eastman explained that, during the first year of the program, students learn basic health sciences, dental concepts, patient and facilities management, etc. During the second year of the program, students begin expanding the concepts learned in their first year and practicing extractions, and participate in a community project and village dental rotations.

Mr. Stevenson commented that both Senator Heider, Chairman of the Senate Health and Welfare Germane Committee, and a member of the Idaho Board of Dentistry were able to participate in the trip and see the training provided by the program first hand. Mr. Stevenson noted that the DHAT program offers more training on extractions and teeth fillings than traditional dental schools.

Arizona DHAT program and proposed legislation - Tyrel Stevenson, Coeur d'Alene Tribe

Mr. Stevenson reminded the council that DHAT is authorized in the Indian Health Reauthorization Act, but a provision in the ACA only allows tribes to participate in the program if it is authorized in the state. He explained that the Idaho State Legislature would need to authorize DHAT. He noted that a number of states have authorized DHAT, most recently in Arizona. He explained that the legislation in Arizona authorized dental therapy across the state in private practice, but it also provided a carve-out (section 2) for tribes so that those practicing DHAT, on behalf of the Indian Health Service, are exempt from licensure on reservations.

Discussion

Senator Buckner-Webb inquired about the prerequisites for the program. Mr. Stevenson responded that the Alaska DHAT program is highly selective, given that they only offer twelve openings each year. He clarified that while the program provides a three-year associate degree, it is a training program that focuses on a training students on a limited number of services.

Chairman Guthrie asked whether they had received feedback from dentists. Mr. Stevenson recognized that the Dental Association has concerns. He's had conversations with dentists to explain the high-quality of care and training provided by the DHAT program. He believed that they were closer to finding common ground. He noted that the Dental Association in Arizona agreed to the language provided in the Arizona legislation.

Chairman Wheeler asked if DHATs worked under the supervision of a licensed dentist. Mr. Stevenson responded in the affirmative and explained that DHATs are bound to practice only within their scope. Chairman Wheeler inquired about the need for DHAT in Idaho. Mr. Stevenson responded that there is a significant access to care problem across the state, but particularly on the reservations.

Mr. Katsilometes asked whether other states had experienced difficulty finding dentists who are willing to supervise DHATs. Mr. Stevenson responded no, and stated that there has been difficulty explaining to the dentist profession why the DHAT program is not a threat. Mr. Stevenson clarified that the Coeur d'Alene Tribe was not seeking a statewide authorization for DHAT, but authorization to practice DHAT in tribal clinics.

Implementation of Families First and the impact on federally recognized tribes - Miren Unsworth, Administrator, Dept. of Health and Welfare (DHW)

Ms. Unsworth stated that the Families First Prevention Services Act was signed into law as part of the bipartisan budget act on February 9, 2018. She explained that the legislation is focused on preventing children from entering foster care by allowing some federal reimbursement for mental health, substance use treatment, and in-home parenting skills training meeting specific requirements. The act also intends to improve the wellbeing of children in foster care by reducing the use of group home or residential care. She noted that there is some confusion among various stakeholders about the act, its requirements, and the funding tied to its provisions. She emphasized that there is still much to learn about the act because not all of the federal guidance has been issued yet.

Ms. Unsworth explained that when a referral of possible abuse, neglect, or abandonment involves a child who is known, or believed to be, an Indian child and living on a reservation within the boundaries of Idaho, the referral is reported to the tribe's law enforcement authorities. Additionally, the allegations must be reported to the tribal social service director and the Indian-Child Welfare designated agent; a state social worker will assist the tribe in conducting the assessment if requested by the tribe. She stated that if the alleged abuse or neglect occurs to a child who is known to

be, or believed to be, an Indian child living off the reservation, then the DHW performs a safety assessment. She added that part of the assessment involves contacting tribal social services to determine whether the child is known to the tribe, if the child's family is currently receiving services, or whether the child is a ward of tribal court.

Ms. Unsworth stated that the Families First Prevention Services Act is an important tool that, if utilized effectively, will help move child welfare in the United States to a more preventative system that works to strengthen families and reduce unnecessary foster care placements. Ms. Unsworth noted that the act provides two new substantial requirements that require thoughtful planning and preparation in order to successfully implement. The act allows states and tribes, for those tribes who operate Title 4th programs, the option to use new, open-ended Title 4th funds to provide specific prevention services for up to twelve months for children at imminent risk of entering foster care, any parenting or pregnant teen in foster care, and the parents or kin caregivers of these children. She noted that, currently, there are no tribes within Idaho who operate a Title 4th program. She explained that if a tribe becomes eligible to access Title 4th dollars, then the Families First services would be accessible to the tribe, and the requirements would also need to be met by the tribe. Those tribes who have direct Title 4th programs or who access Title 4th through state-tribal agreements may have some of the requirements and timeframes tied to the act adapted at the discretion of the Health and Human Services Secretary.

Ms. Unsworth said that once the act is implemented by the state, these services will be offered to any tribal families served by the state's child welfare system. She stated that eligible in-home services under Families First must be evidence-based, including mental health, substance use treatment and in-home parenting skills based services. She noted that the new option for claiming for these services would take effect as early as October 2019 and no later than September 2021 with a federal level of support of 50%. She added that beginning October 2026, the federal level of support would increase to the state's federal medical assistance percentage (FMAP) rate. She stated that implementation of these new services would require additional general funds or tribal dollars for those tribes operating Title 4th programs to meet the needed dollar match requirement.

Ms. Unsworth stated that another key provision of the act taking into effect as early as October 2019, and no later than September 2021, includes a requirement that Title 4th federal support will only be available for foster youth placed in qualified residential treatment programs that meet very specific accreditation and care requirements. She explained that if states and tribes, for those with Title 4th programs, do not have facilities to meet these requirements, then the cost associated with care of those children placed in those high-level placements would shift to either general fund or tribal dollars. She clarified that children should only be placed in residential treatment facilities when absolutely necessary, and they should only receive the highest quality of care in these facilities.

Ms. Unsworth said that, recognizing that many states and tribes would need time to plan and implement these requirements, built into the act is an option to delay until September 2021. She stated that Idaho has submitted a request to delay the implementation of these requirements. She explained that the DHW must work with stakeholders, including tribes, to ensure successful implementation of both the prevention provisions and the residential treatment care provisions. She stated that by October 30, 2018, the DHW will form a visioning council to develop an implementation plan focused on successful implementation and mitigation of the existing challenges tied to this act. She said that the DHW has contracts with the Shoshone-Bannock Tribes, Nez Perce Tribe, Coeur d'Alene Tribe, and the Northwest Band of the Shoshone Nation for use of federal Title 4th funds to support family preservation services. She stated that the DHW is committed to continuing to support the tribes through use of existing federal dollars, as well as by developing a Families First implementation plan that meets the needs of tribal services, whether through services implemented by the tribe for those who choose to develop a Title 4th program or through services offered by the state to tribal families involved with the state's child welfare system.

Identifying mental health program needs among Idaho's federally recognized tribes - Krissy Broncho, Counseling and Family Services Manager/Clinical Coordinator, Shoshone-Bannock Tribes

Ms. Broncho began her [presentation](#) by identifying some of the issues that tribes face when treating mental health:

- Difficult time accessing inpatient psychiatric hospitalizations;
- OPTUM (medicaid billing) is requiring that all mental health program use the CANS (child and adolescent needs and strengths) assessment tool for youth. The Shoshone-Bannock Tribes do believe it to be culturally appropriate;
- Those providing community based rehabilitation services are located off the reservations and patients find it difficult to access or obtain qualification to participate in the programs; and
- The state is not providing training to tribal members for family support specialists and peer support specialists, even though requests have been made in the past.

She stated that tribes have a toxic collection of pathologies including poverty, unemployment, domestic violence, sexual assault, alcoholism, and drug addiction. She explained that one-quarter of Indian children live in poverty compared to 13% in the United States. They also graduate high school at a rate of 17% lower than the national average. Their substance abuse rates are higher, and they are twice as likely to die before the age of 24. Their experience with post-traumatic stress disorder rivals the rates of returning veterans from Afghanistan. She emphasized that Idaho is consistently among the states with the highest suicide rates, and noted that suicide is the second leading cause of death for Idahoans ages 15-34 and for males up to the age of 44.

Ms. Broncho stated that the Shoshone-Bannock Tribes are taking a zero suicide approach. She informed the council that people who die by suicide are interacting with the health care system. She noted that 83% of those who die by suicide saw a health care provider in the year before their death; only 29% of those who died in the past year were seen in outpatient behavioral health. She directed the council to [slide 9](#) and emphasized the significant discrepancy between suicide rates for young American Indian/Alaska Natives compared to the rest of United States.

Ms. Broncho described some of the most significant contributing factors for suicide among the Shoshone-Bannock Tribes. The highest contributing factor is the death of a family member or friend and emphasized that grief and not managing loss of a loved one well affects people deeply. The second highest contributing factor is a history of substance abuse, and the third highest contributing factor is a history of mental health. She explained that the disposition for patients who are suicidal include:

- Inpatient hospitalization;
- Mental health follow-up;
- Medical treatment;
- Outreach (safety planning); and
- Other options (e.g., substance abuse treatment).

She noted that in 2013, there were almost 5,000 psychiatric hospitalizations statewide. She stated that in Fort Hall, the tribes are limited because most often the beds in Pocatello or Idaho Falls are full. She added that, in some instances, the tribes have had to transport their youth into Boise or across states lines into Utah. She emphasized the need for more psychiatric beds in Idaho.

Discussion

Representative Anderson inquired about the long term trend of suicide. Ms. Broncho responded that the trend has been consistent over the last twenty years. Representative Anderson asked whether she had data regarding the rates of suicide for the tribes in Idaho compared to other tribes in other states. Ms. Broncho stated that, while she did not have that data, there are more suicides in the western region of the United States compared to other parts of the country.

Representative Anderson asked why the CANS assessment tool is not culturally appropriate for the tribes. Ms. Broncho explained that the CANS evaluation's questions do not take into consideration how Native Americans live on reservations. She noted that there is lack of housing and resources and higher unemployment on reservations, thus, the answers provided by Native Americans count against them in the evaluation.

Representative Anderson inquired about the rationale behind the state not providing the training to tribal members. Ms. Broncho explained that the tribes have requested the training from the DHW, but have yet to have someone come to the reservations to perform the training. Mr. Ross Edmunds, administrator for the Division of Behavioral Health, explained that the DHW has a contract with a local organization that organizes and delivers two trainings a year for peer support specialists, and people from across the state attend the trainings. He stated that while the trainings are available to the tribes, he would speak with Ms. Broncho to see if the training could be offered on the reservation.

The council recessed for a break at 11:17 a.m.

The council reconvened at 11:28 a.m.

Grant application process presentation - Kiri Brown, Rebecca Lehman, and Debbie Evans, Lapwai Community Coalition

Ms. Brown and Ms. Evans presented information regarding a substance abuse block grant previously awarded to the Lapwai Community Coalition. The Coalition expressed concern that, although the grant had been awarded, the Idaho Office of Drug Policy (ODP) had not found the White Bison Wellbriety Program to be evidence-based enough. They stated that a revised evidence-based practice application had been submitted to ODP and was denied a second time. They expressed concern that the evidence-based practice requested by ODP was not culturally competent for how the wellbriety program is implemented in Native communities. They are seeking specific information to include in their evidence-based practice application to secure the funding awarded in the grant and begin the critical work needed in the community.

Ms. Brown explained that the coalition had requested a meeting with the grant committee, which was denied. They instead had a phone-conference meeting with ODP. She said that they made their concern known at the time that the evidence-based practice requested by ODP was not culturally competent. She requested information regarding what specific information needed to be included in their grant application and had not yet received that information. Ms. Brown requested assistance from the Idaho Council on Indian Affairs in reaching out to ODP.

Discussion

Senator Buckner-Webb asked whether ODP had provided clarity to the coalition on how to reach the thresholds. Ms. Evans responded that they have had difficulty obtaining specific information from ODP.

Chairman Guthrie asked whether a letter from the council requesting a meeting with ODP and further clarity on how to reach the thresholds to obtain the grant funding would be helpful. Ms. Evans stated that a letter of support from the Idaho Council on Indian Affairs would be welcome. Chairman Guthrie asked the council for their thoughts on providing a letter requesting, at the very least, a meeting between ODP and the coalition so to discuss concerns and provide clarity.

Senator Buckner-Webb stated that it's been found that, in many different modalities, the research performed in mainstream dominant cultures is not always applicable to other cultures, and it has been adjusted, albeit slowly. **Senator Buckner-Webb made a motion that the Idaho Council on Indian Affairs write a letter on behalf of the Lapwai Community Coalition requesting clarification and direction regarding their grant application. Vice-chair Atiken, Jr. seconded the motion. The**

motion carried by voice vote. Chairman Guthrie requested that LSO staff work with the coalition to draft the letter and, once completed, submit it to the Chairman for his final approval and signature.

Public Law 280 update - Yvette Tuell, Shoshone-Bannock Tribes

Ms. Tuell began her [presentation](#) by providing a brief review of the history of Public Law 280 ([slide 2](#)). She listed the seven subject areas under Public Law 280 in Idaho (slide 3). She noted that several states had retroceded their jurisdiction back to the federal government at the request of the tribes (slide 4).

Ms. Tuell explained that a primary function of any government is to ensure the safety of their community and their citizens, maintain law and order, and to provide essential governmental services for their citizens. The government of the Shoshone-Bannock Tribes also seeks to maintain their self-government and to thrive as a viable sovereign government. She noted that retrocession would help reinforce federal trust responsibility and commented that the tribes are very comfortable working with federal agencies. She stated that retrocession provides some benefits to the states including: clarifying the state's jurisdiction on a reservation, funding issues, and helps promote the transparency and cooperation that should occur among tribal, state, and local governments.

Ms. Tuell stated that the Shoshone-Bannock Tribes based their proposed legislation on Washington's recently approved retrocession model. She explained that the process would include two phases:

- Phase 1: create process for the state and tribes to retrocede, or return, jurisdiction back to the federal government ([slide 9](#)); and
- Phase 2: each individual tribe follows process to retrocede specific subject areas ([slides 10-12](#)).

She commented that when the Shoshone-Bannock Tribes presented legislation on retrocession at the last legislative session, there were some misunderstandings. She clarified that the Shoshone-Bannock Tribes wanted to the state to retrocede on the following five areas:

1. Compulsory school attendance;
2. Juvenile delinquency and youth rehabilitation;
3. Dependent, neglected, and abused children;
4. Public assistance; and
5. Domestic relations.

The two subject areas that would remain as is are:

1. Insanities and mental illness; and
2. Operations and management of motor vehicles, highways, and roads maintained by the county or political subdivisions.

She explained that the legislation would set up a process for individual tribes to retrocede, if that is their wish, to develop a plan for specific subject areas, and to work together with the state on the retrocession process.

The council recessed for a lunch break at 12:10 p.m.

The council reconvened at 1:20 p.m.

Update on the student fee proposal from the State Board of Education Indian Education Committee (*via conference-phone*)- Johanna Jones, Coordinator, Dept. of Education and Dr. Yolanda Bisbee, Chair, Idaho State Indian Education Committee

Ms. Bisbee stated that on June 21, 2018, the State Board of Education was presented with a proposal for a reduction in student fees for Idaho Indian students to attend Idaho's public, post-secondary four-year institutions at the reduced rate of \$60 per credit. The board at that time approved a pilot project for the Idaho State University to implement the reduction of fees for the fall semester. She said that a question was made regarding the legality of reduced fees based on

sovereign status. The board asked Dylan Hedden-Nicely, Director of the Native American Law Program at the University of Idaho, as well as the University of Idaho's general counsel to provide some feedback regarding this concern.

Ms. Jones stated that a line-item request of \$600,000 was submitted in August 2018 to cover the financial impact to the public universities should the pilot program be accepted and implemented statewide. She noted that they had requested letters of support from all five tribes indicating whether there is a clause in a treaty, or agreement with the federal government or the state, identifying free education, but had only received three letters to date.

Discussion

Chairman Guthrie asked if the line item request of \$600,000 would cover the costs for only the current pilot program at the Idaho State University or for all the public universities, should the program be accepted statewide. Dr. Bisbee responded that the line item would cover all public universities in Idaho.

Representative Anderson inquired about the motivation behind the proposal for the reduction in fees. Dr. Bisbee stated that the Indian Education Committee is very invested on impacting the go-on rate for tribal students through K-12 education and into college. She stated that although tribal students are limited income, first-generation, and happen to have one of the lowest go-on rates, there is a legal obligation based on treaties to support Indian students' success in education. Ms. Jones added that the last three-years of research indicates that tribal students have the lowest go-on rate of all subgroups in Idaho.

Chairman Small asked if other states provide reduced fees for tribal students. Ms. Jones responded that there are several states that provide free tuition and fees for tribal students, in addition to reduced tuition and fees for tribal students.

Idaho National Guard's commitment to tribal relations - Brigadier General Michael Garshak, Idaho National Guard

Brigadier General Michael Garshak stated that one of the most enduring and important partnerships and relationships the Idaho National Guard is privileged to have is with the Native American tribes in Idaho. He emphasized that one of their shared values is the tremendous and distinguished record of service in the armed forces from so many Native Americans in Idaho. Another shared value is the preservation of the environment, which is one of his top priorities. He shared that many tribal youths have attended the Idaho Youth Challenge Academy, established in 2015, and he was proud to announce that 40 Native Americans had graduated from the academy to date. He invited the tribal councils to attend the next graduation in December 2018 in Lewiston, Idaho. He reaffirmed the Idaho National Guard's commitment with maintaining and strengthening their relationship and partnership with the Native American tribes in Idaho.

Discussion

Chairman Small, Chairman Wheeler, Chairman Aitken Jr., Chairman Howard, and Council Member Luke expressed appreciation for the work the Idaho National Guard has done, particularly with the tribal youth.

Innovative Readiness Training Program - Jake Fruhlinger, Idaho National Guard Cultural Resources Manager and Tribal Liaison

Mr. Fruhlinger began his [presentation](#) by reiterating General Garshak's comments on the importance of building and maintaining relationships with the tribes. He explained that the Department of Defense has a civil-military program called the Innovative Readiness Training (IRT) Program that provides training to soldiers and airmen, as well as an opportunity to reach out to tribes. He provided a brief background history of the civil-military programs ([slide 3](#)). He explained that the purpose of the civil-military programs is to:

- Improve military readiness while simultaneously providing quality services in the areas of engineering, medical/healthcare/human services, and transportation to communities throughout America;
- Provide a partnership program between requesting community organizations and the military; and
- Authorizes assistance that is incidental to military training.

Mr. Fruhlinger explained that, since the Idaho National Guard provides the services, the only cost to the tribes would be the cost of materials. He emphasized that the Idaho National Guard has the medical capabilities to provide health exams, dental services, optometry services, etc. He noted the importance for military personnel to obtain real world training outside of Boise and that they also have logistics capabilities. He clarified that, in the event that the Idaho National Guard does not have the capability to perform a certain activity, they can partner with other military branches. He added that they also have food service capabilities and engineering capabilities as well.

Mr. Fruhlinger commented that the IRT program is not an authority for projects with limited military training value, law enforcement, response to natural or man-made disasters, commercial development, or meeting Department of Defense requirements other than training or readiness. He provided the community application requirements and tips on [slides 9-10](#). He asked the council to please refer any community projects that they might have to him so that he may provide more information.

Discussion

Chairman Wheeler inquired about the deadline for applying for community projects. Mr. Fruhlinger stated that the application deadline is May 1. However, if the Idaho National Guard can encompass the project in its schedule with existing training funds, it would only take a few months to begin the project. If additional funds are needed from the National Guard Bureau, then it could take at least 12 to 18 months.

Chairman Wheeler inquired about the application process timeline. Mr. Fruhlinger stated that the application itself is four-pages long and takes about 15 minutes to complete online.

Follow-up on placement of tribal flags in the state capitol building

Mr. Katsilometes stated that he would set up a time with Senator Buckner-Webb to meet with the Capitol Commission to see what actions are needed to move forward with the placement of tribal flags in the state capitol building. Representative Anderson asked whether all five tribes are currently requesting the placement of tribal flags in the state capitol building. Chairman Wheeler stated that he would approach the Nez Perce Tribal Council regarding placement of the Nez Perce tribal flag in the state capitol building.

Current tribal concerns and other pertinent matters

Chairman Wheeler expressed concern regarding the Idaho Dept. of Water Quality standards. He invited the other tribes to make their positions known regarding the water standards.

Chairman Small referenced the U.S. Supreme Court case, *Herrera v. Wyoming*, and expressed concern regarding the potential drastic effects it could have on the tribes, specifically regarding tribal hunting rights. He encouraged more cultural education for agencies, specifically regarding the differences among the tribes. Chairman Guthrie stated that agencies and elected officials are always welcome to attend the council meetings and advocated for cordial and open discussions among tribal, state, and local governments.

The council thanked LSO staff for their efforts and hard work.

The meeting adjourned at 2:12 p.m.