

Draft Pending Adoption

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American Indian and Alaska Native Liaison Committee
Portland, Oregon
August 11, 2022

The American Indian and Alaska Native Liaison Committee met in Portland, OR Aug. 11, 2022. The following Liaison Committee members participated: Troy Downing, Chair (MT); Russell Toal, Vice Chair, Bob Biskupiak, and Jennifer A. Catechis (NM); Lori K. Wing-Heier and Anna Latham (AK); Dean L. Cameron represented by Shannon Hohl (ID); Grace Arnold represented by Peter Brickwedde (MN); Edward M. DeLeon Guerrero (MP); Mike Causey represented by Angela Hatchell (NC); Jon Godfread represented by John Arnold (ND); (NM); Glen Mulready represented by Brian Downs (OK); Andrew R. Stolfi represented by TK Keen (OR); Larry D. Deiter represented by Frank Marnell (SD); Mike Kreidler represented by Todd Dixon (WA); and Jeff Rude (WY). Also participating were Peg Brown (CO); Kathleen A. Birrane (MD); and Ryan Jabber, Tanji J. Northrup, and Reed Stringham (UT).

1. Adopted its June 28 Minutes

Commissioner Downing said the Liaison Committee met June 28. During this meeting, the Liaison Committee took the following action: 1) adopted its Spring National Meeting minutes; 2) heard a presentation on consumer outreach and education regarding fraud; 3) heard a presentation on “Maximizing Collaboration Between Health Insurers and Tribal Communities – What Blue Cross and Blue Shield of New Mexico and Blue Cross and Blue Shield of Oklahoma are Doing to Build Partnerships”; and 4) heard a presentation on “New Mexico’s Health Insurance Exchange – American Indian Program.”

Mr. Downs made a motion, seconded by Mr. Dixon, to adopt the Liaison Committee’s June 28 (Attachment One) minutes. The motion passed unanimously.

2. Heard a Presentation on the SNHC and SNI

Commissioner Pike introduced the speaker for this presentation as they had been having conversations recently about today’s agenda topic. Mark A. Echo Hawk (Sovereign Nations Health Consortium— SNHC) welcomed the Liaison Committee to Aboriginal territory as they were meeting on tribal lands—the land of the forever people. He said that due to federal oversight, tribes have remained underserved and underinsured. Mr. Echo Hawk said the tribes needed help with insurance needs as there were more people dying than being born currently. He said the Indian Health Service (IHS) funding is not adequate to provide for all native peoples. Mr. Echo Hawk said a supplemental insurance policy is needed to cover costs for services that the IHS does not cover. He described a three-tier program with SNHC as the regulatory consortium; the Native American Restoration Association (NARA) as a charitable, tribal nonprofit membership organization that uses some of its premium income to support Indian charitable programs; and Sovereign Nations Insurance (SNI), the “tribal health and insurance company.”

Mr. Echo Hawk said the SNHC is a consortium of three federally recognized Utah based tribes: 1) the Kanosh Band of Paiutes; 2) the Confederated Tribes of the Goshute Reservation; and 3) the Shivwits Band of Paiutes. He said that SNI has operated for approximately one year under tribal code. Mr. Echo Hawk said the SNI is regulated under the SNHC tribal regulatory authority and is currently offering insurance products to both Indian and non-Indian members. He also said that the NARA is also a charitable organization that uses some of its premium income to support Indian charitable programs.

Commissioner Downing said this presentation is fascinating and that much of it resonates with him regarding collaboration opportunities. Director Wing-Heier said she has worked with Section 638 groups in Alaska and asked Mr. Echo Hawk if he was talking about health care insurance or property/casualty (P/C) insurance as she has

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concerns about the federal government in this area. Mr. Echo Hawk said it is just health care and that tribes bring whatever health care resources they have to the table. He said it may be a diabetes clinic or program that is not a Section 638 group. Director Wing-Heier said this would not be beneficial if it is not addressed in a 638 contract; however, it is covered, or it can be, if it is in their 638 contracts, so she recommended that the tribes not give up on pursuing a 638 contract. Commissioner Mulready asked how long the SNHC had been operating; if the tribes had any state contracts; and where the tribes' financial standards came from. Mr. Echo Hawk said the SNHC had been operating about a year; that it did not have any state contracts yet; and that the SNHC had surveyed all state solvency and claims funds using state insurance department web pages to add the standards found there in their own tribal codes and internal regulations. Mr. Brickwedde asked what type of distribution network the tribes used. Mr. Echo Hawk said the SNHC had an internet site with companies that help sell policies, as well as tribal call centers on reservations. Ms. Hohl asked what provider networks were used. Mr. Echo Hawk said tribal health care claims are provided by the insurance company policy with off reservation group providers. Director Wing-Heier suggested coordination with the federal Affordable Care Act (ACA) and said the Indian Coordination Act should be pursued.

Mr. Echo Hawk said tribes typically fight against states when they should be collaborating with them. He emphasized a desire to work with state insurance regulators, as well as explore compacts and collaborations. He noted that this program may ultimately pose challenges requiring congressional solutions. He also said this is an important step because the SNHC is reaching out from tribal-owned insurance companies to suggest partnering with state insurance regulators to understand compliance standards for tribal-owned insurance companies and ensure company solvency to maintain their claims-paying ability and consumer protection issues, such as fraud. Commissioner Pike said he and Commissioner Stolfi met with Mr. Echo Hawk's clients briefly but that they just scratched the surface and that a better level of understanding would be needed to find a way to work together. Commissioner Pike said he is intrigued by the idea of a compact and that the Liaison Committee is a good place to start. He said there are currently three tribes in Utah; that the policies are being sold elsewhere already; and that this is a dual insurance universe. Matthew Smith (Coalition Against Insurance Fraud—CAIF) said state insurance departments have a whole litany of laws and asked what fraud laws the tribes have in place. Mr. Echo Hawk said this information is in the agreements that are part of the consortium; there are ways to deal with complaints just as state insurance departments do. He said not all tribes will want to partner with states, but if a compact is built, the hope is that most tribes will decide to join it.

3. Discussed Survey Results of Growing Insurance Markets by Tribal Nations and SNI and its Business Model

Commissioner Downing said it is important for the Liaison Committee to discuss the survey results of growing insurance markets and insurance-related activities on and off reservations by tribal nations, as well as by SNI, and its business model so state insurance regulators can think of ways they might be able to work with such entities going forward. He said the survey inquired on whether tribal insurance programs were operating in state jurisdictions as admitted carriers and whether there was knowledge of state-licensed agents selling tribal insurance products. Liaison Committee members had no comments on the survey results.

4. Heard an Update on its Ad Hoc Drafting Groups

Commissioner Downing said the three ad hoc drafting groups have been consolidated into two groups. He said the ad hoc groups began working on their goals. He also solicited additional volunteers to join the ad hoc groups. Commissioner Downing said that Ad Hoc Group 1 has focused on cultural awareness and communication between tribal and non-tribal members. He said Ad Hoc Group 2 will produce a report on tribal access to the ACA, ACA navigation, and non-IHS insurance products. Commissioner Downing said this group would also report on "lessons learned" in Indian Country through the COVID-19 pandemic. He said that Montana is doing a lot of financial outreaches to tribal entities.

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5. Discussed Other Matters

Commissioner Downing reminded attendees about the upcoming Insurance Summit, which will be held in Kansas City, MO, Sept. 19–23.

Having no further business, the Liaison Committee adjourned.

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