



New York State Department of Health Standard Clauses for Managed Care Provider/IPA/ACO Contracts WITH INDIAN TRIBAL HEALTH PROVIDERS FAQs

1. **Question: What are New York State Department of Health Standard Clauses for Managed Care Provider/IPA/ACO Contracts with Indian Tribal Health Providers dated 03/01/2019 (“Indian Tribal Standard Clauses”) used for?**

Answer: These Indian Tribal Standard Clauses may be used for contracts (including templates and amendments) between any MCO and a Federally or New York State Recognized Tribe or provider.

2. **Question: Who are the Federally recognized Indian Tribes?**

Answer: There are eight (8) Federally recognized Indian Tribes. They are:

1. Cayuga Nation
2. Oneida Nation of New York
3. Onondaga Nation
4. Saint Regis Mohawk Tribe (formerly the St. Regis Band of Mohawk Indians of New York)
5. Seneca Nation of Indians
6. Shinnecock Indian Nation
7. Tonawanda Band of Seneca
8. Tuscarora Nation of New York

Further information can be found at the following website:

https://www.health.ny.gov/community/american_indian_nation/

**Please Note: The Unkechaug (Poospatuck) Tribe is New York State Recognized but is NOT Federally Recognized.*

3. **Question: Why are there separate Standard Clauses for Indian Tribal Health Providers?**

Answer: These Indian Tribal Standard Clauses recognize the sovereignty of the Indian Tribes while still meeting the necessary requirements of accountability and oversight.

4. **Question: How are the Indian Tribal Standard Clauses different from the regular Standard Clauses dated 4/1/2017?**

Answer: The Indian Tribal Standard Clauses remove language of construction such as “shall”, “subject to”, etc. to acknowledge that the Indian Tribal Health Providers voluntarily



agree to meet the standards required in the Standard Clauses without conceding to the authority of Federal or State laws and regulations.

5. ***Question: How are these Indian Tribal Standard Clauses made a part of the contract between a MCO and an Indian Tribal Health Provider?***

Answer: These Indian Tribal Standard Clauses can be incorporated into any contract between a MCO and an Indian Tribal Health Provider as an exhibit or attachment.

Language for the incorporation of Indian Tribal Standard Clauses can be found in the New York State Department of Health Provider Contract Guidelines for Article 44 MCOs, IPAs, and ACOs, Revised April 1, 2017 version.