

**GOVERNMENT-TO-GOVERNMENT  
2018 ACTIVITY REPORT**

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

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**PROGRAMS AND SERVICES:**

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

DCBS is Oregon's largest business regulatory and consumer protection agency. We are a resource to consumers and businesses 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 agencywide 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. The division has had an intergovernmental agreement (IGA) with the tribe since 2014.

#### **Action Taken:**

The division has agreed to continue to provide a full range of building department services to the tribe through June 2019. BCD provides these services through its Pendleton field office. Prior agreements with the tribe have committed the division to providing services for a full year. However, the division has notified the tribe that multiple factors, including difficulty hiring for the division's operational functions, may hinder the division's capability to continue to provide adequate ongoing services. The division has notified the tribe of these issues and about the possibility of not being able to provide those services.

#### **Actions Planned:**

The division will continue to provide building department services as requested by the tribes through at least June 2019. At that point, BCD may need to re-assess and ramp down services to the tribes, as well as other recipients of contract services.

### **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. These requests come at irregular intervals and affect a different program than the site-built inspection services described in item No. 1. The division charges an hourly rate for consultation and inspection services in this program.

#### **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. DIVISION OF FINANCIAL REGULATION (DFR)**

### **1. Issue Name:**

Health insurance education and outreach

### **Issue Description:**

The Patient Protection and Affordable Care Act of 2010 allows 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 help with insurance issues.

### **Actions Taken:**

- Kevin Jeffries is the consumer and tribal liaison for DFR.
- May 2, 2018 – Jeffries attended the Health and Human Services Region 10 Tribal Consultation event in Shelton, 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 effect on tribal governments and tribal organizations. Oregon tribes in attendance were Warm Springs, Burns Paiute, Klamath, Grande Ronde, and Umatilla.
- June 5-6, 2018 – Jeffries attended the nation's first Tribal Opioid Summit where addiction and mental health treatment were discussed. Kevin spoke to the group about DFR's April Facebook live event about mental health parity and health appeals.
- Oct. 10, 2018 – Karla Martinez, financial information and outreach coordinator, attended the Tribal Health and Human Services meeting in Canyonville. She spoke 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. She also advised clinics that are having issues with insurers to have their members (patients) reach out to DFR's consumer advocates.

### **Actions Planned:**

The division will continue to attend the HHS tribal consultation meetings and continue to build relationships 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

### **Issue Description:**

Tribal members are not immune to fraud and identity theft. Unlike more urban communities, rural tribal communities around the state have only recently had access to technologies and Internet services. As a result, these communities are not as prepared to address fraud and scams introduced through phones and the Internet.

### **Actions Taken:**

April 24-25, 2018 – Jeffries staffed an informational table and attended the annual Native Caring Summit in Florence. He also conducted two training sessions on ID theft and

scam prevention. One of the trainings was streamed live via Facebook and currently has 1,600 views.

**Action Planned:**

Jeffries has initiated conversations with the Confederated Tribes of the Umatilla Indian Reservation, Coquille Indian Tribe, Klamath Tribe, and the Confederated Tribes of Grand Ronde to lead classes on ID protection and scam prevention in 2019. We hope to provide this training to all nine federally recognized Oregon Tribes by the end of 2019.

**3. Issue Name:**

Legislative Commission on Indian Affairs training.

**Issue Description:**

Senate Bill 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.

**Action Taken:**

Kevin Jeffries attended the Annual Tribal-State Government-to-Government Summit held Nov. 27, 2018, in Grand Ronde.

**Actions Planned:**

The division will continue to seek opportunities to train division employees who regularly interact with tribal members and tribal governments.

**4. Issue Name:**

Consumer education about home buying

**Issue Description:**

Oregon's tribal communities continue to seek information for their members on such topics as home buying, particularly first-time and low- to moderate-income home buyers who may be considering obtaining nonprime or alternative mortgage home loans.

**Actions Taken:**

DFR staff members provide a variety of fraud prevention, predatory lending prevention, financial education, establishing and maintaining credit, banking, financial coaching, and consumer protection information in general.

Consumer Information Specialist Fernando Velez attended the Native American Youth Association's (NAYA) 13th annual Housing to Homeownership fair on Oct. 13, 2018. He distributed information to approximately 400 attendees.

**Actions Planned:**

DFR staff members will continue to participate in the annual NAYA home buying fairs.

**C. 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 regulations. 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 help 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, upon request, consultations, conferences, workshops, training, and education. For the period Oct. 1, 2017, through Sept. 30, 2018, the following services were provided to members of the Oregon tribes:

**Training Courses:**

- Twenty-five tribal members completed Oregon OSHA online training courses.

**Consultations:**

- One of the tribes sought a consultation during federal fiscal year 2018.

**Resource Center:**

- The Resource Center received and fulfilled one request for videos from tribal members.

**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:

- Seven Feathers Casino Resort (Cow Creek Band of Umpqua Tribe of Indians – six people)

- Confederated Tribes of the Umatilla Indian Reservation (Wildhorse Resort & Casino – nine people)
- Confederated Tribes of Warm Springs (eight 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.

**D. Oregon Health Insurance Marketplace (OHIM) and Senior Health Insurance Benefits Assistance (SHIBA)**

**1. Issue Name:**

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

**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 and Marina Cassandra are the community partner and tribal liaisons for OHIM and SHIBA.
- From Jan. 1 to Dec. 7, 2018, SHIBA counselors provided one-on-one information and help to 101 tribal Medicare beneficiaries.
- Smith and Cassandra provide monthly updates from the Marketplace to tribal health contacts via email.
- Smith and Cassandra attend the monthly Oregon Health Authority Tribal Collaborative Webinar and provide support and information to attendees.
- January – Smith corresponded various times with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email regarding tribal consumer issues with health coverage.
- January – Smith corresponded various times with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email regarding a Marketplace training specific for tribal staff.

- Jan. 8, 2018 – Marketplace planning meeting held regarding coordination of tribal-specific Medicare support.
- Jan. 23, 2018 – Smith corresponded various times with the Klamath Tribes via email regarding tribal consumer issues with health coverage.
- Jan. 23, 2018 – Smith corresponded with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email about an issue with contracting a dental carrier.
- Jan. 29 and 30, 2018 – Smith corresponded with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email about an opportunity to present information to tribal caregivers and seniors.
- Jan. 31, 2018 – Smith and Cassandra facilitated a marketplace training session with Confederated Tribes of Coos, Lower Umpqua, and Siuslaw in Coos Bay.
- February – Smith and Cassandra corresponded various times with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email and phone regarding an issue with contracting a dental carrier.
- Feb. 5-6, 2018 – Smith corresponded with the Klamath Tribes via email regarding a tribal consumer issue with health coverage.
- Feb. 14, 2018 – Smith corresponded with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email regarding an issue with Oregon Health Plan applications.
- Feb. 22, 2018 – Smith and Cassandra attended Tribal Governments Day and a Tribal Luncheon at the state capitol.
- Feb. 22, 2018 – Cassandra corresponded via email with Coquille tribe to introduce herself formally as tribal liaison.
- March 1, 2018 – Smith and Cassandra attended the quarterly Tribal Health Cluster meeting, held in Salem.
- March 19 and 27, 2018 – Smith corresponded with the Klamath Tribes via email regarding Medicare premium coverage and Tribal Premium Sponsorship Program for tribal members.
- April 3-4, 2018 – Smith, Cassandra, and SHIBA Field Officer Donna Delikat presented information at an annual Region 10 Tribal Training, held by CMS in Seattle. Oregon tribal members were present.
- April 12, 2018 – Smith communicated via email with Warm Springs IHS about a provider claims payment issue.
- April 24-25, 2018 – Miranda Mathae, SHIBA field officer, provided “Medicare 101” trainings to tribal caregivers and elders at the Native Caring Conference in Florence.
- April 27, 2018 – Smith corresponded with the Klamath Tribes via email regarding a tribal consumer issue with health coverage.
- May 2, 2018 – Smith and Cassandra attended a Region 10 Tribal Consultation held in Shelton, Wash., CMS.
- May 29, 2018 – Cassandra emailed all tribal contacts about a marketplace funding opportunity.
- May 30, 2018 – Cassandra attended the Oregon Native American Chamber luncheon in Portland.

- June 5-6, 2018 – Cassandra attended the Oregon Tribal Summit on Opioids at Warm Springs.
- June 11, 2018 – Cassandra emailed tribal contacts regarding an employment opportunity.
- June 19, 2018 – Cassandra and Lisa Emerson, SHIBA program manager, attended the South Douglas County Medicare 101 in Canyonville, hosted by Cow Creek Tribe.
- June 21, 2018 – Cassandra provided an information table at the Family Night Resource Fair event in Grand Ronde.
- July 11, 2018 – Smith and Cassandra attended the quarterly Tribal Health Cluster meeting in Lincoln City.
- July 18, 2018 – Cassandra corresponded with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians via email regarding a tribal staff-specific marketplace training.
- July 24, 2018 – Cassandra emailed tribal contacts requesting a volunteer to serve on the Marketplace Advisory Committee.
- Aug. 29, 2018 – Smith corresponded via email with the Confederated Tribes of Siletz regarding a marketplace training.
- Aug. 29, 2018 – Smith corresponded via email with the Burns-Paiute tribe regarding a marketplace training.
- Aug. 31, 2018 – Smith corresponded via email with the Confederated Tribes of Siletz regarding marketing materials and brochures for tribal consumers.
- Sept. 4, 2018 – Miranda Mathae, SHIBA field officer, met with a Klamath Tribe representative to discuss a partnership in collecting Medicare information for tribal seniors.
- Since Sept. 5, 2018, as of this writing, OHIM has provided training for marketplace assisters to 39 staff at tribal health organizations throughout the state both in-person and via webinar. Of these, 29 people received more advanced training to provide consumers with assistance in applying for coverage on HealthCare.gov and 21 of those are fully certified in the process.
- Sept. 13, 2018 – Cassandra facilitated a marketplace assisters training session for staff at the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw and the Confederated Tribes of Siletz in Coos Bay.
- Sept. 14, 2018 – Cassandra made a site visit to the Coquille Tribal Health clinic.
- Sept. 17, 2018 – Smith and Cassandra corresponded via email with the Confederated Tribes of Umatilla regarding a marketplace tribal brochure.
- Oct. 4, 2018 – Cassandra attended the Oregon Native American Chamber annual event in Portland.
- Oct. 8-9, 2018 – Smith corresponded with the Cow Creek Tribes via email regarding the Tribal Premium Sponsorship Program.
- Oct. 10, 2018 – Smith discussed the Tribal Premium Sponsorship Program with the Cow Creek tribes in person and via telephone.
- Oct. 10, 2018 – Smith and Cassandra attended the quarterly Tribal Health Cluster meeting in Canyonville.



- Oct. 15, 2018 – Cassandra participated in planning the upcoming Native Caring Conference for tribal caregivers and seniors.
- Oct. 24, 2018 – Smith corresponded with the Confederated Tribes of Umatilla about the 1332 Waiver.
- Oct. 25, 2018 – Cassandra emailed tribal contacts regarding the approaching open enrollment period and potential impact in availability of marketplace staff.
- Nov. 1, 2018 – Smith corresponded with the Klamath Tribes via email regarding marketplace training questions.
- Nov. 2, 2018 – Cassandra emailed the Umatilla tribe regarding feedback on a marketplace tribal brochure.
- Nov. 10, 2018 – Cassandra provided an information table at the Mt. Hood Cherokees Native Craft Fair in Portland. Tribal members were present.
- Nov. 27, 2018 – Smith and Cassandra attended the Annual Tribal State Government to Government Summit in Grand Ronde.
- Dec. 5, 2018 – Smith and Cassandra participated in the HHS Region 10 Tribal quarterly conference call.

Tribal elders, tribal members, and Indian Health Services can save money by receiving annual counseling, education, and trainings through SHIBA and OHIM. These programs will also continue to help IHS service coordinators with applications for Qualified Health Plans on HealthCare.gov, Medicare savings programs such as the Oregon Health Plan, Qualified Medicare Beneficiary benefits, and the Low-Income Subsidy for Medicare Part D.

**Actions Planned:**

OHIM and SHIBA will continue to provide health coverage education, counseling, and trainings, and offer a strong presence and collaboration on tribal health issues. OHIM will continue to attend and support the Tribal Health and Human Services quarterly meetings.

**E. Central Services Division (CDS)**

**1. Issue name: Workers’ Benefit Fund Assessment reimbursement**

**Issue Description:**

Aug. 13, 2018 – Workers’ Benefit Fund Assessments received an email dated Aug. 9, 2018, from Chad McCormick, controller for Chinook Winds Casino Resort. McCormick notified “Assessments” the payroll company Chinook Winds uses made a mistake on the 2Q2018 and reported/paid WBF assessment. He also requested the money be refunded. McCormick provided three different business identification numbers to research and refund, Chinook Winds, BIN 1141955-6, Chinook Winds Casino Resort and Hotel, BIN 1224011-2, and Chinook Winds Golf Resort, BIN 1267634-8. Assessments researched the accounts and notified Chinook Winds the refunds would be processed.

**Action Taken:**

Refunds sent to:

Chinook Winds, BIN 1141955-6 for \$9,217.04

Chinook Winds Casino Resort and Hotel, BIN 1224011-2 for \$1,460

Chinook Winds Golf Resort, BIN 1267634-8 for \$313.82

**Actions Planned:**

Assessments will continue to address, research, and refund WBF payments received from recognized Indian tribes.

**DIRECTOR'S OFFICE (DO)**

**General Activities:**

1. DCBS Director Cameron Smith and Ruth Kemmy, manager of multicultural communications, are the tribal liaisons for the department.
2. Smith, Kemmy, and other staff members attended the Tribal Governments Legislative Day "Oregon is Indian Country: Who We Are" event and the Brown Bag Lunch with the Legislative Commission on Indian Services and other tribal leaders. The event was held Feb. 22, 2018.
3. Smith and other DCBS staff members attend the March 1, July 11, and Oct. 10, 2018, quarterly Health and Human Services Cluster meetings.
4. Smith presented at the May 16, 2018, (LCIS) meeting.
5. Kemmy attended the quarterly Economic Development Cluster meetings.
6. Kemmy attended the LCIS Spring Gathering held May 18, 2018.
7. DCBS is a member of the Oregon Native American Chamber (ONAC). Veronica Murray, diversity outreach coordinator, and other staff members attended various chamber events and the bi-monthly meetings.
8. Mary Jaeger, external affairs director, and other DCBS staff members attended ONAC's 14th Annual Gathering "Building Foundations, Building Community."
9. DCBS celebrated National Native American Heritage Month by having a display of articles, demographics, jewelry, and artifacts in our building's main lobby. We also had a presentation of Native American flute songs by Robin Gentlewolf.
10. Smith, Kemmy, and other DCBS staff members attended the Annual Tribal-State Government-to-Government Summit held Nov. 27, 2018, in Grand Ronde.

**Actions Planned:**

DCBS will continue to attend and support the Tribal Health and Human Services and the Economic Development cluster meetings 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.