

LEC Advisory Committee Meeting Minutes

Thursday, April 7, 2016

Meeting Time: 10:00 a.m. to 2:15 p.m.

Yolo County Office of Education
1280 Santa Anita Court
Woodland, California 95776-6127
Phone: (530) 668-6700

LEC Coordinator/Representative Attendees:

Sharon Battaglia, Sonoma County Office of Education, **Co-Chair** – Region 1 Randy Jones,
Glenn County Office of Education – Region 2
Coreen DeLeon, Glenn County Office of Education – Region 2
Marjorie Rollins, Sutter County Superintendent of Schools – Region 3
Gail Atwood, Sutter County Superintendent of Schools – Region 3
Michelle Cowart, Contra Costa County Office of Education – Region 4
Mary Hart, Santa Cruz County Office of Education – Region 5
Janice Holden, Stanislaus County Office of Education – Region 6
Susan Ellyson, Madera County Office of Education – Region 7
Margaret Roux, Kern County Superintendent of Schools – Region 8
Andrea Tennyson, San Bernardino County Superintendent of Schools – Region 10 Octavio
Castelo, Los Angeles County Office of Education, **Co-Chair** – Region 11

Other Attendees:

Tony Teresi, Department of Health Care Services (DHCS)
John Mendoza, Department of Health Care Services (DHCS)
Amanda Dickey, California County Superintendents Educational Services Association (CCSESA)

On the phone from Public Consulting Group, Inc. (PCG) – Lisa Pavelek, Lori Bobb , Aaron McCalmont

Absent:

Monica Morgan, Santa Cruz County Office of Education – Region 5
Ken Gragg, Kern County Superintendent of Schools – Region 8
Rosalee Hormuth, Orange County Department of Education – Region 9

1.0 Introductions

Each individual stated his/her name and agency affiliation.

2.0 Additions to the Agenda

Committee members asked to add the following items: fully federally funded positions, added under Item 4.4, questions on SMAA Program Update on March 11, 2016, added under Item 4.5 and an update on the original deferral payback status, added under Item 4.6.

3.0 Approval of Minutes

3.1 Minutes from February 4, 2016 meeting

The February 4, 2016 meeting minutes were approved as presented.

4.0 Department of Health Care Services (DHCS) Report

4.1 RMTS Implementation:

4.1.1 SMAA Manual Revision – Status?

- Chief Tony Teresi stated that DHCS has updated the matrix of comments for the manual. DHCS will send out notification on which comments they did and didn't use and reasons why they didn't use specific comments. This will be provided to everyone along with the track changes version of the manual. He stated that this should be completed in the next couple of weeks.
- Chief Tony Teresi was asked if the matrix was submitted to Brian Burdullis at CMS. DHCS has not submitted the matrix yet, but Brian asked for the matrix before he receives the manual with suggested changes to determine the extent of the changes that are being made. Chief Tony Teresi explained that CMS doesn't have a threshold for the number of changes and DHCS can submit small changes to the manual that would be approved without "opening up the entire plan". CMS has not specified how big changes have to be for the plan to be opened up, but want to look at the matrix and make that determination. If this should happen, it would be subject to all the current policy changes that CMS currently has in place for administrative claiming. If CMS feels that we are making significant changes to the manual, that will "open up the plan" to all the new requirements they have (reporting requirements, one-day notice for RMTS moments, 2-day response period). CMS will be able to let DHCS know to what degree the program will be updated. If for whatever reason they "open it up", we wouldn't be able to get retroactive approval back to the beginning of the program; Codes 17 & 18 would not be approved for use in 14/15 Q3 & Q4 which would mean that everything that did not receive a valid code could be considered an invalid moment. Chief Tony Teresi didn't think that this would have a huge impact on the percentages.

4.1.2 RMTS Invoice – Status and tentative DHCS RMTS Invoice training date

- Chief Tony Teresi shared that DHCS created a committee to review the invoice which included LEC members, LGA members, and LEAs from both LECs and LGAs. There were 8 people on the committee and according to Chief Tony Teresi they went through each tab and made adjustments to the invoice. He thinks that they produced a pretty good product. Once Chief Michelle Kristoff reviews it, DHCS will submit to CMS for approval. The approved version will be posted to the website with instructions on how to access it.
- Chief Tony Teresi will provide the LEC Committee with the list of names of those that were part of the invoice review committee.

4.1.3 RMTS Expired Moments - Status?

- Public Consulting Group (PCG) staff joined the meeting via phone call - Lisa Pavelek, Lori Bobb, and Aaron McCalmont.
- DHCS received information from CMS regarding recoding expired moments from Code 18 to either Code 16 or 17. Chief Tony Teresi explained that before moments can be recoded from invalid to valid, the senior coder must reach out to the Time Survey Participant either through electronic mail (or physical mail if they have a hard copy moment) and ask them to state the reason why they did not respond to their moment. All communications must be printed and saved in the audit file.
- Chief Tony Teresi stated that DHCS would like the process to be completed by May 31st for Q3 & Q4 of FY14/15 and Q2 of FY15/16. Moving forward, this process would align with the coding report timeline, which is 30 days after the close of each quarter.
- LEC Coordinators expressed concerns with recoding expired moments and maintaining program integrity, the ramification of what this process means, and potential outcomes. Committee members explained that if we are to contact the participants directly for every single moment that wasn't answered and potentially, those moments can be changed to paid time-off, the result can be an unusually high number of moments. One of the integrity issues has been that all communications must take place within the software system and DHCS is asking us to break that rule. Asking a participant weeks, months, even a year later, what they were doing in a single minute is opening the program up for unwanted concerns and scrutiny. LECs do not contact the participants in terms of direct e-mail. Our contacts have been the LEA coordinators; LECs really don't have the authority to contact the participants in terms of direct e-mail. Another committee member added that the LECs do not want to get into personnel issues between the LEA coordinators and their participants; each LEA administers this program locally in a different way according to their own LEA practices and protocols. Committee members reiterated that most participants do not know if they are on paid or unpaid leave. LEC coordinators explained to DHCS that they have all been taking necessary actions to assist LEAs in keeping moments from expiring. Committee members emphasized that the opposition to this process is pretty clear.
- Chief Tony Teresi agreed to reach out to Brian Burdullis at CMS and share with him the concerns shared by the LEC coordinators.
- PCG was asked if other states allow expired moments to be recoded. PCG confirmed that they are recoding expired moments accordingly and communications are saved in the states they work in. It was also shared that Fairbanks also makes changes to expired moments in the states they work in.
- Committee members asked that if CMS is allowing recoding expired moments, that DHCS needs to provide a clear direction/guidance and process.
- Chief Tony Teresi reiterated that the effort must be initiated by the senior coder to reach out to the participants. The LECs asked Chief Tony Teresi to send the process and LECs will provide their input.

4.1.4 Coding Review Report

- Code 1 vs Code 2 - The group discussed and agreed that DHCS will need to provide more distinct guidelines for coding of moments to 2, 1 or 8 when the LEA Billing Option (LBO) Program begins participating in RMTS. Chief Tony Teresi shared that Rick Record from DHCS LBO program will be attending the June LEC Committee meeting.

- Chief Tony Teresi verified that DHCS moved bullet “o” from Code 2 to Code 8. He confirmed that this change isn’t in effect until the manual is approved by CMS. We are still using the 14/15 approved manual.
- Code 12 - DHCS is waiting to hear back from CMS on retroactive claiming; how far back can we go and if we can do it through backcasting. There are decisions that created disallowances for retroactive claiming beyond the two year claiming limit. CMS’ central office is having that discussion and will let DHCS know what they decide.
- Committee members asked PCG about the status of the list of system related-items/issues brought to their attention by the LECs. Lisa will take a look at the list and will update the group. It was shared that PCG was unable to develop the LEA Coding Report that was requested by the LECs. Chief Tony Teresi asked and it was confirmed that was the Access version which Region 9 LEC shared with DHCS. A committee member suggested that a cleaner version of the excel spreadsheet would suffice that is user-friendly.

4.1.5 DHCS RMTS Summit – July 27 and 28

- Tony confirmed the dates and PCG also confirmed that they will be in attendance. The agenda has not been finalized. Whether or not the Coder training will be incorporated with the summit will depend on the number and type of agenda items received. Attendance for the Senior Coder is mandatory. DHCS will discuss a webinar option.
- Committee members discussed other trainings that would be helpful such as LEA Report Reviewing and IEP activities for LEAs; what’s claimable outside the IEP and what’s not claimable inside the IEP. It was also suggested instead of having this in July, to have the coder training closer to October since we do not code during the first quarter.
- DHCS doesn’t have an objection moving the LEC committee meeting from August to July 29th after the RMTS Summit. The location has been arranged and secured. The meeting will be held at Mini Core across the river (Garden Hwy) in Sacramento and will begin at 8:30AM and end at 12:00PM.

4.1.6 Discussion on misinterpretation of 15% vendor fee limit not being applicable to LECs/LGAs answer from CMS

- This was an issue which resulted from an LEA workgroup call. Chief John Mendoza was provided with a written statement which was part of the minutes from a previous workgroup call that was taken out of context. The committee is concerned that misinformation is being discussed with LEAs. It was suggested that in the future these concerns should be directed to the LEC website at californiamaa.org where all LEC fees are posted. Chief Tony Teresi is thinking of adding this link to the DHCS SMAA website.

4.1.7 LEA SMAA Workgroup

- DHCS is aware of the Code Tracker worksheet the LEA stakeholder’s group has initiated and has started using. According to Chief John Mendoza, it will be brought up at the next “SMAC” call.

4.1.8 Backcasting – discussion and update

- According to Chief Tony Teresi, no new backcasting proposals have been submitted to DHCS or CMS by any groups. The current methodology that we have is what we are moving forward with. DHCS is trying to gather all the data and consolidate everything to

create a couple of test samples to figure out what the impact would be. Chief Tony Teresi suggests having a discussion whether or not changes need to be made on the methodology and if we want to re-approach CMS with concerns. He was asked what happened to the proposal submitted by Kern, Sutter, & LACOE. Chief Tony Teresi confirmed that CMS does not want any changes made to participant pools. Committee members will resend that proposal again to Chief Tony Teresi with regional data vs worker log. LACOE agreed to provide actual data from an LEA to look at RMTS' preliminary data.

- Chief Tony Teresi asked how final coding for Q2 was coming. DHCS will need to go back into the RMTS system and figure out what those percentages are, and look at the past two quarters and add Q2 to create the average figures for Q1. DHCS will also need to figure out which 4 quarters to use for backcasting.
- The periods of service under the current backcasting methodology are 14/15 Q3 & Q4 and 15/16 Q1 and Q2. Moving forward Q1 average is going to be an average of the previous 3 quarters but for 15/16 Q1 average, it's the average of Q2 15/16 and Q3 & Q4 of 14/15.

4.2 Follow-up from prior LEC Meeting:

4.2.1 IEP discussion - Status

- DHCS sent a letter to CMS but hasn't received any feedback as of yet.

4.2.2 Tape Match - Status

- DHCS received final approval for the combined Data Use Agreement (DUA) between LEA Billing Option and SMAA. DHCS is working on a PPL to send out providing instructions on what needs to happen to execute the DUA and to begin to retrieve Tape Match data needed for the invoices.

4.2.3 Recoupment PPL and Demand Letter(s)

- Chief Tony Teresi stated that this is still being reviewed and DHCS is looking at different options to resolve those of the claiming units in the "red" after the netting process. Chief Tony Teresi asked Chief John Mendoza to talk more about the status.
- Chief John Mendoza stated that there hasn't been a lot of progress since we last met. DHCS is working with the Department of Finance to review any potential funding options to take care of those claiming units that are in the "red". He hopes to provide more information later this month and to close this issue out by June 30th. He will be talking to their Deputy Director to see where they are and if they hear something before the next LEC meeting in June, an email will be sent out.
- Chief John Mendoza was asked for a PPL stating how the recoupment funds were processed and for LEAs to see and get clarification on the percentages, how claims were processed.
- Committee members asked if direction would be given soon since regions received checks issued a year ago. It was pointed out that CDE has a simple process in place on mandated costs, paying apportionments, and overpayments. Consistency was asked for between the state departments and within its subdivisions. Chief Tony Teresi confirmed that DHCS does not want any checks returned back.

4.3 DHCS Marketing Materials – Has DHCS made any progress/clarification regarding the Community College challenges on participating in SMAA? (i.e. funding, job titles)

- DHCS hasn't received any other communication beyond the initial conversation we had regarding Community Colleges (CCs). They are looking at re-opening the issue with respect to correlating the TSPs between CCs and school districts, Indirect Cost rate, and

coding used for their accounting and how it relates to SACs accounting. This might be a good issue to include in the summit and maybe have some CCs participate from their Chancellor's office.

4.4 Fully Federally-Funded Positions

- The PPL posted involves participant funding sources that have changed throughout the quarter/s. However, there are some positions that have been found that were not originally identified as fully federally funded and not removed for the staff pool list. DHCS was asked for clarification/direction on how to treat those quarters with those positions whose funding changed prior to the start of the quarter but were not removed from the pool because the information was never communicated to the LEA coordinator or the LEC coordinator. Chief Tony Teresi said those moments would have to be treated as invalid because they should not have been included in the pool.

4.5 March 11 Update from DHCS

- DHCS was asked for clarification on the program update posted on March 11th. Chief Tony Teresi stated that DHCS just needs a copy of the prior year invoice and an original signature on the LEA Summary Invoice page. Original invoices will be required for ALL backcasting invoices.

4.6 RTC Paybacks

- Committee member asked DHCS how the checks that LEAs issued to DHCS during the RTC process were applied. Revisions on those invoices were made and sent along with the checks based on the DHCS spreadsheet. Chief Tony Teresi asked for committee members to send him more information and he will look into it.

5.0 LEC Committee Business

5.1 CCSESA Update

- Amanda Dickey from CCSESA provided an update on SB123. No movement on the bill yet but there are rumors that it will be amended soon.

5.2 LEC Co-Chair Election for 2016/17 (Octavio)

- Octavio Castelo is stepping down as Co-Chair for the LEC Advisory Committee effective 7/1/16.
- The group agreed to send in their nominations. One member suggested that the Co-Chairs should be representative of the Northern and Southern parts of the state.
- At the June meeting, nominations and selection of new Co-Chair will occur.

5.3 LEA Medi-Cal Billing Option Ad-Hoc Workgroup – Update (Janice)

- Janice Holden shared that Dr. Lindy presented at the last workgroup meeting.
- Audit findings were also discussed and some COEs will be pursuing legal advice regarding audit findings and disallowances.
- The next meeting is June 1st.

5.4 LEA Medi-Cal Billing Option Program RMTS Committee (IAG) – Update (Margaret)

- Margaret Roux presented and discussed the minutes from past IAG meetings. It was reiterated that at the next LEC meeting Rick Record from the LBO program would be in attendance and more discussion would be beneficial for all of the LECs.
- The committee is currently scheduled to meet through July, but looking to also meet in August and September.

Final Version – approved 6/9/16

5.5 Format of future LEC meetings

- Nothing was discussed

5.6 Regional LEC Updates/Coding Concerns – discussion about a separate webinar/webex

- Nothing was discussed

5.7 Other LEC business/discussion items

6.0 Adjourn

*The next LEC Committee Meeting has been **moved to June 9, 2016** at:*

**Yolo County Office of Education
1280 Santa Anita Court
Woodland, CA 95776**