

**Yolo County Office of Education
1280 Santa Anita Court, Suite 100
Woodland CA 95776**

**LEC Advisory Committee Meeting Minutes
December 5, 2013**

LEC Coordinator/Representative Attendees:

Sharon Battaglia, Sonoma County Office of Education - Region 1
Merilee Johnson, Glenn County Office of Education – Region 2
Marjorie Rollins, Sutter County Superintendent of Schools, **Co-Chair** - Region 3
Michelle Cowart, Contra Costa County Office of Education – Region 4
Monica Morgan, 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
Annette Jewell, Orange County Department of Education, **Co-Chair** - Region 9
Jennifer Alvarado, San Bernardino County Superintendent of Schools - Region 10
Chris Cox, San Bernardino County Superintendent of Schools - Region 10
Octavio Castelo, Los Angeles County Office of Education - Region 11

Other Attendees:

Michelle Kristoff, Department of Health Care Services (DHCS)
Tony Teresi, Department of Health Care Services (DHCS)
Janice DiCroce, LGA Co-Chair
Lynda Lindsay, LGA Co-Chair
Bill Cornelius, Sutter County Superintendent of Schools
Keith Crafton, Los Angeles County Office of Education
Randy Jones, Glenn County Office of Education
Cathy Bennett, Sacramento City Unified School District
Andrea Coleman, Los Angeles Unified School District
Sherry Purcell, Los Angeles Unified School District

Absent:

Ken Gragg, Kern County Superintendent of Schools - Region 8
Phillip Downing, Los Angeles County Office of Education - Region 11

1.0 Introductions

Each individual stated his/her name and agency affiliation.

2.0 Additions to the Agenda

A Committee member requested the addition of “LEC Business” meetings. This item would be discussed under item #7.10.

3.0 Approval of Minutes

The October 3, 2013 LEC Advisory Committee meeting minutes were approved.

4.0 Department of Health Care Services (DHCS) and Co-Chairs Report

4.0 Staffing

- Acting Chief Tony Teresi introduced Michelle Kristoff, the new Branch Chief for the Administrative Claiming, Local & School Services Branch.
- Chief Carolyn Cain-Smith is due to return to work on January 2, 2014.

4.1 Interim Claiming - Status

4.1.1 SMAA Claiming Unit Participation Universe (Grids)

- The deadline for SMAA Participant Universe Grids for the 2nd quarter of 2013/14 was December 2, 2014. Tony Teresi reported that while there were a few issues with the SMAA e-mailbox due to the size of the files being submitted, he remained confident that all submitted Universe Grids were received.
- DHCS reported that they are working on a database to track all incoming documents and they will have the capability to send out reports of what has been received as of a specific date. The database would track all Reasonableness Test Criteria (RTC) documentation and Participant Universe documents. This system should be up and running next week.

4.1.2 2013/2014 Second Quarter Conditional Approval Process

- All Participant Universe Grids would be “conditionally” approved upon receipt. DHCS would continue to review all of the (2nd quarter 2013/14) Universe Grids and would request additional information from LECs/LGAs as necessary.
- DHCS would provide an approval letter to each LEC/LGA denoting which Universe Grids were received and approved.
- A committee member asked about exceptions for teacher participation relative to “inclusion”. Would DHCS accept Universe Grids with justification for teacher participation? DHCS responded that they would review the justification documentation and approve or disapprove Grids on a case-by-case basis.
- A committee member asked about revised Universe Grids in the event that a claiming unit did not include a job classification or in the event that a claiming unit had more participants in a job classification than originally reported. DHCS stated that revisions could be made to the Universe Grids and DHCS would request explanation/justification for the revisions.
- DHCS reminded committee members that the Universe Grid process was not put in place to exclude appropriate positions from participating. The

process was a result of the CMS (Centers for Medicare & Medicaid Services) Financial Management Review which identified people that were not appropriate time survey participants.

- DHCS stated that they would be announcing the 3rd quarter 2013/14 time survey period very soon. The MAA Universe Grid process would be required for quarters three and four of 2013/14.

4.1.3 2013/2014 DHCS Guidance for Time Surveys

- Although we are using the 2012/13 SMAA manual as an interim claiming guide, and initial referrals are identified as code 4 activities in the 2012/13 SMAA manual, DHCS made the recommendation to place all referrals to Medi-Cal covered services (initial and ongoing) in code 8. This recommendation was a result of a recent OIG (Office of Inspector General) audit. OIG indicated that all referrals should be coded as a code 8 activity.
- A Committee member requested that DHCS add this recommendation to their website update page. Tony Teresi stated that he would check into this possibility. He also referenced PPL 13-015, which notes OIG findings relative to initial referrals.

4.1.4 2012/2013 DHCS Guidance for Invoices

- All 2012/13 MAA invoices will be subject to the “Reasonableness Test Criteria - RTC”.
- DHCS reminded the committee that the 2012/13-1 MAA invoice filing deadline was extended to March 31, 2014. The 2012/13-2 MAA invoice deadline would remain at March 31, 2014.

4.2 Reasonableness Test Criteria (RTC)

4.2.1 Status of Reasonableness Test Criteria (RTC)

- DHCS reported that all invoices paid on the CMS 64 for the quarter ending December 2011 must be submitted through the RTC process by 4/30/14.
- A committee member asked DHCS how the 20% admin/clerical cap should be addressed when a claiming unit has only admin/clerical participants. Tony Teresi stated that he would discuss this with CMS and provide clarification on the DHCS website.
- A committee member asked DHCS about how much deviation from benchmark percentages would be allowed. Tony Teresi responded that anything more than a quarter or a half percent of deviation would require an explanation.
- A committee member asked DHCS if the invoice identified on the CMS 64 was a 4th quarter “averaged” invoice, must all three prior quarter invoices be reviewed or should only the 4th quarter invoice be put through the RTC process? DHCS responded that they would request guidance from CMS on this issue
- A committee member asked DHCS if a claiming unit received payment for all four quarters during the December 2011 CMS 64, should we select any quarter or the last quarter to run through the RTC process. DHCS again responded that they would consult CMS for guidance on this issue.
- DHCS and the LEC Committee discussed the possibility of payment options for districts that may owe money as a result of the RTC process. DHCS stated that they would discuss this issue with their internal budget office and would also request guidance from CMS.

4.2.2 LEC Committee Questions

The LEC Advisory Committee questions and answers were posted on the DHCS website. Acting Chief Tony Teresi stated that he would do his best to answer any additional questions as they arise.

4.3 Implementation Plan - Status

DHCS reported that the (implementation plan) milestone timelines were pushed back because of State staffing issues. DHCS will be discussing setting new milestone dates with CMS in the near future, and will post the revised dates on their website.

4.4 CMS Financial Management Review (FMR) Report – Update

4.4.1 DHCS Response to FMR Report

DHCS had nothing to report.

4.4.2 Final CMS FMR Report

DHCS had nothing to report.

4.5 OIG (Office of Inspector General) - Update

- DHCS reported that OIG held an exit interview with Chino Valley Unified School District and the San Bernardino LGA. DHCS attended the exit interview, but cannot share the details until the final OIG report is issued. The Final OIG report is expected in Spring 2014.
- One item that DHCS could share from the OIG audit was that OIG identified the (current) coding of initial referrals (as a code 4 activity) as being inconsistent with OMB A-87. At this time (before the official report is released), DHCS cannot “officially” instruct LEAs to make all referrals code 8 activities. However, DHCS “recommends” that all referrals (initial & ongoing) be coded as a code 8 activity. This coding change is reflected in the DRAFT 2013/14 SMAA manual.

4.6 SMAA Program Updates on DHCS Website

4.6.1 Comments/Questions to DHCS

- DHCS reported that they received one question from an LEA regarding working with their LEC. DHCS stated that it was not their policy to get between LEAs and LECs.
- A committee member commented that if an LEA was having a problem with their LEC/LGA, DHCS should be open to discussing the issue(s) with the LEA.
- DHCS and the LEC Committee discussed protocol and the proper steps an LEA should take in the event that they were dissatisfied with their LEC. Superintendent Cornelius provided information on the protocol followed by district/county superintendents. When problems/issues are identified, the local Superintendent would discuss the issue with the County Superintendent and the County Superintendent would contact the County Superintendent of the specific LEC to resolve the issue or address the concern of the LEA.
- The committee discussed the importance of having proper procedures in place to address LEA concerns. After exhausting the protocol mentioned above, an LEA should be able to contact DHCS directly. At this point

DHCS would ask the LEA if they went through the process of contacting their local (District) Superintendent and the LEC County Superintendent office, etc. to ensure that all previous avenues open to the LEA were attempted before DHCS was asked to become involved.

- Tony Teresi appreciated the committee comments and the protocol explanations provided by Superintendent Cornelius. Tony Teresi stated that he would make certain a mechanism is in place at DHCS to address future concerns following the proper protocol.
- A committee member asked the LGA Co-Chairs if they had a protocol in place similar to what Superintendent Cornelius described. The LGA Co-Chair stated that she would check on what protocol is currently in place for LGAs.

4.6.2 Questions/Answers

DHCS reported that Q&As from LECs were posted to the DHCS website.

4.7 Community College - Update

DHCS reported that Acting Division Chief Jennifer Brooks is working with DHCS management to create a “position” paper relative to community colleges and MAA program participation. This paper should be completed in early 2014.

4.8 Branch Chief Report

This is the first LEC Advisory Committee meeting attended by new Branch Chief Michelle Kristoff. The committee welcomed her and members stated that they looked forward to working with her.

5.0 Business and Administration Steering Committee (BASC) Report

5.1 CCSESA (California County Superintendents Educational Services Association) Update

- Before providing the CCSESA update, Sutter County Superintendent Cornelius thanked DHCS staff for sharing so much information. The more information DHCS can provide about MAA program status, the better our districts are served. He encouraged DHCS to continue to provide written information on their website to lessen the confusion surrounding the MAA program, the RTC process, and the transition to RMTS methodology. Acting Chief Tony Teresi agreed with Superintendent Cornelius that communication is critical.
- Superintendent Cornelius reported on a recent meeting held by State Assembly member Dr. Richard Pan and coordinated by Assembly Health Committee staff member Lara Flynn. Dr. Pan heard recent concerns about the MAA program in California and he wanted to open up a venue to hear those concerns. A committee member asked why LECs were not invited to this meeting and another committee member stated that we (as LEC representatives) cannot find solutions until we identify the problem. LECs need to know if and when an LEA is having a problem/issue/concern. Superintendent Cornelius responded that he discussed that issue with Lara Flynn. It was explained that Dr. Pan wanted to hear concerns at this time and not get into the nuts and bolts of MAA program administration. Superintendent Cornelius suggested that all stakeholders (including LEC representatives) be involved and Lara Flynn said she would certainly take that suggestion back to Dr. Pan’s office for further discussion.

- Superintendent Cornelius stated that Pilar Williams was present (representing DHCS) at the meeting. Superintendent Cornelius believed that having a venue to share concerns between DHCS and local legislative offices was a positive thing and might prove valuable to all stakeholders.
- Lara Flynn was not sure what Dr. Pan's next steps would be, but Superintendent Cornelius was hopeful that after identifying issues/problems at the meeting, perhaps the next step would involve planning sessions with all stakeholders including LEC representatives.

6.0 Review of October 3, 2013 Committee Meeting Items

The committee discussed continuing the publication of a "common message" shortly after each LEC Advisory Committee to inform LEAs (throughout the state) of MAA program status. Region 8 would continue to work on providing a website to post the LEC common message.

7.0 LEC Advisory Committee Business

Review DHCS Agenda Items

7.1 2013/14 Interim Claiming

7.1.1 SMAA Claiming Unit Participant Universe (Grids)

- A committee member stated that the Universe Grid process was difficult because many titles were difficult to fit into the "approved position list". DHCS mentioned an equivalency list and perhaps this would be something that a LEC subcommittee could create.
- A committee member stated that this process was only for the 2013/14 interim claim year and the process might be different when we transition to RMTS.

7.1.2 2013/2014 Second Quarter Conditional Approval Process

The committee discussed how LEAs were asking for copies of their "approved" Participant Universe Grids. At this point the Grids were only approved (signed off) by the LEC and submitted to DHCS for approval. Final approval would be from DHCS in the form of a "letter of approval" per DHCS.

7.1.3 2013/2014 DHCS Guidance for Time Surveys

As discussed under item 4.1.3, all LECs were following the recommendation of DHCS and instructing LEAs to code all referrals (to Medi-Cal covered services) as code 8 activities (in 2013/14).

7.1.4 2012/2013 DHCS Guidance for Invoices

The Committee discussed prioritizing the RTC process with the invoices paid on CMS 64 (period ending December 2011) as the first priority.

7.2 Reasonableness Test Criteria (RTC)

7.2.1 Status of Reasonableness Test Criteria (RTC)

See item# 4.2.1.

7.2.2 LEC Committee Questions

See item # 4.2.2.

7.3 Implementation Plan

- The committee discussed moving to RMTS in 2014 and the possibility of the LECs procuring RMTS software through the RFP (request for proposal) process.
- The committee discussed staffing needs when LEAs move to RMTS. A committee member stated that the goal of RMTS was to save money at the LEA level. LEA costs could be reduced if LECs assisted districts with the completion of the tape match and the MAA invoice. This would be something to consider when determining LEC staffing.
- Region 11 (Octavio Castelo) stated that he had already begun preparing for RMTS by building a database for each claiming unit, listing each employee and job class, and would gladly share the model with other LECs.

7.4 CMS Financial Management Review (FMR) Report

7.4.1 DHCS Response to FMR Report

See item #4.4.1

7.4.2 Final CMS FMR Report

See item #4.4.2

7.5 OIG (Office of Inspector General)

- The committee discussed the effect of the OIG audit in Chino Valley. The Fresno LGA no longer wants to participate in School-based MAA. Other LGAs throughout the state are evaluating their participation in the SMAA program. Moving to a new methodology with new software requirements may create difficulties and unexpected expenses for the LGAs.
- A committee member asked the LGA Co-Chairs if the LGAs would still be assisting schools in revising past invoices as part of the RTC process, even if they decided not to continue with SMAA in 2014/15. The LGA Co-Chairs responded in the affirmative.

7.6 SMAA Updates on DHCS Website

7.6.1 Comment/Questions to DHCS

See item# 4.6.1.

7.6.2 Questions & Answers

See item# 4.6.2.

7.7 DHCS Communication with LEC and LGA Coordinators and Committees

The committee discussed improved communications from DHCS and appreciated the extra efforts made by Tony Teresi to respond to questions/concerns in a timely manner.

7.8 Community College

- A committee member asked if anyone had any idea of the contents or intent of the DHCS community college position paper mentioned by DHCS in item #4.8. The LEC Co-Chairs responded that they did not have any additional information.
- The committee discussed the possibility of community colleges participating in the County-based Medi-Cal Administrative (CMAA) Program. The LGA Co-Chair stated that the CMAA invoice required that participating entities identify

revenue funding streams which might assist the state and federal agencies with colleges if they were to participate through CMAA.

7.9 Branch Chief Report

See item# 4.9.

7.10 Committee Business

LEC Advisory Committee business will be discussed at 1:15 today (after the LEC Advisory Committee meeting).

8.0 LEA Medi-Cal Billing Option Ad-Hoc Workgroup Report

- The LEC Ad-Hoc Workgroup met on Wednesday 12/4/13.
- DHCS Audits & Investigation Department reported that there were five LEAs that had not submitted their past year CRCS (06/07, 07/08, 08/09) forms. DHCS will provide a list of the five LEAs, so that another LEA or COE can assist them in completing their CRCS paperwork to prevent loss of reimbursement funds.
- Of the 576 Annual Reports and Provider Participation Agreements received by DHCS, 500 were approved and 36 required corrections.
- DHCS issued a provider manual update to provide clarification on Models 2 & 4.
- The Fall LEA Billing Option Webinar was posted on the DHCS website. The questions/answers from the Webinar were under review (by DHCS and their consultant Navigant) and would be posted (on the website) soon.
- The Ad-Hoc Workgroup continued to discuss issues/concerns around the appropriate billing for “Trained Health Care Aides”.
- The DHCS Safety Net Financing Division will be conducting 2013/14 (LEA Billing Option Program) site visits. LEAs will be notified 30 days in advance of their scheduled site review.

9.0 LGA Report

LGA Co-Chair Janice DiCrocce reported that the LGAs were grappling with the unknown as they do not yet know the (new) state plan requirements to incorporate into their software RFP (Request for Proposal). The RFP process could be time consuming and it might be difficult to have RMTS software in place prior to the 2014/15 implementation.

10.0 Items for February 2014 Committee Meeting

The LEC RFP subcommittee will provide information on preparations for an RFP to procure RMTS software to the LEC Advisory Committee later this month. Committee members will review the information and be prepared to discuss the RFP process at the February LEC Advisory Committee meeting.

11.0 Adjourn

The next LEC Advisory Committee Meeting will be on
Thursday, February 6, 2014 at:
Woodland Joint Unified School District Office
Board Room
435 Sixth Street
Woodland, CA 95695