

LEC Advisory Committee Meeting Minutes

Thursday, October 6, 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
Coreen DeLeon, Glenn County Office of Education – Region 2
Randy Jones, Glenn County Office of Education – Region 2
Dr. Baljinder Dhillon, Superintendent, Sutter County Superintendent of Schools – Region 3
Gail Atwood, Sutter County Superintendent of Schools – Region 3
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
Octavio Castelo, Los Angeles County Office of Education – Region 11

Other Attendees:

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

Absent:

Rosalee Hormuth, Orange County Department of Education, **Co-Chair** – Region 9

1.0 Introductions

- Each individual stated his/her name and agency affiliation

2.0 Additions to the Agenda

3.0 Approval of Minutes - Minutes from the August 11, 2016 meeting

- The August 11, 2016 meeting minutes were approved as presented.

4.0 Department of Health Care Services (DHCS) Report/Update

4.1 DHCS 6-month response to the BSA Audit

- As a result of BSA audit that requested criteria be changed as to what LEA's identified for site visits, have created a new criteria, which includes: LEA's that have greater than 10% variance in claimable invoice, year to date, greater than 25 code changes requests, after 10% sample is reviewed; if greater than 25 code changes, greater than 10% invalid moments, greater than 10% vacated moments in a quarter, per member, per month spending < if more than twice than statewide average is spent. Most spending is about \$25 to \$30 range for each student; if it is raised to around twice this amount, it would raise a red flag. If any LEA has more than 3 criteria raised, it would trigger site

visit. This is in NEW manual, on 6.28 of “red line” version. Q: When would high risk criteria begin/end? How can an LEA get off high risk status? A: No discussion regarding criteria after an LEA has been flagged. There is no statewide spending average that has been calculated at this time, estimated at \$200-\$250 million, per Tony, however need invoices to make full determination. Q: Is it possible for us to do data trends to establish what would fall above norm? A: Data trends always welcome, per Tony. Re: Code change requests current criteria, 25 in total, including any requests from LEA, DHCS, LEC, etc. With new manual: expected code change requests related to IEP and code 17 & 18, in addition to translation.

4.2 Update on DHCS and CMS meetings held on 9/21 and 9/29.

- 9/21 meeting, revised invoice reviewed with Brian Verdulis, questions/concerns: how do we approve direct charge staff under new procedure, layout of summary page? Had potential for errors when it came to accounting issuing checks. Suggested we add calculations to formula that allows bottom line to be populated with revised amount and not have in middle line. No significant concerns, more based on efficiency. Awaiting final approval. Q: Elaborate on concern with direct charge staff? A: Just wondering about process of approval. Separate form created for each LEC, will need to draft a PPL, however will check to see if one has already been created. Want to ensure people are not receiving moments AND direct charging. Procedure is in manual, per Octavio. Tony’s understanding is that you are only allowed to direct charge under code 15, however, there are differing opinions, and working at getting an answer from CMS.
- 9/29 meeting moved to 10/5 – lots of questions on IEP issue. CDE on line and able to provide background to CMS. Some of the questions posed: Who is eligible to do MAA activities within IEP meeting? All agreed that all assessments and eval leading up to meeting were billable to LEA billing program as direct services and not billable to MAA. Manual Language: ‘Once services have been established...can bill for coordination/referrals.’ At what point does CMS consider IEP established? In order to lower audit risk, should we just limit to meeting itself? No answer from CMS, will have internal discussion and get back to DHCS. IEP is established once parental consent has been provided, per CDE. Still some confusion on CMS part as to when “established” is considered in effect. Went through all different parts of manual, discussed sec 5 & 6, highlighted all major changes. 1-4 clarification of definition, as well as 7-10. No questions from CMS regarding manual changes, only regarding IEP issue. Hoping to be able to claim at least some activities in IEP meeting. DHCS provided all info to CMS. Part of discussions had in IAG group was ‘what codes are reconcilable’ once a resolution has been come to. A: IEP billing is included in rate study. No date as to when CMS will get back to DHCS on issues. Big concern about principals and superintendents being qualified to make medical referrals, when they have varied roles in rural schools.

4.3 Invoice Extensions

- 14/15 Q3 RMTS Invoices were expended to 12/30/16 and Q4 to 2/28/17. What about 15/16 Q1 which was originally due 12/30/16?
- Invoice extensions, another program update in October. Extension for that quarter will be included in that program update. Looking to extend out to June/17.

4.3.1 What template and guidance do we use?

- Revised invoice template; if approval is received within the next week or so, will use new template, otherwise will need to use 2013 template and everyone will need to submit two invoices. Q: Is there any way to ask CMS, even if they don't decide IEP issue, please figure out codes and retro that, so we can add IEP later. A: Would rather not have to deal with placeholders for IEP, but rather move forward with code issues.

4.3.2 What is 15/16 Q1 going to be an average of? [Keep in mind 15/16 Q2 would need to be completed before 15/16 Q1.]

- 15/16 Q1 is average of 14/15 Q3 & Q4, and 15/16 Q2. Q2 of 15/16 will be used in two separate averaged invoices.

4.4 SMAA Manual revision concerns:

4.4.1 Highlighted excerpt shared with DHCS. (More to come)

- DHCS notes all changes, lots of technical issues. SACS coding incorrectly listed in manual, some of the changes clarified which SACS codes were involved. One paragraph that didn't get struck out in track changes – CHANGES MADE. Nothing substantial, just clean up.

4.4.2 Direct Charge

- Inconsistencies in types of TSP's that can charge and codes that can be charged; will work at providing consistency. Generally, LEA coordinator and LEC can charge to code 15.

4.4.3 Vendor Fee Worksheet – not included in Manual.

- Is there an updated template? *There is mention of it in manual. Believed to be in last section/invoice section. DHCS to ensure it is there and will include invoice worksheet in appendix section. No revised template, same template used during RTS process. Will add vendor fee worksheet to revised manual.*
- Do we complete according to pool or overall LEA amount? *One vendor worksheet submitted per pool*
- What do we (LEC) do if it exceeds 15% cap? *Maybe 15% can be tacked onto total reimbursement? 15% cap enforced quarterly or annually?? A: Cannot fill out vendor fee worksheet if vendor hasn't billed districts. Needs to be tied to quarter in which costs were incurred. 3 scenarios in which LEC fees would be considered vendor fees...Tony to research and get back to group.*

4.4.4 Roster Report

- Includes all LEA personnel participating in RMTS; TSP, direct charge staff and any direct charge contractors. Comprehensive document of all personnel participating in MAA.
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- 4.5** Discussion about consistent RMTS coding (see LEC examples)
- DHCS always bases all coding decisions on latest version of SMAA manual. As long as it's something that background and documentation can be provided for. Work at streamlining, possibly form a small committee to discuss
- 4.6** Has DHCS reviewed the ALL IN For Health Toolkit documentation to be used as district outreach materials?
- DHCS began reviewing flyers due to LEA's creating in-house flyers that were not fully related to Medi-Cal.
- 4.7** SMAA Invoice SharePoint Process – status, PPL, training, when to begin
- More into to come...
- 4.8** Follow-up from prior LEC Meetings:
- 4.8.1** SMAA Manual Revision & RMTS Invoice– Status
- 4.8.2** DHCS RMTS Summit
- Tentatively scheduled for 12/5
- 4.8.3** Coder Training
- Pending manual approval
- 4.8.4** DHCS Participation Fees/Invoices – Budget info from Michelle Kristoff
- Sharon sent out to group
- 4.8.5** Tape Match & DUA– Status on procedure and PPL
- Keep an eye out, forthcoming. Will be sent out before COB Friday. MAA will not have a separate DUA. After further review of BAA and whole process, further questions have come up, so DHCS is still looking at that. LEA's that participate in LEA Billing Program, may not have to complete DUA, but those who only participate in MAA may still need to complete. Tape match submissions will be restricted to LEC members only, as of now, but will have further discussion. Exhibit F is what is in question, Business Associate Addendum (BAA). As it is now, LEA would need to submit to LEC and LEC can send to DHCS. DHCS has no direct contracting with LEA on SMAA side, no way to receive or submit tape match requests.
- 4.8.6** Backcasting
- Update on LEC proposal. Has CMS been contacted to discuss? *Trying to attach a dollar amount to proposal submitted by LEC's. 75% across the board with no backcasting. CMS seems to be committed to doing some level of backcasting. Reason: felt that California was over claiming, across the board, dispute amount group, however, this is how interpreted at Baltimore and Central Office. Level of backcasting still open for interpretation. Tony thinking about how to streamline the process so that no need to do code by code; Tony's thoughts are: what if we used RMTS codes, 4 quarters of RMTS date, develop some sort of weighted average for region/universe, can use county wide average, and develop weighted average and compare to*

weighted average of invoice. Previous LEC proposal compared to worker log, {Reorganization within the division, still under admin claiming section, SMAA split in two, currently SMAA grouped with LEA Billing, and supplemental billing. Betty Lai is new branch chief.

- Any additional proposals received by DHCS? *No additional backcasting proposals received.*
- Will there be additional guidance from DHCS @ the actual process slated to begin January 2017? *Spreadsheets received from LEA workgroup, advised they would provide augmented proposal based on proposal that LEC's provided.*
- Who calculates the backcasting percentages? *Backcasting doc states DHCS and LECs/LGAs perform this from Oct 1 – Dec 31, 2016 Backcasting methodology posted on website, all spelled out in methodology, specific questions can be answered directly. – LECs, LGAs and consortiums are in charge, and DHCS will independently verify calculations. Q: If we justify positions in CUP grip, will we need to rejustify? DHCS doesn't believe so.*

4.8.7 Update on DHCS staffing

- Stacey Armstrong is new analyst, has been on the job 1 month. Will be reviewing Stanislaus and Orange, including a few LGA's. Stacey.armstrong@dhcs.ca.gov . Emily on the job 5 months, Region 7, Sacramento, San Diego.

4.8.8 DHCS update on Categorical funding issue/PPL

- Legal is reviewing LCFF issue and categorical issue and will provide update once review is done. Tony advising: they recognize issue has changed since brought to DHCS attention, legal is putting together an opinion based on current circumstances and may/may not result in continued pursuit of this particular topic. Hesitant to say the issue will be dropped, but doesn't appear there is any further issue to look into at this point. Will need to look at this process in light of feedback from LECs. Will look at amending procedures-- regarding compliance issue, and LEC communication with LEA's. Tony requesting to review draft manual and suggest amendments.

5.0 LEC Committee Business

5.1 CCSESA Update

- SB123 vetoed! Governor not interested in signing any bill that is not absolutely necessary. LEC superintendent's group advised the information sent to Amanda by LEC's was very helpful, especially the info on how LEC fee structure is calculated and the verbiage being used to communicate information to superintendents.

5.2 Discussion of Administrative Consistency

5.2.1 Federally Funded TSPs

5.2.2 Coding Review Process – certification?

5.3 Recap of SMAC Workgroup meeting held on August 12th

5.4 NAME Conference recap

- Audit from moment of direct service down to service logs. If we have to be able to code moments thinking schools have all documentation, we need to figure out how to justify. Requesting Amanda include in the request to meet collaboratively at IAG meeting. Amanda also suggesting LEC's attend LEA billing meetings.

5.5 Public Records Request (LACOE)

- Ed Honowitz submitted two public records requests. Advised Ed to pull from spreadsheet. LACOE has submitted spreadsheets per requests. Wanted to review information from 10/11, 11/12 to to decline of 12/13, 13/14. Full reimbursements at full FFP rate, capping of vendor fees. Specifically requested to work in collaboration with LEC's, not in contact with CMS, but are wanting to work towards that. Ed providing info to Jeremy Ford and David Nevin. Q: Are we still required to provide this information? A: Yes, it is public record. The request is coming from LEA group not being involved in the LEC proposal, and the information being provided by LEC's being accurate. David did not include LGA's in this calculation.

5.6 PCG/Software Discussion & RFP Process

- Current contract with PCG ends 9/30, not 6/30. Question as to whether we should align dates to fiscal year. Suggestion to start with new quarter, so keep with current timeline.

5.7 Meeting location for February 2017 LEC meeting - tbd

5.8 LEA Medi-Cal Billing Option Ad-Hoc Workgroup update- *Janice/Michelle*

5.9 LEA Medi-Cal Billing Option Program RMTS Committee (IAG) update- *Margaret/Rosalee*

5.10 LEC Committee Meeting format and restructure/LEA's attendance

- LEC meeting structure to be inclusive of LEA's, and invite a CDE rep, as well. The idea behind restructure is to help us to get ahead of any future issues with transparency. CCSESA would be able to work at trying to get a CDE rep to the table. Margaret put something together with meeting structure/times, LEA attendance, one attendee per LEC, Margaret to send out idea and everyone can review and send out suggestions.

6.0 PCG - Flory Wong, Lori Bobb, Jeanie Harrison, Felicia Vincent, Aaron McAlmont, Lisa

- #### **6.1** Job title change process – change retroactively goes to beginning of time for TSP in claiming system. LEC's have never been advised previously that the position needed to be vacated and added as a new position. Lori, PCG is in conversation with developers in regards to changes that affect previous quarters, future quarters, moments, etc. PCG is going item by item to address concern. Ultimate guidance that PCG was given to place an end date to any job title that would end their eligibility in one cost pool LEC's should determine process procedure as to how this should be handled. Question is how to track job title change. Need a report history or audit trail as to how it rain in previous quarters. Preserved report. Name changes retroactively get updated, as well. Actively

working on getting this updated, no estimated date of completion. Quarterly participant snapshot will help with job ID's.

- 6.3** Notifications – filed in the quarter in which they are queued, per PCG. LEC's would like to see notifications filed in the quarter for which they are queuing for.
- 6.4** Code change report – Has report configuration which can be added to existing coding report, LEC and LEA coordinators will have visibility, will be able to view original coding, reason for change and user who made change. Anyone who has access to LEA coding report would have this visibility.

7.0 Adjourn

The next LEC Committee Meeting is Thursday, December 8th at:

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