

Substance Abuse and Mental Health Services Administration (SAMHSA)

2024 Tribal Consultation Policy Modernization

Introduction:

SAMHSA is beginning to modernize the Tribal Consultation Policy (TCP). This is necessary because the current policy was approved in 2016 prior the reorganization of SAMHSA under the 21st Century Cures Act. The way information was shared, and meetings were scheduled/facilitated was much different pre-COVID than in our current environment. An update is also needed to align the SAMHSA TCP Policy with the [2023 Department of Health and Human Services \(HHS\) TCP](#).

Background:

SAMHSA, as an operating division within HHS, acknowledges and affirms the goals to reduce and ultimately eliminate health disparities faced by American Indians and Alaska Natives (AIAN) and to optimize access to services and programs addressing mental and substance use disorders. To achieve these goals, and to the extent practicable by law, SAMHSA finds it essential to engage in meaningful consultation with federally recognized Tribes.

SAMHSA established the initial agency specific TCP on March 2, 2007. This policy was in effect until the [current TCP](#) was signed on February 24, 2016.

Modernization:

Language in the current TCP needs to be updated to reflect the current SAMHSA organizational structure, including the change from an Administrator to an Assistant Secretary. Language also needs to reflect new procedures related to virtual meetings. The overall policy remains largely intact. A listing of specific proposed changes can be found below.

SAMHSA 2024 Tribal Consultation Policy modernization		
Section	2016 version	2024 draft version
Purpose	N/A	New Section in 2024 draft consistent with 2023 HHS TCP
Objectives	N/A	New Section in 2024 version consistent with 2023 HHS TCP
Background	4 paragraphs	1 paragraph that summarizes the 2016 language
Policy	Standard language mostly consistent with 2023 HHS TCP with sentence referencing ICNAA	Like 2016 version, eliminated reference to ICNAA and used plain language wherever possible, more consistent with 2023 HHS TCP than 2016 SAMHSA version

SAMHSA 2024 Tribal Consultation Policy modernization		
Section	2016 version	2024 draft version
Consultation Process	Outdated with reference to SAMHSA Administrator and Regional Administrator	Like 2016 version but organized slightly different. Language also modernized (e.g., SAMHSA Assistant Secretary, teleconference replaced with virtual meeting, etc.)
Waivers	Language like 2023 HHS TCP	Almost identical to 2016 version- changed first sentence
Definitions	32 items listed	Smaller list since this draft is more concise (7 items listed)
Effective Date	Upon signature replacing 2007 version	Upon signature replacing 2016 version
Scope	One paragraph	N/A- eliminated one paragraph scope
SAMHSA Centers and Offices	Detailed listing of Centers and Offices relevant in 2016	N/A- not included to remain relevant despite potential changes in organizational structure in the future
Joint Tribal federal Workgroup and Task Force	Details about establishing a Tribal federal task force	N/A- not included to remain relevant despite any potential initiatives, workgroups, and/or task forces
References	Listing of acronyms mostly for SAMHSA Centers and Offices	Not included since the specific listing of Centers and Offices was excluded, all acronyms were spelled out in document

Next Steps:

SAMHSA will complete an internal review of the draft TCP up to and including approval by the Office of the Assistant Secretary.

Once approved internally, SAMHSA will present the draft to the Tribal Technical Advisory Committee for review and comment. This is tentatively scheduled for September 2024.

SAMHSA will host two virtual Tribal Consultations on the 2024 TCP modernization. The meeting details are listed below. The following questions are proposed to help guide Consultation Session:

- How can SAMHSA strengthen the following tribal consultation processes:
 - Ability for Tribes to request consultation
 - Consultation notification timeframe (30 calendar days) or notification methods (DTLL, mailing, broadcast e-mail, FRN)
 - Consultation mechanisms (information mailer, virtual and/or in-person meetings, or participation in HHS meetings)
 - Consultation outcomes (90 calendar days in report format)
- What other areas of the draft SAMHSA Tribal Consultation Policy can be strengthened to ensure responsiveness and engagement with Indian Country?

SAMHSA will send notice to Tribal Leaders at least 30 days in advance of the meetings through a Dear Tribal Leader Letter, posting the announcement of the SAMHSA OTAP Webpage, and sharing with partners (HHS Intergovernmental and External Affairs, National Indian Health Board, National Congress of American Indians etc.). A notice in the Federal Register will also be released.

- [Virtual Tribal Consultation 1: Wednesday 11/6 from 3:00-4:30 PM ET](#)
- [Virtual Tribal Consultation 2: Thursday 12/5 from 1:00-2:30 PM ET](#)
- Written comments will be accepted via email until January 6, 2025.
- SAMHSA will generate a report summarizing feedback and key themes.

SAMHSA aims to have a new TCP approved and signed by Spring 2025. The new TCP will be shared widely and prominently displayed on the SAMHSA website.