

LEC Advisory Committee Meeting Minutes

Wednesday, October 14, 2015

Meeting Time: 10:00 a.m. to 12:00 p.m.

DHCS Coder Training: 12:30 to 2:00 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
Marjorie Rollins, Sutter County Superintendent of Schools – 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
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)
Jedidiah Warren, Department of Health Care Services (DHCS)
Ashley Schmidt, Department of Health Care Services (DHCS)
Karen Williams, Department of Health Care Services (DHCS)
Daniel Miller, Department of Health Care Services (DHCS)
Amanda Dickey, California County Superintendents Educational Services Association (CCSESA)
Margaret Parisio, Glenn County Office of Education – Region 2
Le Anne Esguerra, Stanislaus County Office of Education – Region 6
Peggy VandenEnden, Stanislaus County Office of Education – Region 6
Catherine Graham, Orange County Department of Education – Region 9

Absent:

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

None

3.0 Approval of Minutes

The August 6, 2015 LEC Advisory Committee meeting minutes were approved as presented.

4.0 Department of Health Care Services (DHCS) Report

4.1 RMTS Implementation

4.1.1 Updated SMAA Manual – Status (How are comments being reviewed? What about questions sent to SMAA mailbox? Expected submission to CMS?)

- Chief Tony Teresi thanked everyone for their comments/suggestions and stated that DHCS was able to incorporate 90-95% of all the comments/suggestions received into the manual revision. He reported that most of the comments submitted were technical and definition clarifications. He also stated that for the comments not used, DHCS will prepare and circulate a document that includes the comment not used and the reasons why it was not used.
- The updated version of the manual is currently on Chief Tony Teresi's desk for review and then it will be sent to upper management for their review.
- Chief Stacy Fox wants to send the DHCS reviewed version back out to stakeholders prior to CMS submission. Chief Tony Teresi was not certain of the logistics or timing involved in this process or if additional comments would be taken or not.
- Chief Tony Teresi stated that all contractors would receive an email with the final manual revisions incorporated with track changes.

4.1.2 RMTS 2014/2015 Invoice – Status and Are Vendor Fee Worksheets required for RMTS invoices?

- Chief Tony Teresi stated that DHCS is in the process of revising the SMAA Invoice and the RMTS Invoice template will be submitted to CMS along with the SMAA Manual to be approved.
- Chief Tony Teresi stated that Vendor Fee Worksheets are required to be submitted along with the RMTS Invoices beginning with SFY 2014/15 Q3 and Q4.
- Chief Tony Teresi stated that Vendor Fee Worksheets for SFY 2014/15 Q1 and Q2 can be a copy of the prior year.

A committee member asked Chief Tony Teresi is LEC fees are considered Vendor fees?

- Chief Tony Teresi answered that the State Participation Fee that gets passed along is not, but he stated that DHCS would need to get official clarification from CMS as to whether or not the "full-service LEC" fee would also be considered a Vendor fee.

4.1.3 Verification of Code 16 paid/unpaid time off and required documentation- (What are DHCS' expectations for appropriate documentation? What about paid/unpaid lunch and breaks?)

- Chief Tony Teresi stated that any type of documentation will be accepted. (Affidavits, time cards, reports, emails)
- All documentation needs to be maintained in the district's Audit File.
- Payroll records will be reviewed when DHCS conducts Site Visits.

4.2 Final Deferral Resolutions/Payments – Update

- Chief Tony Teresi stated that DHCS is still working on finalizing a PPL and Deferral Resolution Recoupment Letter. Currently, they are with upper management for final review and hope to be finalized by the end of the week and distributed within the next week.
- DHCS will send a draft to all stakeholders for review prior to posting that includes an outline of the entire process, how to distribute the monies received, and why certain payments were not included.
- Chief Tony Teresi explained that when DHCS receives a federal grant for any of its programs all the monies are deposited into a central account separated by fiscal years. He also explained that there are other programs within the department that are on deferral through CMS and CMS will not release funds for SMAA until all of the other programs resolve their issues as well. The discrepancies between the checks LECs/LGAs received and the amounts that are owed to LEAs and should have received are the results of these other program deferrals. Until the other program deferrals are resolved, DHCS cannot release the outstanding SMAA funds. There is no specific timeline for the resolution of those other deferrals. DHCS pays out according to federal fiscal year.
- The Recoupment or "Demand" letter will come from DHCS requesting LEAs who were still in the red after the deferral netting process to remit those monies to their LEC/LGA. The LEC/LGA will then distribute those monies to all of the LEAs in the black. The accompanying spreadsheets will provide all the details needed and assist in distributing the monies already received and those being collected. Chief Tony Teresi also stated that this applies to 34 claiming units out of 850.
- When asked by a Committee member, Chief Tony Teresi confirmed that this recoupment process has been vetted by DHCS Legal Department and A&I, not OIG. He stated that he would take the concerns back to upper management.

4.3 LEA Real-time system view not an option – Has this been communicated to LEAs?

- Chief Tony Teresi stated that LEAs were notified on one of the Monday morning RMTS Implementation conference calls that real-time view access was not a viable option.
- Chief Tony Teresi stated that he believes that DHCS can issue a statement regarding this since questions/concerns have come up again. He will discuss with upper management.
- Chief Tony Teresi will confirm that the RMTS system (PCG) would not be able to accommodate this feature.

4.4 RMTS Training – Status

4.4.1 TSPs

- Chief Tony Teresi thanked everyone for their comments/suggestions and stated that DHCS was able to incorporate most into the training.
- The training materials are currently going back through management review and should have them back fairly soon.
- DHCS examples included in the training materials demonstrate how TSPs should provide enough detail that someone else could effectively code a moment and doesn't lead TSPs to a specific reimbursable response.
- Chief Tony Teresi stated that CMS doesn't have to approve training before use, they will only review content and notify DHCS should they have any questions or changes.

4.4.2 Coordinators

- Chief Tony Teresi stated that going forward; DHCS expects that the train-the-trainers model will be used. LECs will be responsible for training LEA Coordinators.
- Chief Tony Teresi explained that DHCS is also working on a few marketing documents; one geared to LEAs that are no longer participating in SMAA and one geared to former LGAs.

4.4.3 RMTS Invoice

- Chief Tony Teresi explained that the BSA Audit brought attention to the enhanced reimbursement rate for translation services and DHCS is still working on it and it may require additional changes.
- DHCS had a call with PCG to find out how other states operationalize this process. PCG explained to DHCS that other states do not calculate a single weighted average in their invoice. Rather they calculate a weighted average for each code and then apply those averages to the cost pool and the FFP.
- DHCS will also be reaching out to Fairbanks for input.
- Chief Tony Teresi stated that the revised invoice has to be submitted to CMS with revised manual for approval.
- Members of the LEC Committee asked Chief Tony Teresi to have a few LEC Coordinators included on any calls with PCG or other third party vendors which would potentially impact RMTS and/or SMAA. The LEC Committee then presented Chief Tony Teresi with a list of past, current and ongoing issues with PCG.

4.5 Status of DHCS Contracts

- LEC/DHCS contracts are being processed and should be sent out for signature prior to year-end.
- Ashley Schmidt explained that she had been in contact with LEC Coordinators regarding any outstanding LEA contract signature pages.
- When asked by a Committee member, Chief Tony Teresi explained that the LEC boiler plate samples submitted to DHCS are being reviewed for 1) language that allows the state participation fee to be passed along to the LEA and claimed by the LEA and 2) language that provides for recoupment of funds.

4.6 Status of Tape Match Procedures

- Chief Tony Teresi explained that DHCS's new process for Tape Match will require a Data Use Agreement (DUA) for every person that handles or requests the data. Each user will require an account. The file will still look the same. Only the way the file is transmitted will change.
- The DUA for SMAA will look very similar to the DUA used for the Medi-Cal Billing Option Program.
- DHCS has finalized the form and process and will be described in an upcoming PPL.
- Committee members asked if the same DUA could be used for both programs. Chief Tony Teresi said he would ask.

4.7 Backcasting Proposal - Status and What happens to an LEA whose no longer participating in SMAA and wants nothing to with SMAA and/or Backcasting?

- Chief Tony Teresi stated that all LEAs that received an interim payment and are still participating in the program for all invoices over \$25,000 are subject to Backcasting.
- DHCS will work with any LEA to resolve any funds due back.

- Chief Tony Teresi stated that DHCS has been directed to apply those percentages to all of the involved claims and in cases where the LEA and/or vendor is not willing to prepare a backcasted invoice then DHCS will prepare it with the assistance of the LEC/LGA.

4.8 Community Colleges and RMTS – Status of discussions

- Chief Tony Teresi stated that DHCS has not had any additional conversations with the community colleges about a separate LEC universe. Should a call be requested/needed, DHCS will be sure to include LECs.

5.0 LEC Committee Business

5.1 CCSESA Update

- CCSESA Project Coordinator Amanda Dickey explained that she has met with Peter Birdsall, Executive Director of CCSESA and discussed the distribution of SMAA funds and the potential backlashes that were talked about at the previous Statewide LEC Advisory Committee meeting in August. Ms. Dickey asked the Committee for their input regarding whether or not CCSESA should work with Hellan Dowden and her stakeholders group to convene a larger meeting with DHCS.
- Ms. Dickey informed the Committee that DHCS has appointed Jennifer Kent as its new Director, replacing Toby Douglas, and asked for input regarding CCSESA requesting a meeting with her to talk about the program and current issues/concerns.
- Ms. Dickey explained that SB123 was made into a 2 year bill and CCSESA is expecting that the original bill will be modified and amended based on the BSA audit report. The legislature is not in session until January 2016.
- Ms. Dickey asked for bulleted informational points from the Committee members regarding statements/data that appeared in the BSA audit report to aid CCSESA in future discussions with DHCS and other persons of interest.

Due to time constraints, the LEC Advisory Committee agreed to break for lunch and prepare for the DHCS Coder Training.

*The next LEC Committee Meeting is **Thursday, December 3, 2015** at:*

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