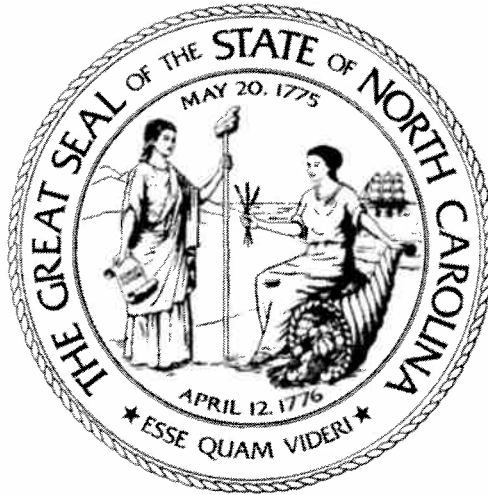


**SESSION LAW 2015-241, SECTION 12C.10.(h)**

**REQUIRE TRANSFER OF CERTAIN SERVICES TO EASTERN BAND  
OF CHEROKEE INDIANS**



**NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**

**October 1, 2015**

## **Status of Implementing Legislation Regarding the Eastern Band of Cherokee Indians**

### **Reporting Requirements**

Session Law 2014-100 and Session Law 2015-241 requires the transfer of certain services to the Eastern Band of Cherokee Indians. SL 2015-241 establishes the quarterly reporting requirement on the status of implementation of Section 12C to begin October 1, 2015 and end when implementation is complete. DHHS provides the following report in accordance with SL 2014-100 as amended by SL 2015-241.

### **Background**

SL 2014-100, Section 12C.3 enabled the Eastern Band of Cherokee Indians (EBCI) to assume responsibility for certain social services, healthcare benefit programs, ancillary services, including Medicaid administrative and service related functions, and related reimbursements no later than October 1, 2015.

An estimated 14,500 North Carolinians are members of the EBCI and just over 3,000 live on the Tribal trust lands. Tribal trust lands border Cherokee, Graham, Haywood, Jackson, and Swain counties. EBCI is a federally recognized Indian tribe under federal law and is asserting its inherent sovereign authority to assume responsibility for certain human services by October 1, 2015.

### **Implementation Update for child protective services, foster care, adoption, adult protective services, guardianship, low income energy assistance and crisis intervention**

Over the last year many within the Department have worked extremely hard to assist the Tribal leadership with their planning of a Health and Human Services agency on Tribal trust lands. This level of commitment from the Department, border counties and the EBCI has led to Tribal Public Health and Human Services being prepared to provide child protective services, foster care, adoption, adult protective services, guardianship, low income energy assistance and crisis intervention services to the population living on Tribal trust lands by the target date of October 1, 2015. The EBCI anticipates receiving approval from the federal Administration for Children and Families for its Title IV-E application and LIEAP application no later than December 31, 2015. Federal approval is expected to be retroactive to October 1, 2015.

### **Implementation Update for NC Medicaid, NC Health Choice and SNAP**

This work began under the assumption the EBCI was executing a plan where the intended model being pursued would absolve the State from oversight and supervision of the services provided by the EBCI. However, since the United States Department of Agriculture (USDA) and the Centers for Medicare and Medicaid Services (CMS) will not allow the EBCI to assume responsibility for NC Medicaid, NC Health Choice and the Supplemental Nutritional Assistance Program (SNAP), the EBCI will not be permitted to administer these programs independent of State supervision. This was a significant shift from the initial model. It was not possible to

implement EBCI administration of these programs by October 1, 2015, due to lack of funding resources for both personnel and IT support and time to develop alternatives from the initial model. There was no DHHS budget for work that required IT support in SFY 2014-15.

In March 2015 the Department, the EBCI, and the five bordering counties partnered to develop a project plan, IT timeline, and project cost for a Tribe administered, state supervised model. Some of the early challenges include specification of requirements, identifying DHHS systems impacted, and determining the cost to support the implementation. Other challenges include different IT system configurations which add to the complexity of determining how to integrate the EBCI within the current 100 county structure. As a result, questions arose regarding existing work flows for transition between the bordering counties and the EBCI. Ongoing working sessions continue with technical staff and business owners, exploring and understanding the regulations, data flow and data linkages.

Over the last four months executive leadership from the Department and the Tribe held weekly status calls to discuss current challenges, funding streams and ensure a successful transition for the human services transferring from the county departments of social services to the EBCI. The border counties and the EBCI meet bimonthly. Jackson and Swain County Departments of Social Services will continue to provide eligibility workers on-site at the Tribal trust lands offices five days per week until amended by agreement between the counties and the EBCI or until implementation is complete as required in SL 2015-241, Section 12C.10.(e2).

The Division of Medical Assistance will submit a State Plan Amendment with an effective date of October 1, 2016 to CMS as required in SL 2015-241, Section 12C.10.(d). CMS approval of the SPA is required in order for the EBCI to administer the eligibility process for NC Medicaid and NC Health Choice. As a parallel effort the Office of NC Families Accessing Services through Technology (NC FAST) submitted an Advance Planning Document Update (APDU) to CMS, USDA and ACF on August 31, 2015. The DHHS IT Service Management Office will submit an APDU to CMS no later than October 10, 2015 for NC Tracks. Federal agencies have sixty days to respond to an APDU. In addition to the NC FAST and NC Tracks changes, there are 18 legacy systems that will also need updated requirements and modifications to support the EBCI implementation. Upon federal approval of the APDU, the Department will begin the detailed business system design.

The timeline set forth in Legislation sets a completion date of October 1, 2016. The Department and the EBCI will collaborate to draft a project plan and report to the Joint Legislative Oversight Committee on Health and Human Services no later than January 1, 2016 as required in SL 2015-241, Section 12C.10.(f1). Given the current status of this project, the 15 month IT timeline, the assumption that federal agencies approval will not occur until December 2015, project implementation by October 2016 will be challenging.

The Department remains fully committed to assisting the EBCI to ensure a smooth transition of Medicaid and SNAP services.

Attachment A provides the NC FAST project phase timeline.

Attachment B provides the DHHS systems impacted.

Attachment C provides a visual implementation timeline.



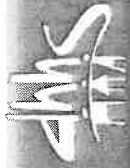
# N.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES

## EBCI Project Phase Timeline for NC FAST

Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13	Month 14	Month 15
Functional Design														
Detailed Design														
Development														
Test Planning														
Test Execution														
Train EBCI														

### Assumptions:

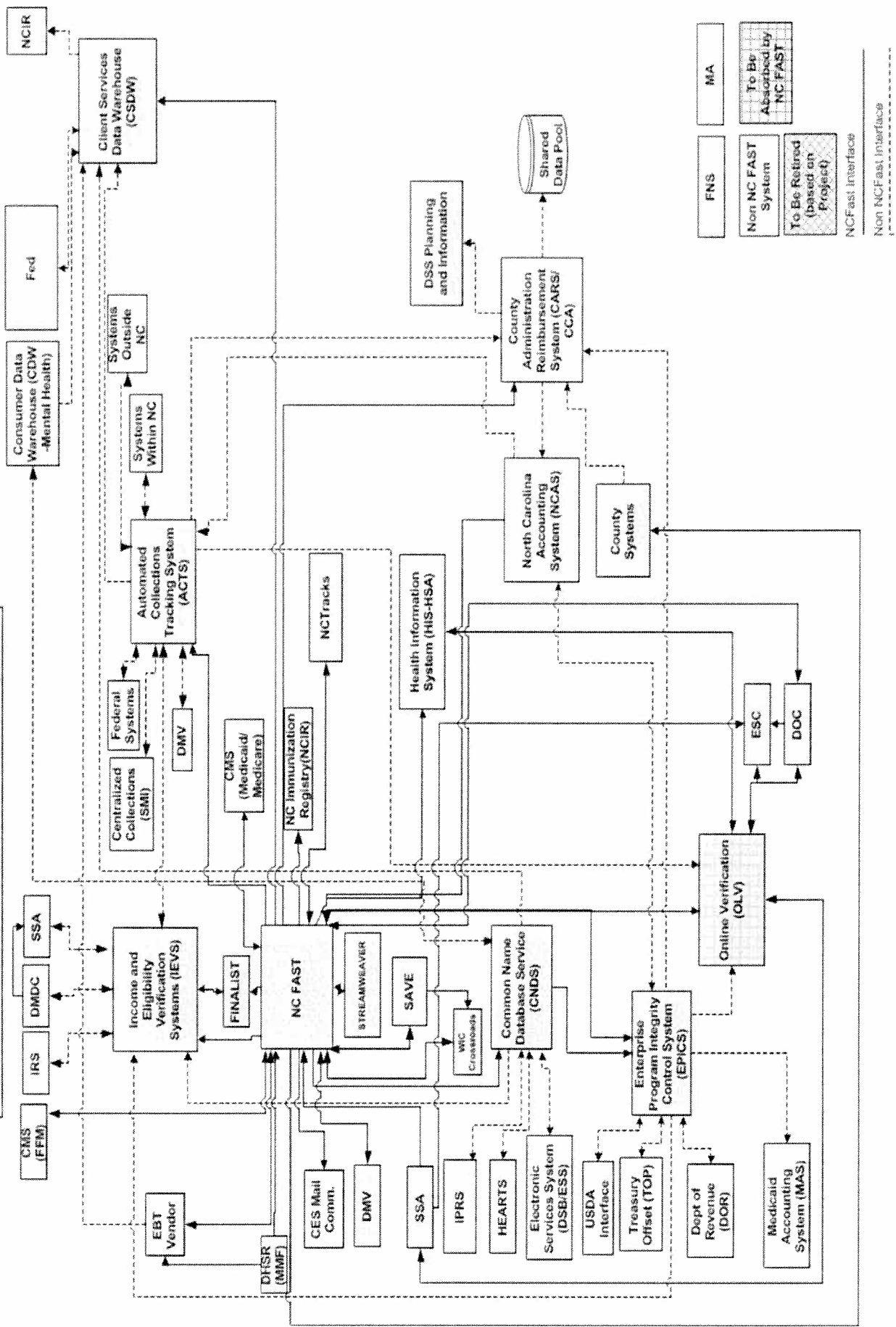
- All approvals (SSA, CMS, USDA, and NC Agency agreements) and funding are in place prior to start
- 15 months from the start date
- The timeline is based on requirements that have been identified and documented by the Business Analyst assigned to this effort.
- The estimates provided are for DHHS IT staff only; additional effort will be required by the business staff to support these efforts.
- The EBCI will utilize the state systems for Food and Nutrition and Medicaid and their current rules as they exist in NC FAST
- For EBCI, Food and Nutrition and Medicaid are the only in scope programs at this time.
- Maximus application listed is a county vendor supported system which is out of scope for our analysis. The EBCI would need to purchase Maximus or determine a similar solution for reporting to the state.
- Both CMS and USDA will approve the EBCI data sharing request



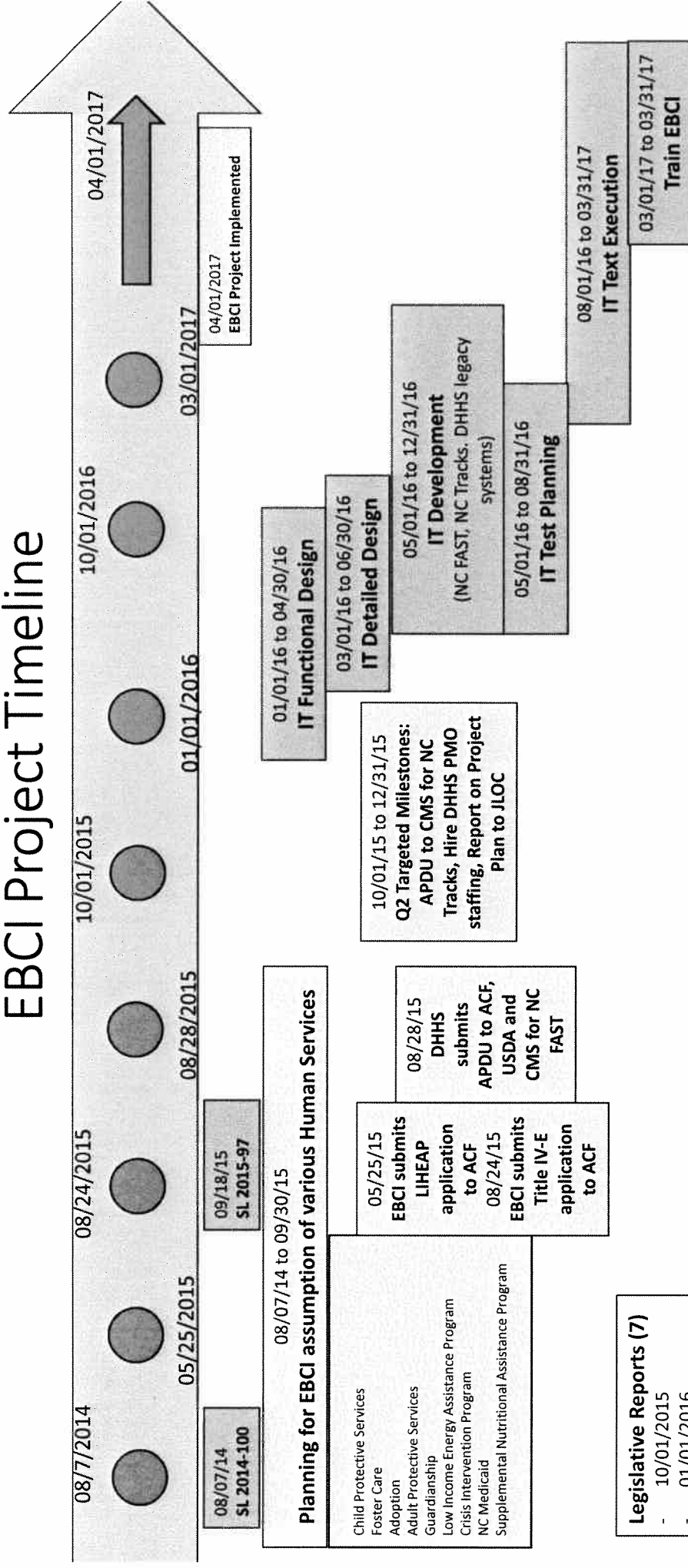
# DHHS System Impacted

Attachment B

## NC FAST System Interfaces EBCI Impacts



# EBCI Project Timeline



Legislative Reports (7)	
-	10/01/2015
-	01/01/2016
-	04/01/2016
-	07/01/2016
-	10/01/2016
-	01/01/2017
-	04/01/2017