

**GOVERNMENT – TO – GOVERNMENT
2016 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

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PROGRAMS AND SERVICES:

The Department of Consumer and Business Services' (DCBS) mission is to protect and serve Oregon's consumers and workers while supporting a positive business climate in the state.

DCBS is Oregon's largest business regulatory and consumer protection agency. The department administers state laws and rules to protect consumers and workers and support a positive business climate in the areas of workers' compensation, occupational safety and health, financial services, insurance, and building codes.

Our goals:

Protect consumers and workers in Oregon.

Regulate in a manner that supports a positive business climate.

Be accountable to the public we serve, with excellent service to our customers.

DEPARTMENTAL STATEMENT:

The Department of Consumer and Business Services promotes positive relationships between the department and the tribes. Although few DCBS regulatory programs affect the tribes because of their sovereign status, there are occasions when the tribes choose to receive services. In addition, the department often provides education and outreach to the tribes on issues such as homeownership, workplace safety and health, and Medicare. DCBS has an agency wide policy that promotes such communication.

A. BUILDING CODES DIVISION (BCD)

1. Issue Name:

Building department services

Issue Description:

The Confederated Tribes of Umatilla Indian Reservation requested that the division provide building department services for all projects on tribal land.

Action Taken:

The division entered into an intergovernmental agreement (IGA) with the Confederated Tribes of Umatilla Indian Reservation in February 2014, and is providing building department services through its Pendleton field office. Terms of the current IGA provide for the division to continue services through 2017.

Actions Planned:

The division will continue to provide building department services as requested by the tribes.

2. Issue Name:

Boiler inspection services

Issue Description:

Occasionally, a tribe will request an inspection or consultation regarding boiler equipment located and operated on tribal land.

Action Taken:

The division provides consultation and inspection services through the boiler program as requests are received.

Actions Planned:

The division will continue to provide boiler-related services as requested by the tribes.

B. OCCUPATIONAL SAFETY AND HEALTH DIVISION (Oregon OSHA)

1. Issue Name:

Occupational safety and health

Issue Description:

Tribal lands, including reservations and trust lands, pose a unique jurisdictional situation with regard to occupational safety and health regulation. Federal OSHA has jurisdiction over tribal governments and tribal enterprises, as well as private-sector businesses performing work on tribal and trust lands. Federal OSHA requires states to maintain jurisdiction over public-sector employers performing work on tribal lands. Because federal and state occupational safety and health standards are nearly identical, this separation of authority has caused little or no confusion for affected employers and employees. Oregon OSHA maintains a close working relationship with federal OSHA so

either agency can assist employers and employees and direct them to the appropriate resources.

2. Issue Name:

Occupational safety and health education, consultation, and the Resource Center

Issue Description:

Although Oregon OSHA does not have regulatory jurisdiction over tribal governments and enterprises, the division makes education, consultation, and Resource Center services available to these entities at no cost.

Actions Taken:

Oregon OSHA provides safety and health outreach services to the nine tribes in Oregon by offering consultations, conferences, workshops, training, and education upon request. For the period Oct. 1, 2015, through Sept. 30, 2016, the following services were provided to members of the Oregon tribes:

Training Courses:

- 39 tribal members completed Oregon OSHA online training courses.

Consultations:

- One consultation with the Coquille Economic Development Corporation

Resource Center:

- The Resource Center received eight requests for videos and two publication requests from tribal members.

Legislative Conference:

- Teri Watson, Oregon OSHA legislative policy analyst, attended the Spring Gathering & Special Training on “Sovereignty, Tribal Priorities and Effective Consultation” in Florence on May 19, 2016.

Safety and Health Conferences:

Oregon OSHA co-sponsored several safety and health conferences this year in Ashland, Bend, Pendleton, Eugene, and Portland. Tribal organizations attended workplace safety and health conferences as follows:

- Klamath Tribal Health Administration (1 person)
- Confederated Tribes of Grand Ronde (2 people)
- Seven Feathers Casino Resort (Cow Creek Band of Umpqua Tribe of Indians – 7 people)
- Confederated Tribes of the Umatilla Indian Reservation (Wildhorse Resort & Casino – 1 person)
- Confederated Tribes of Warm Springs (9 people)

Actions Planned:

Oregon OSHA will continue to provide consultations, education, and Resource Center services upon request. Oregon OSHA is available to make presentations to tribal entities or associations on safety or health topics, as well as the occupational safety and health services available to them.

C. FINANCIAL SERVICES SECTION OF CENTRAL SERVICES DIVISION (CSD)

1. Issue Name:

Bankruptcy Notices

Issue Description:

The following notices were received by The Confederate Tribes of The Warm Springs Reservation of Oregon.

- The Confederated Tribes of The Warm Springs Reservation of Oregon vs. Warm Springs Forest Products Industries. Notice of hearing on receiver's motion for authority to enter into agreement with auctioneer and sell assets free and clear of liens, claims, encumbrances, and interests. Hearing set for 10/14/16 at 11 a.m.
- The Confederated Tribes of The Warm Springs Reservation of Oregon vs. Warm Springs Forest Products Industries. Declaration of Edward Hostmann in support of receiver's motion for authority to enter into agreement with auctioneer and sell assets free and clear of liens, claims, encumbrances, and interest.
- The Confederated Tribes of The Warm Springs Reservation of Oregon vs. Warm Springs Forest Products Industries. [Proposed] Order granting receiver's motion for authority to enter into agreement with auctioneer and sell assets free and clear of lien, claims, encumbrance, and interests.

Actions Taken:

The division searched for the named party in the notices to determine whether or not they had an active account in collections. The division did not locate debt for Warm Springs Forest Products Industries.

Actions Planned:

Not applicable.

2. Issue Name:

Workers' Benefit Fund Assessment Collections

Issue Description:

Iron Tribe Inc. BIN 15071146

Although not required, tribes can choose to participate in Oregon's workers' compensation system. When making this choice, the participating tribal entity also elects to report and pay the Workers' Benefit Fund (WBF) assessment. Iron Tribe Inc. elected to get Oregon workers' compensation insurance coverage through SAIF Corporation from February 23, 2012 through July 1, 2015. However the WBF assessment hours were not reported after the quarter ending June 30, 2014.

Actions Taken:

On August 8, 2014, a billing statement of assessment amounts owed was sent to Iron Tribe Inc., advising that the WBF assessment was due for the fourth quarter of 2013 and the first quarter 2014. Iron Tribe Inc. reported hours on August 20, 2014 for first quarter 2013 with no assessment paid. On September 17, 2014, a demand statement of assessment accounts owed was sent to Iron Tribe Inc., advising that the WBF assessment was due for the fourth quarter 2013 and first quarter 2014.

Due to non-payment, the account was assigned to collection in November 2014 for first and fourth quarter 2013 and first quarter 2014. On November 21, 2014, Iron Tribe Inc. reported hours for second quarter 2014 with no assessment paid. In December 2014, the second quarter 2014 assessment was assigned to collections.

Collection action taken includes the following:

- 11/17/14 – A 30-day demand letter was issued in the amount of \$815.10.
- 12/5/2014 – An attempt was made to call the responsible party; however, no one was available and a message was left.
- 12/9/2014 – Martha Shotwell in the Collections Unit spoke with Shawn, who stated that he would speak to the Board President regarding this debt.
- 12/15/2014 – We received a voice message from Shawn stating that he would like to make a partial payment. Shotwell called Shawn back stating she would take half the debt now and the rest in 30 days.
- 12/22/2014 – Second demand notice is issued in the amount of \$1,058.87 as a second debt is added.
- 1/9/2015 – Shotwell called Shawn again to request payment. At this time Shawn explained that he was no longer able to pay due because his funds were garnished by another creditor.
- 6/4/15 – Account rotated to another collector during unit's annual process.
- 7/26/2016 – Melody Sturdevant in the Collections Unit attempted to call Harold at Iron Tribe Inc. and was unable to leave a message.
- 7/26/2016 – Sturdevant issues a final demand notice.
- 9/22/2016 – Dyana Mitchell in the Collections Unit issues a bank garnishment.
- 10/12/2016 – Mitchell receives notification that the account is closed.

Actions Planned:

The DCBS Central Services Division will forward this account to the Department of Revenue for further collection action by the end of the first quarter of 2017.

D. Oregon Health Insurance Marketplace (ORHIM)**1. Issue Name:**

Education, training, and enrollment help for insurance coverage specializing in Qualified Health Plans (QHP)

Issue Description:

Health coverage education and training of tribal elders and Indian Health Services (IHS) staff with the nine federally recognized Oregon tribes:

- Burns Paiute Tribe
- Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians of Oregon
- Confederated Tribes of Grande Ronde
- Confederated Tribes of Siletz Indians
- Confederated Tribes of Umatilla Indian Reservation
- Confederated Tribes of Warm Springs
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Klamath Tribes

Actions Taken:

- Rob Smith is the community partner and tribal liaison for ORHIM.
- Smith provides monthly updates from the Marketplace to tribal health contacts via email.
- Smith and Amy Coven, ORHIM's outreach and education coordinator, attended the monthly Oregon Health Authority's Tribal Collaborative Webinar and provided support and information to attendees.
- January 13, 2016 – Berri Leslie ORHIM administrator and Smith attended the quarterly SB 770 Health and Human Services Cluster meeting in Salem.
- January 14 and April 15, 2016 – Smith teleconferenced with Klamath Tribal Health Clinic for planning of a collaborative presentation regarding Tribal Premium Sponsorship Program (TPSP) at future Health Cluster meeting.
- February 23, 2016 – Smith met with Karol Dixon, Oregon Health Authority (OHA) Tribal Affairs Director to plan and coordinate efforts for the facilitation of the Health and Human Services Cluster and efforts to provide the tribes with information about health coverage in general.
- March 9, 2016 – Smith and Anthony Behrens, Marketplace Provider and Carrier Liaison met with Atrio Health Plan via conference call to discuss Klamath Tribal Health Clinic's migration of their TPSP from Moda Health Plan to their company.
- March 11, 2016 – Smith met with Klamath Tribal Health Clinic to discuss TPSP migration from Moda Health Plan to Atrio Health Plan to, and to help create action steps for the migration.
- March 14, 2016 – Chiqui Flowers Marketplace COFA Premium Assistance Program Manager and Smith met via phone with Klamath Tribal Health clinic to discuss TPSP and gather information for the upcoming creation of the COFA PAP.
- March 22, 2016 – Smith and Karol Dixon met for additional Tribal Health Cluster coordination and for planning an upcoming presentation to Center for Medicaid/Medicare Services (CMS) on Oregon tribal health networks.
- April 6 and 7, 2016 – Smith did a presentation on Oregon's tribes and the Marketplace at the regional headquarters of CMS in Seattle, Washington.

- April 20, 2016 – Smith attended a Health Fair sponsored by the Native American Youth and Family Center and provided information about health coverage through the Marketplace to attendees.
- May 9, 2016 – The Marketplace Advisory Committee and ORHIM staff hosted a meeting with the cooperation of the Umatilla Indian Tribe in Pendleton. Leslie, Smith, and Joel Metlen, Communications and Legislative Manager attended.
- May 16, 2016 – Smith met with Heather Joy Gurko of the Native American Rehabilitation Association (NARA NW) in Portland to talk about potential partnerships between NARA NW and ORHIM.
- May 19-20, 2016, Smith attended the Legislative Commission on Indian Services (LCIS) Annual Spring Gathering and Training meeting in Florence, OR.
- May 27, 2016 – DCBS hosted the SB 770 Health and Human Services Cluster meeting in the Labor and Industries Building in Salem. DCBS Director Pat Allen and Smith were in attendance.
- July 6, 2016 – Nina Remple, Marketplace Outreach and Education Coordinator, provided printed materials and information to Grande Ronde Tribe for a Health Fair they were hosting.
- August 2016 – DCBS awarded grant funding to Urban Indian health organization NARA NW as a result of their successful application for funding as a Marketplace Community Partner. The grant will fund NARA NW's efforts to provide outreach and enrollment in Marketplace QHP plans to the Tribal community.
- August 18, 2016 – Smith, Leslie, and Director Allen attended the quarterly SB 770 Health Cluster meeting hosted by NARA NW in Portland.
- September 1, 2016 – Smith and Antonio Torres of Oregon Health Authority co-facilitated training at the Coquille Indian Health Clinic in Coos Bay. The training helped staff complete the federal requirements for Certified Application Counselors to help tribal members with enrollment through HealthCare.gov.
- September 21, 2016 – Smith held a training for staff at NARA NW, designed to help them complete the federal certification requirements to become Navigators of HealthCare.gov
- October 7, 2016 – Smith attended the Oregon Native American Chamber 12th Annual Gathering at the Oregon Zoo.
- October 12, 2016 – Smith held a conference call with Coquille Indian Health Clinic to discuss their interest in developing a TPSP for their community. The clinic stated they would be looking at starting the program toward the beginning of next year.
- October 26 - 27, 2016 – Miranda Mathae, ORHIM Outreach and Education Coordinator, attended a Health Fair organized by the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, and provided information about health coverage to attendees.
- November 15, 2016 – Smith and Director Allen attended the SB 770 Health Cluster meeting in Salem. DCBS provided information about their new marketing materials aimed at tribal communities.
- November 22, 2016 – Smith held a conference call with Coquille Indian Health Clinic to discuss their interest in developing a TPSP for their community. The

clinic stated they would be looking at starting the program toward the beginning of next year. Smith, Michael Morter and Micheil Wallace, ORHIM Small Business Liaisons, got the clinic connected with a local insurance agent who will help them explore carrier options when they are ready to move forward.

- November 29, 2016 – Smith, Morter, and Wallace held a conference call with Coquille Indian Health Clinic, to discuss TPSP. They also connected the clinic with a local insurance agent who will help the clinic navigate the initial steps of selecting a carrier and setting up their program.
- December 7, 2016 – Smith attended the Tribal-State Government to Government Annual Summit in Lincoln City.

E. SENIOR HEALTH INSURANCE BENEFITS ASSISTANCE (SHIBA)

1. Issue Name:

Medicare education, training, and enrollment assistance

Issue Description:

Provide Medicare education, training, and assistance for tribal elders and Indian Health Services (IHS) personnel of the nine federally recognized Oregon tribes

Actions Taken:

- January 1, 2016 to December 7, 2016 – SHIBA counselors provided one-on-one information and help to 119 tribal Medicare beneficiaries.
- April 4-6, 2016 – Cynthia Hylton, SHIBA field officer and tribal outreach lead, attended the CMS Tribal Meeting in Seattle.
- April 20-21, 2016 – Hylton attended the Tribal Elders' Caregiving Conference at Wild Horse Casino Resort in Pendleton.
- October 11, 2016 – Hylton visited the Yellowhawk Tribal Health Center in Pendleton to assist tribal members.
- October 26-27, 2016 – Hylton attended the Confederated Tribes Health Fair in Florence.
- December 12-13, 2016 – Hylton visited the Yellowhawk Tribal Health Center in Pendleton to assist tribal members losing coverage due to the Family Care Medicare Advantage Plan non-renewing contract with Medicare in 2017.

Klamath Tribal Health and Family Services is a formal SHIBA community partner, providing Medicare information and assistance to its tribal members.

Tribal elders and IHS save money by receiving annual counseling. SHIBA trains and helps IHS service coordinators with applications for Medicare savings programs such as the Oregon Health Plan, Qualified Medicare Beneficiary benefit, and Low-Income Subsidy for Medicare Part D.

Actions Planned:

SHIBA will continue to find opportunities to provide Medicare education, training, counseling, and enrollment help to the federally recognized Oregon tribes.

E. DIVISION OF FINANCIAL REGULATION (DFR)

Note: In January 2016, the Oregon Insurance Division and the Division of Finance and Corporate Securities merged into one division known as the Division of Financial Regulation. This new division of DCBS has regulatory authority over insurance and financial products and services, including securities, as well as services offered by banks, credit unions, debt management service providers, financial and investment advisors, money transmitters, and pawnshops, payday and title lenders.

1. Issue Name:

Health insurance education and outreach

Issue Description:

The Patient Protection and Affordable Care Act of 2010, allows all federally recognized tribes to use federal and state-based exchanges to purchase health insurance for their members. All federal financial aid to tribes comes through state-based exchanges rather than local tribal health centers. This is a significant change from previous years, as tribes have not historically relied upon the state for assistance with insurance issues.

Actions Taken:

- On May 12, 2016, the division's consumer and tribal liaison, Kevin Jeffries, attended the Health and Human Services Region 10 Tribal Consultation event in Suquamish, Wash. This event is coordinated by the HHS Office of Intergovernmental and External Affairs (IEA). This office serves as the focal point for consultations with tribal governments on policy, regulatory and legislative issues that have a significant direct impact on tribal governments and tribal organizations.
- The May 12 meeting brought together tribes from Oregon, Washington, Idaho, and Alaska to discuss health-care-related issues. Jeffries spoke with tribal leaders about consumer advocacy and addressed differences between insurance and contract health arrangements.
- On August 30, 2016, in order to remain updated on regional tribal health issues, Jeffries participated in the HHS Region Ten Tribal phone call. HHS and the tribes updated each other on outstanding issues discussed during the May 12 meeting.
- Jeffries attended the January 13, 2016 and November 15, 2016, OHA Tribal Health Cluster (Senate Bill 770) meetings. At each meeting, he spoke to tribal members about the division's consumer advocacy services and promoted the community partnership campaign, seeking local contacts to help disseminate the division's consumer advocacy message.

Actions Planned:

The division will continue to attend the HHS tribal consultation meetings and continue to build relationships of trust with Oregon tribal leaders. The division will also continue to explore customer service opportunities in tribal communities.

2. Issue Name:

Financial fraud and identity theft prevention and insurance education and outreach

Issue Description:

Tribal members are not immune to fraud and identity theft. Tribal members also incur losses that could or should be covered by property/casualty insurance, such as the losses sustained by the members of the Warm Springs Indian Reservation due to the wildfires each summer in recent years.

Actions Taken:

On April 20, 2016, Kevin Jeffries attended the Native Caring Conference in Pendleton. At this meeting, Jeffries shared information with attendees about financial risk management tools including identity protection and scam prevention. Jeffries also spoke about insurance for small businesses as well as individual auto, home, and health insurance products.

Actions Planned:

The division will continue to seek opportunities to provide information and advocacy services to Oregon's tribal governments and members.

3. Issue Name:

Legislative Commission on Indian Affairs training

Issue Description:

SB 770 directs state agencies to conduct regular training events to help agencies interact with the tribes in order to meet federal consultation requirements outlined in the American Recovery and Reinvestment Act of 2009 (ARRA).

Action Taken:

Brian Fordham attended the Spring Gathering & Special Training on "Sovereignty, Tribal Priorities and Effective Consultation" organized by the Legislative Commission on Indian Affairs in Florence on May 19, 2016.

Actions Planned:

The division will continue to seek opportunities for further training for those who regularly interact with tribal members and tribal governments.

4. Issue Name:

Division of Financial Regulation outreach and awareness

Issue Description:

The Oregon Native American Chamber (ONAC) board of directors held the 10th Annual Gathering at the Oregon Zoo. The Annual Gathering offers a chance for tribes to come together and celebrate Oregon and Southwest Washington's Native American business community, recognize outstanding business leaders, and award scholarships to the next generation of leaders.

Actions Taken:

Brian Fordham attended the ONAC annual gathering on October 7, 2016.

Actions Planned:

The division will continue to seek opportunities to participate in events like this, where there are opportunities for multiple tribes to come together to learn about the division and how to access our services.

DIRECTOR'S OFFICE (DO)

General Activities:

1. DCBS Director Patrick Allen and Ruth Kemmy, manager of multicultural communications, are the tribal liaisons for the department.
2. Kemmy attends the quarterly SB 770 Health Services and Economic Development cluster meetings.
3. DCBS key staff attended the Spring Gathering & Special Training on "Sovereignty, Tribal Priorities and Effective Consultation" in Florence, May 19, 2016.
4. DCBS is a member of the Oregon Native American Chamber (ONAC). Veronica Murray, diversity outreach coordinator, attends the monthly meetings.
5. Kemmy, Murray, and other DCBS key staff attended ONAC's 12th Annual Gathering "Empowering Our Community."
6. DCBS Deputy Director Jean Straight, Kemmy, Kevin Jeffries from the Insurance Division, and Robert Smith from the Oregon Health Insurance Marketplace attended the Dec. 7, 2016 Tribal-State Government to Government Summit.

Actions Planned:

DCBS will continue to attend and support the SB 770 Health Services and Economic Development clusters and their activities.

DCBS will continue to offer a strong presence and collaboration on tribal health issues through the Oregon Health Insurance Marketplace.

The department will continue to provide information about its services and programs and identify areas that could benefit or serve the tribes.

DCBS will continue to maintain its positive relationships with the nine Oregon tribes.