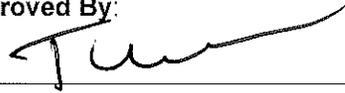


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	Issued: 06-02-14 Revised: Effective: 06-02-14	
Title: Tribal Consultation Policy	Approved By: 	

Policy:

The Department of Mental Health and Substance Abuse Services (DMHSAS) Tribal Consultation Policy provides that consultation with Tribal Governments and American Indian (AI) organizations shall occur to the extent practicable and permitted by law before any action is taken that will significantly affect AI people. The Department acknowledges and affirms common goals with Oklahoma's Tribal Governments to: 1) eliminate health and human services disparities faced by American Indian (AI) populations; 2) maximize access to mental health and substance abuse services; and 3) achieve health equity for all AI people and communities. This policy defines the Department's commitment to consultation with Tribal Governments and work in collaboration with recognized AI organizations in the planning of DMHSAS service programs, to ensure quality and comprehensive service delivery to AI people and communities.

This policy does not waive any tribal government rights, including treaty rights, sovereign immunities or jurisdiction. Additionally, in no way should this policy impede the Department's ability to manage its operations. This policy is intended only to improve the internal management of the Department, and is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable law by a party against the DMHSAS, or any person. The DMHSAS retains final decision making authority with respect to actions undertaken by the Department and within state jurisdiction as mandated by Federal law.

Definitions:

American Indian – A person who is a member of an Indian tribe. 25 U.S.C. §450b (d). Throughout this policy, Indian is synonymous with American Indian / Alaska Native.

American Indian Organization - A legally established organization created to serve and represent American Indian issues and concerns to complement and enhance consultation with Tribal Governments. Such organizations include but not limited to: Indian Health Service, urban clinics, Tribal Health Boards, and Oklahoma Indian Child Welfare Association.

Consultation - a formal government-to-government meeting called to provide an opportunity for an exchange of information and opinion prior to a decision.

Tribal Official – An individual that the tribal government appoints to make decisions on their behalf.

Tribal Governments – Are those self-governing American Indian governments with whom the Federal Government maintains an official government-to-government relationship because of their unique sovereign status.

Procedure:

The DMHSAS Commissioner designates the Department's Tribal Liaison to assume responsibilities for the implementation of the tribal consultation policy and to facilitate communications between the Department and Tribal Governments. The Tribal Liaison serves as the point of contact in order to establish communication channels with appropriate elected or appointed tribal officials and he/she will ensure that the following information is available to Tribal Governments and AI organizations, upon request: 1) State-wide mental health and substance abuse data; 2) DMHSAS services, programs, and policies; and 3) DMHSAS trainings and other behavioral health related opportunities.

1. Consultation occurs:

- a. When a Tribal Government / Tribal Official requests consultation related to substance abuse or mental health issues, programs, or resources. Tribal Government will guide the consultation process. This may include, but is not limited to, setting the agenda and identifying the date, time and location.
- b. When the DMHSAS leadership and/or designee and a Tribal Government / Tribal Official meet or exchange written correspondence to discuss issues concerning either party.
- c. When DMHSAS initiates consultation to solicit Tribal Government / Tribal Official comments and recommendations on policy and budget matters affecting tribe(s). These sessions provide the opportunity for meaningful dialogue and effective participation by all parties. These consultation sessions may occur as free standing events or may be associated with other meetings with Tribal Governments.
- d. Other types of meetings and/or conferences may occur which may not be considered sessions, but these meetings provide opportunities to share information and provide technical assistance to Tribal Governments / Tribal Official.

2. Tribal Consultation Steps: The following guidance is provided to help staff understand to goals of this policy.

- a. Understand when to consult: DMHSAS staff is expected to confer with appropriate Tribal Government officials on matters that include, but not limited to, the topics below. DMHSAS staff will seek guidance from the DMHSAS Tribal Liaison whenever tribal consultation is being considered, or whenever there is a question as to whether or not consultation is needed.
 - i) Notices of proposed rulemaking that have significant tribal implications.
 - ii) Establishment of new substance abuse and mental health programs targeting AI people or communities.
 - iii) Development of training and educational opportunities for tribal health professionals, or future health professionals.
 - iv) Negotiations with state and local substance abuse and mental health officials on matters affecting AI populations or adjacent to their jurisdictions.
- b. Determine the level of consultation after considering the critical event and affected or potentially affected Tribal Government(s). Levels of consultation may include: correspondence, broadcast e-mail, meetings, teleconference, and video conferencing.
- c. Notification to Tribal Governments: The DMHSAS strives to make a good faith effort to notify appropriate Tribal Governments and/or tribal officials about such actions in an effort to provide the opportunity to pursue and/or engage in the consultation process. Upon determination of the extent of consultation necessary, staff should make every effort to provide at least two weeks notice of the issue and consultation process to Tribal Governments using appropriate methods including correspondence, broadcast emails, DMHSAS website, and other outlets.
- d. Tribal consultation activities with DMHSAS may occur through a number of different mechanisms and venues that offer flexibility for DMHSAS and Tribal Government. Consultation activities at this level emphasize participation by DMHSAS staff with the specific matter expertise and perspectives pertaining to the topic at hand. Appropriate tribal representation rests primarily with Tribal Governments but may also include some combination of tribal officials, tribal public health officials, and subject matter experts – many of whom may, at the Tribal Governments discretion and delegation, be drawn from AI organizations.
- e. The DMHSAS shall develop clear and explicit instructions for the submission of comments. All comments received during consultation process will be considered.
- f. The DMHSAS Tribal Liaison is available for ongoing consultation as needed / requested by Tribal Governments.