

State of California HEALTH AND HUMAN SERVICES AGENCY



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SECRETARY



California Health and Human Services Agency Tribal Consultation Policy 1.11.2017

Purpose of the Policy

California Health and Human Services Agency. The role of the California Health and Human Services Agency is to provide policy leadership and direction to the departments and programs it oversees, to reduce duplication and fragmentation and improve coordination among the departments, to ensure programmatic integrity, and to advance the Governor's priorities on health and human services issues.

The Agency coordinates the administration of state and federal programs for public health, health care services, social services, public assistance, health planning and licensing, and rehabilitation. These programs touch the lives of millions of California's most needy and vulnerable residents.

Executive Order. On September 19, 2011, Governor Edmund G. Brown Jr. issued Executive Order B-10-11, which provides that it is the policy of the Administration that every state agency and department subject to executive control shall encourage communication and consultation with California Indian Tribes.

Purpose of Policy and Definition. The purpose of this policy is to facilitate effective government-to-government consultation between the California Health and Human Services Agency, the departments of the California Health and Human Services Agency, and sovereign California federally-recognized tribes ("tribes"), in order to 1) encourage tribes to provide meaningful input into the development of regulations, rules and policies that may affect tribal communities, and 2) promote opportunities for state departments to learn from tribal program experience and results to inform program operations and policy development statewide and in non-tribal populations.

Existing Laws and Regulations. Each department in the California Health and Human Services Agency has a different statutory mandate and, in some cases, may have consultation, communication, collaboration or interaction requirements in place through existing laws or regulations. Department is defined as any department or office within the California Health and Human Services Agency. This policy defines provisions for improving California Health and Human Services Agency consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable law or regulations.

Aging

Child Support Services

Community Services and
Development

Developmental Services

Emergency Medical
Services Authority

Health Care Services

Managed Health Care

Public Health

Rehabilitation

Social Services

State Hospitals

Statewide Health Planning
and Development

Values. This policy anticipates a deliberative process that aims to create effective collaboration and informed decision-making where all parties share a goal to create conduits of communication and forums for discussion so that issues are fully explored, pros and cons evaluated so that informed decision making can occur. All parties in the process should promote cooperation, honoring of tribal sovereignty, and transparency. There also should be recognition and respect for diverse tribal customs and traditions, which may especially be applicable when services are provided.

Scope. This policy is intended solely for direction to employees of the California Health and Human Services Agency and its departments and does not extend to other governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between the California Health and Human Services Agency and its departments and tribes. This policy is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations.

The Secretary of the California Health and Human Services Agency hereby directs the Agency and its departments to undertake implementation of this Tribal Consultation Policy.

Implementation of the Tribal Consultation Policy

1. Leaders to Contact. The primary contact for the Agency and department for each tribe is the elected Tribal Chairperson or his/her designee by resolution or letter. The Agency and departments will use the contact list of Tribal Chairpersons maintained by the Governor's Tribal Advisor and available on its website.

The Agency and departments will copy appropriate tribal program staff on communications, to the degree feasible.

2. Issue Identification. The Agency and departments must consult with tribes at the earliest possible time in the planning process for policies that impact tribal members. This includes the development and implementation of these policies, as well as relevant state budget related information.

3. Timing of Notification. The agency and departments should provide notice of issues for consultation to tribes as early as possible. Tribes should be aware of state process timelines, including the budget and legislative cycles, which guide state decision making processes.

4. Frequency of Communication. Each department is responsible for regular and early consultation with tribes in order to promote effective collaboration. Departments are encouraged to conduct their outreach with

annual meetings, and other meetings as needed for departments with programs that directly impact tribes and tribal communities. Tribal Chairpersons can request a consultation meeting with the Agency and departments for more specific needs and issues that arise.

5. ***Dissemination.*** To foster participation by tribal leaders, departments are encouraged to use all methods of dissemination of information relevant to tribes, including mail, email, and phone communication.
6. ***Tribal Liaison Designation.*** The Agency and departments are to each designate a Tribal Liaison to serve as the central point of contact for tribes. The role of the Tribal Liaison will be to ensure that Agency and department outreach and communication efforts are undertaken in a manner consistent with this policy. It is advised that the Tribal Liaison be at the executive level or a designated representative of the executive team of the Agency or department.

The Agency and departments should consider identifying Tribal Liaisons who are themselves tribal members and may possess previous experience and knowledge of tribal cultures, tribal governments, and tribal health programs. Tribal Liaisons are encouraged to be trained on cultural competency, tribal governments, and tribal sovereignty, recommended, for example, by the Governor's Tribal Advisor, Indian Health Services, or tribes.

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