



TRIBAL ATTESTATION WORKSHOP #2

Office of Community Health Systems
December 19, 2024

Open in a good way...

Here in Olympia, I join you from the traditional lands of the Nisqually Tribe, the "people of the river, people of the grass", whose ancestral lands stem from the sound to Mount Rainer. The Nisqually people have lived on and stewarded these lands since the beginning of time, and continue to do so today. We recognize that this land acknowledgement is one small step toward true allyship and we commit to uplifting the voices, experiences, and histories of the Indigenous people of this land and beyond.

Agenda

- Welcome & Introductions
- Why are we here today?
- Scope of Rulemaking & Related Process Work
- Summary of Workshop #1
- Tribes Participating in Attestation
- Who Can Apply for Attestation
- BHA Attestation Fee
- Credentialing Administrative Process
- Discussion – Fee Concept
- Next Steps & Closing

Why are we here today?

Substitute House Bill 2075: *Concerning licensing of Indian health care providers as establishments*

- Amended [RCW 71.12.460](#) regarding licensing “establishments.”
- The Department of Health (department) is required to establish a fee in rule and begin issuing Residential Treatment Facility (inpatient facility) and Psychiatric hospital licensure through tribal attestation by July 1, 2025.
- Tribes applying for licensure may attest to meeting the state minimum standards outlined in [chapter 246-337](#) (inpatient facilities) and [246-322 WAC](#) (Psychiatric hospitals).

Scope of Rulemaking & Related Process Work

- Filed CR 101 – Intent for rulemaking.
 - Allows the department to open the process and hold workshops
- Establish a fee for tribal attestation of inpatient facilities ([chapter 246-337 WAC](#))/Psych Hospitals ([chapter 246-322 WAC](#)) required by [SHB 2075](#).
- Develop the attestation agreement and process to issue/renew a license.
 - Address issues related to existing Behavioral Health attestation processes.

Summary of Workshop #1

- Tribal Attestation:

- Tribes (Indian health care providers) can attest to meeting state standards for licensure through an abbreviated licensing process.
- Honors tribal sovereignty by removing the department's regulatory jurisdiction over a license issued through attestation.
- License is issued at a reduced administrative processing fee.

- History of behavioral health agency attestation

- Prior to 2018 – DSHS offered a BHA Mental Health Attestation
- 2019 – DOH in consultation with tribes updated the BHA attestation to include MH and SUD

Summary of Workshop #1

- History of behavioral health agency attestation continued...
 - 2024 – Legislature passed SHB 2075 to develop an attestation for Residential Treatment Facilities and Private Psychiatric Hospitals.
 - Begin work with tribes to develop the rule and process to implement the bill which may include building upon and improving the current BHA attestation.
- Shared that the current cost for BHA attestation and renewal is \$261 – Renewal every three years.
 - The fee covers the administrative processing cost associated with an attestation:
 - Receiving and tracking attestations
 - Producing a license
 - Issuing renewals

Summary of Workshop #1

Current BHA tribal attestation language and fee:

WAC 246-341-0367 - Agency licensure and certification—Fee requirements for tribal attestations.

(1) A tribe may attest that its behavioral health agency meets state minimum standards for a licensed or certified behavioral health agency, as described by the definition of "licensed or certified behavioral health agency" in RCW [71.24.025](#).

(2) A tribe that is pursuing attestation with the department must submit a two hundred sixty-one dollar administrative processing fee to the department for any new or renewed attestation.

Summary of Workshop #1

- Discussed combining the current behavioral health agency attestation with the new inpatient and psychiatric hospital attestation, with potentially one fee to cover all attestation types.
- Questions from the group:
 - How many tribes participate in tribal attestation?
 - Can a tribal organization apply for attestation or is it specific to tribes?
 - How was the fee amount for BHA attestation was determined?
 - Steps in the current credentialing process that the \$261 fee covers?

Tribes Participating in Attestation

How many tribes currently participate in tribal attestation?

- 2019 there were 23 tribes participating in attestation.
- Today there are 26 tribes participating in tribal attestation.
 - There are currently a total of 34 attestations among the 26 participating tribes.

Who Can Apply for Attestation?

Can tribal organizations apply for attestation or is it specific to tribes?

RCW 71.12.460 (2)(a) states: *the department shall issue a license under this chapter to an **Indian health care provider, as defined in RCW 71.24.025**, attesting to have met the state minimum standards as an establishment if the Indian health care provider submits to the department a tribal attestation and payment of an administrative processing fee as established in rule.*

RCW 71.24.025(34) *Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603)*

Attestation is not limited to federally recognized tribes. Attestation is currently available to tribes, tribal organizations, or urban Indian organizations for BHA licensure and will soon be available for inpatient facilities, and psychiatric hospitals.

BHA Attestation Fee

How was the BHA attestation fee determined?

- Agreed upon during formal tribal consultation and legal process between tribal and DOH leadership.
 - RCW 43.70.250 requires fees to fully cover the cost of administering a program.
 - Tribes attest to meeting the standards.
 - No routine inspections
 - Fee only covers the processing of attestations.
 - Factors – potential growth in the number of attestations and renewals

Credentialing Administrative Process

[71.12.460](#) - *The department shall establish the administrative processing fee at a level sufficient to cover the administrative processing costs for the attestation while recognizing the reduced cost of an attestation compared to a standard license.*

What are the current credentialing administrative processing steps?

- Process received attestation agreement for signature
- Create a licensing file
- Enter BHA license information in the licensing database
- Send attestation to Secretary of Health for signature
- Issue a BHA license certificate
- Send renewal notices

Fee Concept Discussion

Standard requirement: All Inpatient facilities and Psychiatric hospitals must have a BHA license.

- Combined attestation
- Baseline of \$261 for BHA attestation – no change.
- Surcharge for additional inpatient facility and psychiatric hospital?
 - Surcharge to cover the administrative cost for issuing a separate license and sending a renewal for the inpatient facility or psychiatric hospital.
- Additional thoughts about adding the inpatient and psychiatric hospital on one combined attestation.
- Thoughts about this concept?

Next Steps & Closing

December	January	February
<p>Today! Workshop #2 – December 19th</p> <ul style="list-style-type: none">• Summary of last workshop; continue fee discussion if needed; discuss potential attestation process, including areas of improvement for existing Behavioral Health Agency attestation process.	<p>Dates for workshops as needed</p> <ul style="list-style-type: none">• January 2, 9, 23, and 30	<p>Delegate meeting February 5th</p> <ul style="list-style-type: none">• Share draft of process and proposed rules.

Contact Information



Michelle Weatherly

Facilities Program Manager

DOH Facilities Program

michelle.weatherly@doh.wa.gov



Julie Tomaro

Facilities Program Director

DOH Facilities Program

julie.tomaro@doh.wa.gov



Amber Arndt, Nisqually

Tribal Policy Director

Office of Tribal Public Health & Relations

amber.arndt@doh.wa.gov



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