

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

**LEC Advisory Committee Meeting Minutes
June 6, 2013**

LEC Coordinator/Representative Attendees:

Sharon Battaglia, Sonoma County Office of Education - Region 1
Greg Englar, Sonoma County Office of Education - Region 1
Margaret Parisio, Glenn County Office of Education – Region 2
Susie Tierney, 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
Ken Gragg, Kern County Superintendent of Schools - Region 8
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
Octavio Castelo, Los Angeles County Office of Education - Region 11
Phillip Downing, Los Angeles County Office of Education - Region 11

Other Attendees:

Geri Baucom, Department of Health Care Services (DHCS)
Carolyn Cain-Smith, Department of Health Care Services (DHCS)
Janice DiCroce, LGA Co-Chair
Laura Baynham, Mendocino 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:

Merilee Johnson, Glenn County Office of Education – Region 2
Lynda Lindsay, LGA Co-Chair

1.0 Introductions

Each individual stated his/her name and agency affiliation.

2.0 Additions to the Agenda

None

3.0 Approval of Minutes

The April 11, 2013 LEC Advisory Committee Meeting Minutes were approved.

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

4.0 Staffing

Branch Chief Geri Baucom stated that Analyst Andrew Smith was leaving the SMAA unit, and DHCS was in the process of filling the vacancy, as well as filling the vacancy of Analyst Robert Lucia. In addition, Chief Baucom reported that she would be filling another analyst position to assist with SMAA and other programs within the branch.

4.1 Implementation Plan - Update

- DHCS reported that the SMAA implementation plan was originally submitted to CMS (Centers for Medicare & Medicaid Services) in October 2012. In December 2012, CMS responded to the original submission with a list of clarifying questions. DHCS responded to these questions on April 5, 2013.
- Having received the DHCS response (sent on 4/5/13), CMS requested additional clarification from DHCS, training materials, and a revised implementation plan. DHCS reported that they would send CMS all items that were requested by 6/11/13.
- DHCS reported that the goal is to have a new implementation plan in place by 9/1/13. With all requested materials sent to CMS by 6/11/13, DHCS hopes to get an approval to move forward with program continuance.
- A LEC Committee member reminded DHCS that a LEC subcommittee was in place dedicated to RMTS (Random Moment Time Study) implementation. The subcommittee expended time and effort in developing a preliminary implementation plan for the State (DHCS) to submit to CMS.
- Chief Baucom stated that she appreciated the work of the LEC RMTS subcommittee. The LEC subcommittee plan included information similar to what was in LAUSD's plan. The RMTS plan that was approved for LAUSD was a complete plan and stands on its own. However, DHCS decided to use the 2003 SMAA manual as a basis for the new State implementation plan, making revisions to incorporate RMTS methodology. DHCS included parts of the LEC subcommittee plan in the SMAA manual revisions as part of the new implementation plan process.
- A LEC Committee member reminded the State that the RMTS subcommittee researched plans from other States (that were approved by CMS). The LEC Committee member also reminded DHCS that the subcommittee would remain available and willing to coordinate efforts with DHCS to provide information that CMS requires for plan approval by the September 1, 2013 deadline.

4.2 2013/2014 SMAA Activities and Reimbursement

- Chief Baucom stated that she was aware of the concern surrounding whether or not LEAs would be time surveying in 2013/14 (especially in the first quarter). Chief Baucom stated that this was yet to be resolved by CMS. She further stated that when DHCS re-submits the implementation plan, training materials and a “reasonableness” process to CMS, she would request approval for the continuation of our “interim” (time survey) methodology for first quarter 2013/14.
- An “interim” methodology approval (similar to what was granted in 2012/13), would allow the State, LECs and LGAs (additional time) to work out the new implementation plan details and move forward with MAA program administration.

4.3 CMS Deferral Certification Process – Update

4.3.1 Status of Invoice Supporting Documentation Reviews/Approvals

- The last group of deferral clearances was received from CMS on 1/3/13.
- Chief Carolyn Cain-Smith reported that due to their current workload, the DHCS Analysts had not completed listings by region of all deferral certifications received to date. Chief Cain-Smith reminded the LECs/LGAs to continue to submit any outstanding deferral certifications.
- Branch Chief Geri Baucom stated that DHCS was working on providing a “reasonableness” test for use by DHCS and CMS in reviewing deferral certification documentation. The LECs and LGAs provided information to DHCS about the “reasonableness” review at the LEC/LGA level. DHCS would review this information, along with multiple variables (including size of claiming unit, job classifications, coding percentages, etc.) and would develop their own reasonableness test.
- Chief Geri Baucom stated that the more information they could include in developing a reasonableness determination tool, the better the chances would be of moving the deferral process forward at both the State and Federal levels. In addition, Chief Baucom stated that during the review process, she noted that several claiming units were reporting “reasonable” results and doing what they should be doing as far as recording MAA time.

4.4 MAA Invoice Payments

- Chief Carolyn Cain-Smith reported that MAA invoice payments for claiming units that were released from deferral were on-going. DHCS was also diligently listing “early claim” MAA invoices as invoices approached their 24-month deadline.
- A LEC Committee member asked DHCS if the claiming units released from deferral and paid would be subject to back-casting. DHCS responded that only the 2012/13 MAA invoices (invoices for the period of service from July 1, 2012 to June 30, 2013) would be subject to back-casting. Invoices with services periods in 2010/11 and 2011/12 would not be subject to backcasting.
- A committee member asked DHCS if LECs should consider holding LEA MAA funds that are subject to back-casting. DHCS responded that the reimbursement money should be released to the LEA, as it belongs to the LEA.

- A LEC Committee member reminded the committee that LEC contracts (with participating LEAs) contained language relative to the release of funds from the LEC to the LEA.
- Branch Chief Baucom stated that back-casting implementation would be a future decision.

4.5 CMS Financial Management Review (FMR) Report - Update

- After receiving the “draft” CMS FMR report, DHCS was given 30 days to respond. DHCS met the deadline and responded to CMS on 5/17/13. DHCS reported that they were waiting to hear back from CMS on the final FMR report.
- A LEC Committee member asked if DHCS would share their response to the FMR draft report (that was sent to CMS on 5/17/13). Branch Chief Baucom stated that she was awaiting supervisory approval regarding sharing the information.

4.6 OIG (Office of Inspector General) - Update

- DHCS reported that there was no information yet from OIG regarding the Chino Valley Unified School District audit. The planned completion date of the “draft” audit report is 6/30/13 and OIG will provide a final report (of findings) by 9/30/13.

4.7 Community College - Update

Branch Chief Baucom stated that there would not be a separate review of community college MAA participation. Colleges would be subject to the same process and same parameters applied to all claiming units in California relative to the deferral certification process and the new implementation plan.

4.8 Catalog of Federal Domestic Assistance (CFDA) 93.778 - Language for Contracts

- On May 17, 2013, DHCS issued PPL (Policy & Procedure Letter) 13-004 regarding new contract language to be incorporated into all (DHCS) contracts. LECs/LGAs must include the new contract language in all contracts or agreements with their sub recipients and vendors effective July 1, 2013.
- The new contract language was included in the recently renewed DHCS contracts with Regional LECs 2, 3, and 10, as well as San Francisco City and Imperial County LGAs.

4.9 Desk and Site Visits - Update

- DHCS completed site reviews of LEC Regions 3, 8, 10 and 11. DHCS completed site reviews of San Bernardino and Kern County LGAs.
- The planned site reviews of Santa Clara, Santa Cruz, and San Luis Obispo County LGAs were delayed.

4.10 Record Retentions

A LEC Committee member asked DHCS how to advise claiming units regarding MAA record retention, given the recent CMS review and current OIG audit. Branch Chief Baucom responded that the review by CMS was not considered an “audit”, so it would not affect current record retention regulations. The original letter from OIG identified the audit period of service as 2010-2011, quarters 1, 2, 3. Chief

Baucom would request guidance from OIG regarding the effect of the (Chino Valley USD) audit on MAA records retention and would provide a response to the committee.

4.11 Branch Chief Report

- Branch Chief Geri Baucom stated that the Bureau of State Audits notified DHCS that there would be a 2012/13 audit of the State Department of Health Care Services. This is an annual compliance audit that focuses on different things each year.

5.0 Review of April 11, 2013 LEC Advisory Committee Meeting Items

No discussion

6.0 LEC Advisory Committee Business

6.1 DHCS Implementation Plan

- Committee members shared frustration relative to not having a new implementation plan in place, with the CMS deadline of 9/1/13 looming.
- A committee member asked the LEC Co-Chairs if there was anything that we could assume about the new implementation plan. The Co-Chairs responded that we know both worker log and RMTS methodologies were part of the proposed new implementation plan. We know that CMS requested a revised plan (from DHCS) with internal controls, a reasonableness process, training materials and duty statements.
- A committee member asked if “reasonableness” was part of the implementation plan or the deferral process. The Co-Chairs responded that “reasonableness” was part of both the new implementation plan and the deferral process.

6.2 2013/2014 SMAA Activities and Reimbursement

See item #4.2

6.3 CMS Deferral Certification Process

See item 6.3

6.3.1 Status of Invoice Supporting Documentation Forms

See item #4.3.1

6.4 MAA Invoice Payments

Co-Chair Margie Rollins informed DHCS (during the Co-Chair meeting) that she was in the process of compiling a list of invoices that were not been paid for claiming units (in various Regions) even though the claiming units were cleared/released from the deferral process. DHCS agreed that they would work toward processing the outstanding invoices (as soon as possible) once they received the list.

6.5 CMS Financial Management Review (FMR) Report

See item #4.5

6.6 OIG (Office of Inspector General)

See item #4.6

6.7 Community College

The LEC Co-Chairs reported that they asked DHCS if there were any financial comparisons (relative to MAA invoicing) for community colleges and DHCS responded that colleges would be considered the same as any other claiming unit.

6.8 Catalog of Federal Domestic Assistance (CFDA) 93.778

See item #4.8

6.9 Desk and Site Visits

See item 4.9

6.10 Record Retention

See item #4.10

6.11 Branch Chief Report

See item # 4.11

6.12 NAME (National Alliance for Medicaid in Education) Conference

- The (2013/14) annual NAME conference will be held in Grand Rapids Michigan from October 8 through October 12, 2013.
- Committee members discussed the value of attending the NAME conference and how California would benefit from the information provided by conference participants from various states. It would be especially important to discuss time survey methodology transitions and new implementation plans with states that have already gone through the process.
- Committee member Michelle Cowart would contact the NAME organization to request a panel discussion or presentation (at the upcoming NAME conference) relative to methodology transitions and new plan implementations.
- Committee member Michelle Cowart asked Cathy Bennett if she would share the details of a new NAME scholarship set up in Anysia Dremheller's name.
- Cathy Bennett explained that since Anysia was involved in recruiting new members for the NAME organization, the NAME Board of Directors felt it was appropriate to start a scholarship (in Anysia's name) that would provide up to \$1,000 to a yearly recipient to pay for travel expenses to the annual NAME conference. In addition, the scholarship recipient would receive free conference registration and a free one year membership to the NAME organization. Donations to the "Anysia Drumheller" scholarship would be appreciated and the details of the scholarship (and how to donate) would be posted on the NAME Web site.

6.13 LEC Lunch Fund

No discussion

7.0 Business and Administration Steering Committee (BASC) Report

7.1 CCSESA Update

- The LEC Co-Chairs were asked by BASC member Linda Protine to provide a report on the status of the MAA program for distribution to all BASC members.

A May 2013 Common Message Report (regarding the status of the MAA program) was provided to BASC members.

- BASC members expressed concern over the status of the MAA Program and requested assistance from the CCSESA organization in resolving the current MAA deferral. It was decided that CCSESA Executive Director Peter Birdsall and two County Superintendents (Bill Cornelius/Sutter and Tom Changnon/Stanislaus) would actively advocate for the LEC Committee on issues surrounding the MAA Program. The CCSESA representatives would possibly be attending LEC Committee meetings in the future, and they would report out quarterly (on MAA Program status) at CCSESA meetings.
- The LEC Co-Chairs stated that they would be hosting a conference call (introductory meeting) with Bill Cornelius and Tom Changnon on Wednesday June 12, 2013 to discuss MAA Program history, issues, and concerns.

8.0 Invoice News

Nothing to report

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

- DHCS has not received all 06/07 and 07/08 CRCS (Cost & Reimbursement Comparison Schedule) forms. LEAs would be required to return the funds received for the 06/07 and/or 07/08 claims if they did not complete the 06/07 and/or 07/08 CRCS forms.
- The Ad-Hoc meeting included a panel of experts who discussed allowable Medi-Cal claiming relative to trained health care aides.
- DHCS would make changes to the manual, clarifying what activities trained health care aides can perform and what can be billed, etc.
- The Safety Net Financing Division (SNFD) would be meeting with the Technology Management Branch (fiscal intermediary contact) and Provider Relations on 6/4/13 regarding Xerox customer service issues.
- The State Department of Health Care Services will continue LEA Billing Option site reviews. Sacramento City, Los Angeles USD, San Bernardino City USD, and San Joaquin COE will be reviewed.

10.0 LGA Report

The LGAs received approval from CMS for County-based MAA (worker log) time survey methodology. CMAA would now be involved in the back-casting process for claims submitted in 2010/11, 2011/12, and 2012/13.

11.0 Adjourn Regular Session

The next LEC Advisory Committee Meeting will be on
Thursday August 1, 2013 @ YOLO COE