

# Tribal Technical Advisory Group

To the Centers for Medicare & Medicaid Services

c/o National Indian Health Board 910 Pennsylvania Avenue, SE Washington, DC 20003 (202) 507-4070 (202) 507-4071 fax

Submitted via: <http://www.regulations.gov>

November 17, 2015

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

**RE: Comment on CMS-3321-NC**

Dear Centers for Medicare & Medicaid Services:

On behalf of the Tribal Technical Advisory Group (TTAG) to the Centers for Medicare and Medicaid Services, I write to comment on the request for information regarding the implementation of the Merit-Based Incentive Payment System (MIPS). The TTAG advises the Centers for Medicare and Medicaid Services on Indian health policy issues involving Medicare, Medicaid, the Children's Health Insurance Program, and any other health care programs funded (in whole or in part) by CMS. In particular, the TTAG focuses on providing policy advice designed to improve the availability of health care services to American Indians and Alaska Natives under these federal health care programs, including through providers operating under the health programs of the Indian Health Service, Indian Tribes, Tribal organizations, and urban Indian organizations.

The MACRA requires the Secretary of Health and Human Services (HHS) to consult with stakeholders on implementation of the MIPS, including to identify: the measures and activities for each of the four performance categories; the method of assessing an eligible professional's total performance to determine their composite performance score; the method of applying the MIPS adjustment factor; and how qualified clinical data registries should be used.

We would like to request Tribal consultation on the development of the proposed MIPS policies because it is of the utmost importance that the Indian Health Service and Medicare and Medicaid within CMS conduct consultation for coordination so that the federal agencies are coordinated in implementing performance measures that are aligned. Congress has recognized that "[f]ederal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people." The federal trust responsibility and laws enacted pursuant thereto provide ample authority for the federal agencies of the Executive Department to design, implement and tailor federal programs in a manner that recognizes and supports the unique government to government relationship between sovereign Tribal governments and the United States. Every Tribe is different and it is important that a wide cross-section of Tribes be able to provide substantive input on MIPS. This is consistent with the President's consultation policy as outlined in Executive Order 13175 of November 6, 2000 and confirmed in the

memorandum of November 5, 2009. Early consultation will ensure that Tribal health concerns are considered and provide opportunity for CMS to work with Tribes in reducing reporting burdens.

Thank you for considering these comments. Please do not hesitate to contact us for further information.

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is written in a cursive style with a large, stylized "W" and "A".

W. Ron Allen,  
Tribal Chairman and CEO, Jamestown S'Klallam Tribe  
Chairman, Tribal Technical Advisory Group

Cc: Kitty Marx, Director, CMS Division of Tribal Affairs