GOVERNMENT-TO-GOVERNMENT
2021 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 (CITUR) has previously requested that the division provide plan review, inspection, and building official services on certain projects on tribal land. The division has had an intergovernmental agreement (IGA) with the tribe since 2014.

   **Action Taken:**
   Through its Pendleton field office, BCD will continue to provide the services as requested. The current agreement provides availability to the services of a building official by phone during normal business hours; this service is available only related to projects for residential structures and for which commercial plan review has previously been conducted or is in progress by DCBS.

   **Actions Planned:**
   The division will continue to provide building department services as requested by the tribes. The current intergovernmental agreement expires March 1, 2022, at which point it can be extended or modified through mutual agreement.

2. **Issue Name:**
   Boiler and elevator consultation inspection services

   **Issue Description:**
   Occasionally, a tribe will request a consultation inspection regarding boiler or elevator 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 issue No. 1. The division charges an hourly rate for consultation inspection services in this program.

   **Action Taken:**
   The division provides consultation inspection services through the boiler and elevator programs as requests are received.

   **Actions Planned:**
   The division will continue to provide boiler and elevator 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 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, 2020, through Sept. 30, 2021, the following services were provided to members of the Oregon tribes:

Consultations:
- Oregon OSHA was not requested to provide consultative services to any tribal entities in 2021.

Public Education Training Courses:
- One hundred forty-two tribal members completed Oregon OSHA online training courses
- Virtual workshops were attended by tribal members as follows:
  - Job Hazard Analysis (1 person)
  - Hazard Identification and Control (1 person)
  - Worker Protection Standard (1 person)
  - Hazard Communication Program – Aligned with GHS (1 person)

Safety and Health Conferences:
Due to COVID-19, Oregon OSHA was unable to co-sponsor safety and health conferences this year. No tribal organizations attended workplace safety and health conferences in 2021.

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. We will reach out to each tribe to let them know of these services.

C. 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 Tribal/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
- Confederated Tribes of Grand 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 and Contacts made:**
- Marina Cassandra is the constituent and tribal liaison for OHIM and SHIBA. SHIBA transitioned from OHIM to the Oregon Department of Human Services, Aging and People with Disabilities program in July 2021. SHIBA activities with the tribes listed in this report include those contacts that took place from January through June 2021.
- SHIBA counselors provided 15 one-on-one counseling sessions for tribal members and participated in 10 activities focused on tribal members.
- Throughout 2021, Cassandra:
  - Responded to coverage and cost-sharing inquiries from tribal members. She also answered other insurance questions and provided online assistance regarding insurance applications.
  - Responded to insurance agents’ inquiries regarding cost sharing for tribal members and other insurance issues.
  - Participated in the planning sessions for the quarterly Senate Bill 770 Health and Human Services Cluster meetings and attended the scheduled quarterly meetings.
  - Attended the Legislative Commission on Indian Services (LCIS) in March and May and the Special Meeting in April.
  - From February through June, participated in the COVID-19 Tribal Team meetings.
  - Provided Marketplace updates to tribal health contacts via email.
  - Connected via email and phone with representatives of the Oregon Tribes and Native American Rehabilitation Association (NARA) regarding assister trainings.
  - Attended the Networking Luncheon at the Oregon Native American Chamber (ONAC) in January and April.
  - Participated in the White House Tribal Covid-19 briefing in January, February, April, and May.
  - Attended the Annual Region 10 – HHS Tribal Consultation.
  - Attended the Region 10 – HHS Tribal Consultation meeting in March, June, and September.
- Contact between OHIM and Tribal Health professionals has continued; however, due to the pandemic, the frequency of contacts was diminished.

- In January:
  - OHIM staff conducted a Rapid Response event at the Confederated Tribes of Grand Ronde, Spirit Mountain Casino.
  - Cassandra contacted Julie Johnson, Tribal Affairs Director at Oregon Health Authority (OHA), regarding COVID-19 vaccination coordination.

- In February, Cassandra:
  - Participated in the HHS COVID-19 update call.
  - As part of her vaccine coordination duties, responded to a request to help figure out the number of American Indian/Alaska Native (AI/AN) elders in nursing homes were getting vaccinated.
  - Responded to an inquiry from a health assister at Yellowhawk Clinic (CTUIR) regarding a patient with a Medicare issue.
  - Worked with staff from Chemawa Indian School on the flyer for the new Special Enrollment Period (SEP) and distributed it to tribal health assistants.
  - Contacted NARA and the Native American Youth and Family Center (NAYA) regarding contact for vaccine coordination.
  - Distributed updated Federal Poverty Level (FPL) charts to tribal assistants.
  - Attended NAYA’s Vaccination Access and Messaging meeting.

- In March, Cassandra:
  - Distributed satisfaction survey to tribal health professionals.
  - Sent request for virtual site visit dates to tribal assistants.
  - Distributed talking points and sent information to tribal assistants on enhanced cost protections available through American Rescue Plan Act (ARPA).
  - Emailed tribal leaders and assistants regarding HB 5510, the DCBS budget bill.
  - Corresponded with tribal assistants regarding survey and availability for site visits/virtual check-ins.
  - Connected with Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) regarding AI/AN cost protections through the Affordable Care ACT.

- In April, Cassandra:
  - Presented at annual CMS I/T/U conference.
  - Forwarded information from CMS on the new SEP.
  - Provided technical consultation to an assister at Yellowhawk (CTUIR).
  - Forwarded Housing and Urban Development (HUD) announcement on Indian Housing Block Grant – American Rescue Plan Implementation & Training Notice.
  - Assisted a tribal member with inquiries about new cost protections under the ARPA.
  - Forwarded information on additional vaccine clinic spots to NARA.
  - Attended a virtual celebration of the groundbreaking of NAYA's Hayu Tlilxam.

- In May, Cassandra:
  - Emailed tribal assistants requesting feedback on updated Federal Poverty Level (FPL) chart.
  - Attended meeting with OHA to discuss Pfizer Vaccine for 12- to 15-year-olds.
  - Responded to insurance agent’s inquiry about limited cost-sharing benefits and referral requirements.
  - Attended the LCIS Spring Celebration.
• In June, Casandra:
  - Responded to an inquiry from Chemawa Indian School regarding assister training.
  - Met virtually with CTCLUSI staff regarding limited cost-sharing provisions on Marketplace plans and facilitated Marketplace virtual check-ins.
  - Emailed tribal health assisters regarding potential site visit dates and upcoming training dates specifically for tribal health assisters.
  - Provided online application assistance (application walk-through) to a tribal member.
  - Communicated with ONAC member Sean Cruz to sponsor Jim Pepper Festival and submitted sponsorship request.

• In July, Casandra:
  - Facilitated a virtual Marketplace check-in with Warm Springs.
  - Presented at a virtual meeting with the Centers for Medicare and Medicaid Services, Indian Health Services, Tribal Health Programs, and Urban Indian Programs.
  - Provided technical assistance on AI/AN eligibility with Warm Springs assister.
  - Communicated with Burns Paiute, Grand Ronde, Siletz, Cow Creek, and Klamath tribal health clinics to follow up on scheduling virtual check-ins.

• In August, Casandra:
  - Facilitated virtual site visit check-in with Burns Paiute – Wadatika Health Clinic, Siletz – Community Health Clinic, and Grand Ronde – Health and Wellness Center.
  - Facilitated a Marketplace Assister Certification training and a Marketplace Refresher Certification training for all tribes.
  - Responded to NARA regarding a Tribal Collaborative inquiry.
  - Met with the Community Partner Outreach Program (CPOP) engagement coordinator to discuss potential revival of the OHA/Marketplace Tribal Collaborative.
  - Met with the OHA tribal liaison from the Heath Policy and Analytics division to discuss roles and collaboration.
  - Cassandra and SHIBA assisted a tribal member with Medicare inquiry via conference call.
  - From August through November, Cassandra and other Marketplace staff collaborated with Collin Gabriel of ONAC to develop a webinar on insurance options for entrepreneurs and small businesses.

• In September, Casandra:
  - Attended the HHS Region 10 Quarterly call.
  - Attended the 2021 American Indian/Alaska Native (AI/AN) Health Summit.
  - Attended the OHA/HPA Tribal Consultation Training.
  - Attended the OHA HB 2362 Tribal Consult Meeting.
  - Attended the OHA Tribal Monthly Meeting in September and November.

• In October, Casandra:
  - Met with the Yellowhawk chief financial officer to discuss cost protections and funding options for enrolled tribal members.
  - Attended the SB770 Health Cluster quarterly meeting.
  - Provided individual coaching on Marketplace training to a Warm Springs Health and Wellness assister.
  - Attended the HHS update for Indian Country.
- In November, Casandra:
  - Assisted two tribal members with inquiries about health coverage and cost protections.
  - Attended OHA’s Tribal Monthly Meeting

Contact frequency and type continued to be significantly affected by the pandemic response. Offices closed to the public, clinics with reduced hours of operation, state and tribal restrictions on non-essential travel, social distancing, and other factors led to a reduction in contacts, especially in terms of in-person meetings, training, and participation in outreach events.

2. **Issue Name:**
   Tribal Relations Satisfaction Survey

   **Issue Description:**
   Tribal elders, tribal members, and Indian Health Services can save money by receiving annual counseling, education, and trainings through OHIM.

   **Actions Planned:**
   OHIM will continue to provide health coverage education, 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. OHIM’s tribal liaison will continue to increase knowledge and understanding of health coverage issues specific to American Indians and Alaskan Natives. OHIM plans to increase Marketplace outreach and capacity of application assistance for tribal consumers.

D. **WORKERS’ COMPENSATION DIVISION (WCD)**

   **Issue Name:**
   Workers’ compensation insurance coverage

   **Issue Description:**
   Because of their sovereign status, tribes are not subject to Oregon workers’ compensation law. Tribes can elect workers’ compensation coverage through Oregon’s workers’ compensation system. When a tribe or tribal enterprise elects to obtain coverage through Oregon’s workers’ compensation system, the procedures and benefits under the state system apply.

   WCD’s Employer Compliance Unit had several interactions with the Cow Creek Band of Umpqua Tribe of Indians this year. These interactions concerned tribal-owned businesses that were not located on tribal lands. In each case it was found the businesses were Oregon subject and were required to secure Oregon coverage.

   **Action Taken:**
   WCD staff members met telephonically with some of the business owners, tribal officials, and their attorneys to discuss Oregon requirements as they relate to tribal
sovereignty. There were at least two claim cases that were assigned to a claims agent for processing.

**Action Planned:**
WCD will continue to be a resource, continue to provide requested consultation, and answer to inquiries upon request of tribal workers, employers, and tribal enterprises.

E. CENTRAL SERVICES DIVISION (CSD)

**Issue Name:**
Workers’ Benefit Fund (WBF)

**Issue Description**
Darryl Stewart from Cayuse Government Services advised us the business received a WBF notice and requested that we review BIN 1760612-8. Mr. Stewart mentioned the business was on the list for exemption back in 2019 and wanted to know if DCBS overlooked this as the business did not have employees at the time.

**Action Taken:**
Mark Curry from CSD emailed Mr. Stewart stating the account was improperly coded at the time of the WBF notice and the issue is now corrected. Notes were added to account and was updated with proper coding to Non-Subject Employer to WBF.

**Actions Planned:**
Assessments will continue to work with Oregon’s tribes to address, research, and refund payments as appropriate.

F. DIVISION OF FINANCIAL REGULATION (DFR)

1. **Issue Name:**
Wildfire community preparedness

**Issue Description:**
DFR engages in education on the steps that consumers can take to prepare for disasters by using insurance and safeguarding their finances. Wildfires have become an increasing problem for rural communities and some tribal lands are susceptible to wildfire damage. A campaign promoting the National Wildfire Community Preparedness Day needs to be culturally appropriate. Native American tribes have skills, knowledge, and experience with cultural burns, aka prescribed burns, so it was important that a wildfire preparedness campaign not denigrate the positive aspects of fire.

**Actions Taken:**
To be able to create a culturally respectful campaign for wildfire community preparedness, outreach staff presented the concept to the Economic Development Community Cluster.
The division consulted with four tribal entities to develop a public service campaign. Staff from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) suggested messages that recognized the importance of protecting first foods and the value of prescribed burns while encouraging community members to prepare for wildfire season. The message was reviewed by staff from the Burns Paiute Tribe, the Confederated Tribes of the Siletz Indians (CTSI), and the Confederated Tribes of Warm Springs (CTWS).

DCBS developed print ads for publication in newspapers run by the four tribes. The CTWS radio station, KWSO, produced the radio ad, using local voice talent. DFR ran the ad on KWSO and CTUIR’s station – KCUW, along with two commercial radio stations that serve Burns.

**Actions Planned:**
The outreach team anticipates engaging in this campaign in 2022.

2. **Issue Name:**
Oregon Reinsurance Program to reduce health insurance premiums

**Issue Description:**
DFR administers the Oregon Reinsurance Program (ORP) using a Patient Protection and Affordable Care Act 1332 State Innovation Waiver. The waiver is granted by Centers for Medicare and Medicaid Services (CMS) through the Center for Consumer Information and Insurance Oversight (CCIIO), which requires certain reporting for the division to maintain the waiver to operate the ORP program. The program makes health care claims payments to insurers to help pay for high-cost claims incurred for members who buy health care plans on the individual market from the Oregon Health Insurance Marketplace. These reimbursement payments have lowered consumer premiums a net 6.5 percent with the waiver.

**Actions Taken:**
Part of the requirement from CMS/CCIOO for the waiver is to provide public input as to the efficacy of the waiver. The Reinsurance Program coordinator contacted tribal liaisons in spring 2021 to gather vital information on the effect of the program on their tribal members.

**Actions Planned:**
The program anticipates continuing to engage with tribes over the life of the program and ensuring the tribal members are aware of and benefit from the program.

G. **DIRECTOR’S OFFICE (DO)**

**General Activities:**

1. DCBS Director Andrew Stolfi and Ruth Kemmy, manager of multicultural communications, are the tribal liaisons for the department.

2. DCBS staff members attended the LCIS Spring Celebration.
3. Kemmy is the co-chair of the Economic Development and Community Services Tribal Cluster. In order to keep the tribes informed of resources available during the COVID-19 pandemic, the tribal co-chairperson and Kemmy continued to hold monthly virtual meetings through 2021.

4. DCBS is a member of the Oregon Native American Chamber (ONAC). Diversity, Equity, and Inclusion Manager Veronica Murray and other DCBS staff attend the bi-monthly luncheon meetings.

5. Murray and other DCBS attended the ONAC Annual Fall Gathering “Resilience to Prosperity Envisioning Our Future Together.”

6. Stolfi attended the Health and Human Services Cluster meetings held in January, April, July, and October.


9. Stolfi is a member of the National Association of Insurance Commissioner’s (NIAC) American Indian and Alaska Native Liaison Committee, which provides a forum for ongoing dialogue between NIAC members and the American Indian and Alaska Native communities concerning insurance issues of common interest. He and various staff attended meetings in March, November, and December.

**Actions Planned:**
DCBS will continue to attend and support the Tribal Health and Human Services and the Economic Development cluster meetings and their activities.

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.