



2015-2016 General Assembly

HOUSE BILL 97: 2015 Appropriations Act, Sec. 12C.10: Require Transfer of Certain Services to Eastern Band of Cherokee Indians

Committee:
Introduced by:
Analysis of: Sec. 12C.10 of S.L. 2015-241

Date:
Prepared by: Theresa Matula
Legislative Analyst

SUMMARY: *Sec. 12C.10 of S.L. 2015-241, as amended by Sec. 4.2 of S.L. 2015-268, transfers responsibility for the provision of certain services to the Eastern Band of Cherokee Indians (EBCI). The changes in this section include:*

- *Amends the law regarding the assumption of programs by a federally recognized tribe and the relief of a county's legal responsibility related to the tribe's assumption of those services. The new language provides that the State and the tribe will execute an agreement providing the general terms, definitions, and conditions by which the parties must operate for administration of any aspects of the NC Medicaid program, NC Health Choice, and the Supplemental Nutrition Assistance Program (SNAP). In addition to necessary terms and conditions, the agreement must include five specified conditions.*
- *Amends the law to provide that when the EBCI assumes responsibility for a program nonfederal matching funds and State funds for State programs will be allocated to the EBCI and will not exceed the amount expended by the State for fiscal year 2014-2015 for programs or services plus the growth rate equal to the growth in State-funded nonfederal share for all counties. The EBCI is not prohibited by this section from providing further nonfederal matching funds to maximize their receipt of federal funds.*
- *Provides that approval for the EBCI to administer the eligibility process for Medicaid and NC Health Choice is contingent upon federal approval of State Plan amendments and Medicaid waivers by the Centers for Medicare & Medicaid Services (CMS). The State Plan amendments and Medicaid waivers submitted must have an effective date of October 1, 2016. Within 30 days of CMS approval of the State Plan amendments and Medicaid waivers, the Department of Health and Human Services (DHHS) must submit an Advanced Planning Document Update (APDU) to CMS, the United States Department of Agriculture (USDA), and the Administration of Children and Families (ACF). If CMS, USDA, and ACF do not approve the APDU, the counties will continue serving individuals living on the federal lands.*
- *Requires Jackson County and Swain County Departments' of Social Services to provide NC Medicaid, NC Health Choice, and SNAP eligibility workers on-site at Qualla Boundary five days a week (unless amended by agreement) until the transfer of eligibility determination responsibilities is complete.*
- *Directs DHHS to begin design, development, testing, and training of NC FAST, NCTracks, and legacy systems to allow the EBCI to assume certain administrative duties consistent with approval by federal funding partners.*

O. Walker Reagan
Director



Research Division
(919) 733-2578

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- *Directs DHHS, in collaboration with the EBCI, to draft a project plan to meet the October 1, 2016, effective date and report to the Joint Legislative Oversight Committee on Health and Human Services (HHS Oversight Committee) by January 1, 2016.*
- *Requires DHHS to report quarterly on the implementation of this section to the HHS Oversight Committee beginning October 1, 2015, and continue until implementation is complete.*

This section became effective July 1, 2015.