

LEC Advisory Committee Meeting Minutes

Thursday, February 4, 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
Michelle Cowart, Contra Costa County Office of Education – Region 4
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
Rosalee Hormuth, Orange County Department of Education – Region 9
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)
Janice DiCroce, San Diego LGA
Amanda Dickey, California County Superintendents Educational Services Association (CCSESA)

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

Absent:

Monica Morgan, Santa Cruz County Office of Education – Region 5
Ken Gragg, Kern County Superintendent of Schools – Region 8

1.0 Introductions

Each individual stated his/her name and agency affiliation.

2.0 Additions to the Agenda

There were no additions to the agenda.

3.0 Approval of Minutes

3.1 Revised minutes from October 14, 2015 meeting

The revised October 14, 2015 meeting minutes were approved as presented.

3.2 Minutes from December 3, 2015 meeting

The December 3, 2015 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 – Updated draft released 1/25/16. Comment period to close 2/1/16. What’s the estimated submission to CMS?

- Chief Tony Teresi stated that DHCS received a lot more comments from this revision period. They received some comments that will require input from CMS. DHCS anticipates 4-6 weeks to finalize the changes and go through internal management review prior to submission to CMS (March/early April).
- Chief Tony Teresi stated that DHCS will also be posting a matrix detailing which comments/suggestions were and were not incorporated into the manual revision and why.
- When asked about possibly submitting the codes section of the manual separately to CMS, Chief Tony Teresi explained that DHCS has had previous conversations with Brian Burdullis at CMS and the response was that CMS wants to review the codes in the context of the entire SMAA manual.
- It was requested that DHCS look into the possibility of submitting the RMTS Invoice section of the manual in advance to CMS for their review/approval. Chief Tony Teresi stated that DHCS would have to have an internal discussion about submitting the invoice template in advance of the rest of the manual or wait. DHCS recognizes the need and urgency to move items forward.
- DHCS stated that they will confirm that the calculations of the RMTS invoice, including utilizing results from only Codes 1 to 16, and will confirm that the calculations are explicitly stated/explained in the manual.

Effective date? If going back to 1/1/15, what happens to Q3 and Q4 moments?

- Chief Tony Teresi stated that this is a determination to be made by CMS. If CMS denies retroactive approval, there are a few options available. All moments would need to be re-reviewed because there currently are no Codes 17 and 18 delineated in the manual and (1) vacate those moments or (2) move them all into Code 1.

Can DHCS provide a Program Update on the release of 2014/15 Q3 & Q4 RMTS regional code percentages explaining what items are preventing LECs from releasing the data?

- Chief Tony Teresi agreed that results cannot be finalized until all clarifications are received back from CMS regarding IEPs and Codes 17/18 (vacating moments) and the review of the entire SMAA Manual.
- Chief John Mendoza stated that tomorrow February 5th DHCS is hosting a meeting with other stakeholder groups; including LECs/LGAs. He stated that the department will step forward and share /discuss this topic with everyone in attendance and that

the release of draft results is not in the best interest of the program at this time. DHCS will support the LECs in this conversation.

Clarification of activity listed under Code 2, section 5 page 6 bullet “q” in the January 2016 version. “Providing information to other staff on the child’s related medical/mental health services and plans.”

- Chief Tony Teresi stated that the above statement is in reference to *assessments for additional services*, not coordinating existing services.
- Several committee members stated that the above statement would be a Code 8. The above statement does not reference an assessment and should be re-worded by DHCS.
- A sample of Arizona plan wording was shared and provided to DHCS to assist with further investigation/corrections.

RMTS Invoice – Status: 2014/15 Qtr. 3 RMTS Invoice is currently due to DHCS on June 30, 2016. – There is concern that if there are significant coding changes to the manual, that would be effective back to the beginning of RMTS, this deadline may be difficult to meet. Is there a possibility for an extension of the deadline?

- Chief Tony Teresi announced that the DHCS deadline for 14/15 Q3 invoices was extended until July 31, 2016. He further stated that any additional extensions would be handled on a case by case basis. An update will be coming soon. He stated that these quarterly invoices are not due to DHCS Accounting until March 2017.

Will DHCS be providing an RMTS Invoice Training? When? In-person or web-based?

- Chief Tony Teresi stated that DHCS would be hosting an RMTS invoice training via webinar. The date will be based on manual and template approval.

4.1.2 RMTS Moment expirations at the end of each quarter - 15 days after the end of the quarter. Does this apply to each quarter? or only to the 4th quarter?

- Chief Tony Teresi stated that it was his recollection that the 15 day moment expirations was a one-time temporary fix to moments occurring near/at the end of Qtr. 4 only because of the 5 student attendance day response provision. He asked PCG to clarify.

How is this operationalized in the PCG system?

- Lisa Pavelek, PCG, stated that for Q3 (Jan-Mar 15) PCG swept all universes for expirations dates for moments that needed to go beyond the 15 days and extended then as needed. For Q4 (Apr-June 15) the system would reflect the change to no moment would expire no later than July 15th and would only be applicable for the 4th quarter.
- Chief Tony Teresi asked PCG about the discussion of annual calendars being input into the system and his understanding was that process would eliminate this issue in the future.
- Chief Tony Teresi confirmed moment expirations with the LEC Committee members present that quarters 2 and 3 should be based on 5 student attendance days and quarter 4 would be based on a not to exceed 15 calendar days after the quarter’s end.

4.1.3 IEP discussion – Status: How are coders supposed to treat moments that due to a change in interpretation of IEP activities would now be considered a Code 8 instead of

a Code 2, if a clarifying question could have been asked for more information but wasn't because at the time we didn't need to?

- Chief Tony Teresi stated that DHCS has drafted a letter to CMS (regional office) that is currently with Stacy Fox for final review. DHCS anticipates sending the letter within the next week.
- Chief Tony Teresi explained that the letter lays out all of the guidance DHCS has received from CMS over the last 4 to 5 years, how the manual currently reads and how the program has historically addressed activities related to an IEP. Historically the program has focused on the activity itself and not where the activity occurred..
- Implementing changes retroactively or prospectively will depend on CMS' response to the letter.
- DHCS will post a copy of the letter sent to CMS to the SMAA webpage.

4.1.4 Discussion on some unclear terms and DHCS's stance on appropriate coding: "Behavioral" health – LEA's feel that this is related to mental health issues and therefore billable moments and "Social/Emotional"

- Several committee members informed DHCS regarding the need for more detailed clarification/guidance of terms such as "Behavioral" health and "Social/Emotional" because of confusion from LEAs, providers and other stakeholders.
- DHCS agreed and would look into future expanded discussions.

4.1.5 Coding Review Report – LECs to update DHCS on status with PCG

- Committee members updated the group that the PCG Change Form has been re-submitted to PCG Development Team for time and cost estimate.
- Lisa Pavelek, PCG, confirmed that the request was submitted to Development for a time and cost estimate. She will contact them for an estimated time for response.
- A Committee member asked if PCG could also look into adding a new field in the system when vacating a TSP for LEC or LEA Coordinator to add in notes.

4.1.6 Timing of 2015/16 Qtr. 4 RMTS moment generation: Sample needs to be generated no later than March 14 ,2016 and DHCS TSP list approval needed 1 to 2 days prior

- Chief Tony Teresi stated that DHCS analysts review the TSP lists once they are submitted/notified that all changes are complete. DHCS approval timeline depends on several factors; changes and variances from the approved lists and the associated justifications.

4.1.7 Is DHCS planning for another RMTS Summit in July or August with all contractors?

- Chief Tony Teresi stated yes, DHCS is planning to host another RMTS Summit this summer at DHCS. DHCS will also be hosting a Coder Training.
- Dates and more details to be determined (2-days).

4.1.8 Backcasting – Update: DHCS meeting with workgroup on Fri Feb 5th.

- Chief Tony Teresi explained that the agenda item for the meeting include an update on the LEA Billing Option SPA, the federal deferral and LEA payments, IEP reimbursements and a discussion on enhanced translation.

Has anyone thought about the process for completing these invoices yet? Will there be another invoice template just for Backcasting?

- Chief Tony Teresi stated that when the Backcasting proposal was originally drafted it was envisioned using the prior worker log invoice template.

4.2 Follow-up from prior LEC Meeting:

4.2.1 Clarification from CMS on whether or not the LEC fees are considered Vendor fees

- Chief Tony Teresi stated that DHCS and a few LEC Committee members had a conference call with CMS back in December and he will be following up via email to document the conversation.
- LEC fees are not vendor fees. However, that portion of the LEC fee that constitutes the SMAA program participation fee (from DHCS) continues to be non-reimbursable.

4.2.2 Code 12 and enhanced translation

- Chief Tony Teresi and Chief Stacey Fox had a conference call with CMS regarding ‘who is eligible to claim?’ According to DHCS research from other states, there only has to be a third-party translator not necessarily someone who is solely dedicated to translation and all activities currently listed under Code 12 would be included in the enhanced rate.
- DHCS also asked if CMS would allow retroactive claiming. Original CMS response was that many of those claims were beyond the 2-year claiming limit and would not be eligible for reimbursement. DHCS then asked if this could be tried into the Backcasting process. CMS is looking into this.

4.2.3 Tape Match – Possibility of using one DUA for both Medi-Cal programs. How can we streamline for 14/15 invoices?

- Chief Tony Teresi stated that DHCS has received approval to use a single DUA for both Medi-Cal programs. Language has been added to include Administrative Services.
- Chief Tony Teresi stated that DHCS is working on a PPL describing the new process.

4.3 Recoupment PPL and Demand Letter(s) - Status

Chief John Mendoza explained that DHCS is in the process of exploring other funding resources to pay the LECs/LGAs in order to pay all the LEAs now. (interfund borrowing) Once the process is confirmed, a PPL will be released.

4.4 Marketing Materials – Status

Chief Tony Teresi stated that the DHCS marketing materials are being finalized and should be available soon.

5.0 LEC Committee Business

5.1 CCSESA Update

- CCSESA Project Coordinator Amanda Dickey informed the committee that their office has been seeking out information regarding the status of SB123. Related talk has been about possible amendments to language including references to the audit findings.
- Ms. Dickey also explained that Senator Liu’s district office has had discussions regarding the LEA Billing Option program audits. Something may be progressing to address recent concerns; possibly being attached to another bill currently in play such as SB123.
- CCSESA will continue to monitor any forward movements and provide updates to the committee.
- CCSESA will be present at the stakeholders meeting tomorrow with DHCS.

5.2 Regional LEC Updates/Coding Concerns

No discussion occurred due to lack of time. Item to be carried over to next meeting.

Final Version – approved 4/6/16

5.3 Other LEC business/discussion items

5.3.1 Samples of LEC Cost Reporting workbooks for LEAs to complete

5.3.2 Lunch Statement

No discussion occurred due to lack of time. Items to be carried over to next meeting.

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

No discussion occurred due to lack of time. Item to be carried over to next meeting.

5.5 LEA Medi-Cal Billing Option Program RMTS Committee (IAG) – Update (Margaret/Rosalee)

No discussion occurred due to lack of time. Item to be carried over to next meeting.

6.0 Adjourn

*The next LEC Committee Meeting is **Thursday, April 7, 2016** at:*

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