

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

**LEC Committee Meeting Minutes
October 6, 2011**

LEC Coordinator/Representative Attendees:

Greg Englar, Sonoma County Office of Education - Region 1
Merrilee 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
Ken Gragg, Kern County Superintendent of Schools - Region 8
Annette Jewell, Orange County Department of Education, **Co-Chair** - Region 9
Julian Weaver, San Bernardino County Superintendent of Schools - Region 10
Cathy Bray, Los Angeles County Office of Education - Region 11

Other Attendees:

Geri Baucom, Department of Health Care Services (DHCS)
Tonya Corral, Department of Health Care Services (DHCS)
Isabel Fritz, Department of Health Care Services (DHCS)
Janice DiCroce, LGA Co-Chair
Lynda Lindsay, LGA Co-Chair
Anysia Drumheller, Butte County Office of Education
Sheri Coburn, San Joaquin County Office of Education

Absent:

Barbara Schultz, Department of Health Care Services (DHCS)
Margaret Roux, 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 4, 2011 LEC Committee Meeting Minutes were approved.

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

4.1a Staffing

There is one vacancy in the School-based MAA Unit. The Branch Chief has requested an exemption to go outside to hire for this position. The Division Chief position is also vacant.

4.1 New SMAA Contracts

- Intent to Participate Letters were sent out to 4 LECs and 2 LGAs, as their contracts with DHCS will expire on June 30, 2012. The Intent to Participate form must be returned to DHCS by December 15, 2011.
- DHCS also sent out the 2011/2012 Participation Host Contracts for MAA to all regions.

4.2 Status of DHCS Desk/Site Reviews

- Due to State travel restrictions, planned site reviews for this year will become desk reviews.
- Branch Chief Geri Baucom has identified several outstanding CAPs (Corrective Action Plans) from prior desk/site reviews. Letters will be sent out, giving the LEC 30 days to respond. If a response is not received, reimbursement withholding is a possibility.

4.3 Time Survey Samples

No Discussion

4.4 Region Status Reports

Regional MAA invoice status reports were sent out this week. Please notify your DHCS Analyst if you did not receive a report.

4.5 Virtual Charter Schools

Nothing new to report at this time. LEC Co-Chair Margie Rollins is waiting for the California Virtual Academies program staff contact information to provide to DHCS.

4.6 Community Colleges – Indirect Cost Rate

Branch Chief Geri Baucom stated that a PPL (Policy & Procedure Letter) will be issued to cover all programs in the branch regarding OMB-A87 guidelines of a 10% ICR in lieu of a cognizant rate provided by the agency. This will apply to Community Colleges.

4.6.1 Appropriateness of Community College Participation

- A LEC Committee member raised a concern about community colleges and the appropriateness of MAA participation. Regional LECs have noticed an increase in the number of participating community colleges with a variety of college staff positions (not previously seen) claiming MAA activities.
- The LEC Committee requested clarification from the State on whether or not it is appropriate for community college personnel (campus police, financial aide staff, etc.) to participate in the MAA program.
- Branch Chief Geri Baucom asked the LEC Committee to provide something in writing about community college participation concerns. DHCS staff will review the concerns and provide clarification if necessary.

4.7 Regular Education Teachers

The DHCS policy unit is working on this issue. They are currently waiting to hear from CMS (Centers for Medicare & Medicaid Services). No update at this time.

4.8 Medicaid Agency E-signatures - Update

The State (DHCS) policy unit is working on this issue. E-signatures have the potential to be a departmental/divisional issue and/or affect other (State) programs. The E-signature policy was brought up at the LEA Ad Hoc Committee Meeting. DHCS is not sure how this issue will be resolved. A PPL may be required, as this issue affects more than just the Medicaid Program. DHCS will provide an update to the E-signature issue as more information becomes available.

4.9 Potential Appeal

No potential appeals at this time.

4.10 CBO Employees Hired by Districts

Region 5 received a request from a district that pays a community based organization (CBO) for after school program services. The district would like the CBO staff that serves the district's children to be included in the time survey process and in the district's quarterly MAA invoice. This is being researched by the Region 5 LEC in association with Santa Clara County. No DHCS input was given at this time.

4.11 Random Moment Time Study (RMTS) Updates

4.11.1 LEC Plan Update – DHCS has begun the review process of the LEC RMTS plan. The DHCS staff anticipates many questions/discussions with the LEC Co-Chairs as they continue their review of the LEC RMTS plan. The RMTS plan for South Bay UESD, San Diego has been reviewed by DHCS, and will be discussed further with the San Diego LGA (and/or the South Bay UESD). DHCS staff have set aside two hours/day, three times a week to work on RMTS proposal review.

4.11.2 Provide Update on LAUSD Implementation

DHCS stated that everything appears to be running smoothly with the LAUSD RMTS implementation. Participants like the methodology, but struggle a little in compressing their time survey samples into a one-minute scenario, as in the

past they were required to explain activities in 15-minute increments. The RMTS participation rate continues to be high.

4.11.3 Provide Update on CMAA Implementation/CMS Approval

The CMAA time survey methodology is being reviewed by DHCS. The LGAs are awaiting worker log methodology approval before submitting RMTS methodology to DHCS.

4.11.4 RMTS plans currently with DHCS

DHCS currently has 5 RMTS proposals to review.

RMTS Discussion

- The LEC Committee discussed the advantages of having one plan (for RMTS throughout the State) that would allow the flexibility for districts to participate individually and/or join a consortium to participate in the MAA Program. This was how the LEC Committee RMTS plan was developed. A LEC Committee member stated that it will be difficult for the State to approve several RMTS plans.
- Branch Chief Geri Baucom stated that DHCS staff will review all plans submitted before deciding on which way to go as far as implementing a “statewide” plan.
- Tonya Corral, DHCS, stated that a plan that mirrors LAUSD’s plan must be a one-district plan. Any collaborative plan structure would need CMS approval. The LGA plan for San Diego (South Bay UESD) and the Region 11 plan for the El Monte School District are single district plans that follow LAUSD’s plan. DHCS has the responsibility to review every RMTS proposal submitted to them. At this time, the only plan that is approved is that of LAUSD.
- Tonya further stated that California is unique from other States because of the LEC structure, so California will not necessarily follow the RMTS plan of any other State. A LEC Committee member asked if California could have both RMTS methodology and quarterly time survey methodology as program participation options. Tonya answered in the affirmative.
- A LEC Committee member asked about the LEC responsibility of program oversight if and when several different RMTS plans are approved. DHCS responded that oversight would still be required, but LECs may be looking at a variety of different data. DHCS stated that software requirements and audit control would be written into the RMTS plan.

4.12 Branch Chief Report

- Branch Chief Geri Baucom received notification from CMS that they will be auditing the MAA Program in California. The audit will involve invoices paid during the 2010/11 year.
- DHCS does not know yet which specific claiming units and/or LECs/LGAs will be selected for review. CMS will begin their fieldwork in November 2011.
- DHCS does not know the specific details of how CMS will conduct their audit. However, a likely scenario would involve CMS pulling paid MAA invoices (from the State) and selecting a sampling of the invoices for further investigation.

5.0 Review of August 4, 2011 Committee Meeting Items

No discussion

6.0 LEC Committee Business

6.1 Status of DHCS Desk/Site Reviews

- DHCS has three 2010/11 desk reviews to complete (Region 5 LEC, LGA County 13, and LGA County 14). Tentative site reviews are planned in 2011/12 for LECs (Region 8, 10, 11) and LGAs (County 15, 34, 36, 43).
- See item 4.2

6.2 New DHCS Contracts

DHCS sent out the 2011/2012 Participation Host Contract for MAA to all regions. Some LECS have requested that DHCS correct/clarify some items in the contract. LEC Committee members discussed the possibility of sharing the cost of having one COE/LEC legal department review the DHCS contract in the future (eliminating duplication of effort).

6.3 DHCS Region Status Report

DHCS is making an effort to stay current. All LECs should have received their quarterly invoice status reports last week.

6.4 Reimbursement Payments

MAA Reimbursements seem to be coming through from the State within a reasonable timeframe.

6.5 Time Survey Samples

The LEC Committee discussed interpretative changes to Code 14 in fiscal years 2010/11 and 2011/12.

6.6 Code 8 and TCM

- The LEC Committee discussed Code 8 and TCM (Targeted Case Management). If a MAA participant bills for TCM through the LEA Medi-Cal Billing Option Program, that participant cannot claim Code 8 MAA activities for monitoring and coordinating Medi-Cal covered services.
- If a claiming unit bills TCM through the Direct Billing Program, they would code TCM activities to Code 2 on the MAA time survey form. However, if the claiming unit DOES NOT bill TCM through the Direct Billing Program, some of the case management activities could be coded to code 8 on the MAA time survey form.
- Reference was made to the 2011/12 School-based MAA Manual regarding Code 2, Code 8 and TCM.

(Note, Section 5-10)

Code 8: Case Managers participating in the LEA Medi-Cal Billing Option for IEP case management cannot claim MAA referral, coordination, and monitoring. Staff should claim time under Code 2, Direct Medical Service as TCM billing includes referral, coordination, and monitoring

(Section 5-5)

Code 2: This includes TCM- and LEA-billed Medi-Cal Services

6.7 Virtual Charter Schools

- The LEC Committee discussed virtual charter school participation in the MAA Program. CAVA (California Virtual Academies) has a physical location (headquarters) in Region 8. However, the fiscal oversight agency is the SELPA which is located in a different region. SELPA oversight is limited to the special education population. If regular education students are part of the student population served for MAA Program purposes, a decision needs to be made as to which LEC would handle MAA claims for the virtual charter schools.
- Research is continuing as to what type of MAA claiming unit structure CAVA should have. Things to consider when determining where a virtual charter school would process MAA claims are:
 - What entity holds the charter?
 - Where is fiscal data housed?
 - Location(s) of satellite offices
 - Where are general education funds received?

6.8 State Medicaid Agency Written Policy on E-Signatures

See item 4.8

6.9 Regular Education Teachers

One Regional LEC provided documentation (regarding regular education teachers that may not be appropriate for MAA participation) to DHCS and is awaiting guidance.

6.10 Community College Indirect Cost Rate (ICR)

- The LEC Committee anticipates a PPL regarding Indirect Cost Rate calculations in late October or early November of this year.

6.10.1 Appropriateness of Community College Participation

- See item 4.6.1

6.11 NAME Conference

- The NAME Conference will be held October 11-14, 2011. Nine of the eleven LECs will be represented. Conference presentation materials are available on the NAME Web site.
- Committee members discussed that NAME conference organizers should consider identifying which sessions are related to direct Medicaid billing and which session are related to administrative Medicaid billing.

6.12 Potential Appeal

- The LEC Committee may want to re-visit the LEC appeals process and provide clarification on what can actually be appealed by a claiming unit.
- Some LECs are seeing increasingly excessive (unreasonable) amounts of time charged to various MAA codes. Committee members are reminded that reasonableness is not something that a claiming unit can appeal via the appeals process because the LEC has the authority to determine what is “reasonable”.

6.13 Vendor Material Review

- Appreciation was expressed for the collaborative effort put forth by Region 8 (Margaret Roux) relative to vendor training material review.
- The Committee will keep this as a standing item on the LEC agenda; to discuss ways of improving and streamlining the review of vendor materials. The Committee understands that a timely and thorough review of training materials is important to all MAA Program stakeholders.

6.14 DHCS Training Q&A

The LEC Committee did not request additional changes to the DHCS training Q&As for this year.

6.15 LEC RMTS Plan

The LEC Co-Chairs have not received any questions from DHCS about the LEC RMTS plan. DHCS considers the plan to be a “working plan” (draft). The plan has been partially reviewed by DHCS, and the process is continuing.

6.16 LAUSD RMTS Report

- See item 4.11.2

6.17 CMAA RMTS Report

- CMAA cannot move forward with RMTS until their worker log methodology proposal is approved by CMS.
- The RMTS plan for the South Bay UESD is being reviewed by DHCS. The San Diego LGA has not received any questions about the South Bay UESD RMTS plan from DHCS.

6.18 CMAA Methodology

The CMAA time survey methodology is awaiting CMS approval.

6.19 Potential Threat to Medicaid in Education

This topic will be discussed at the NAME conference.

6.20 CMS 64 Review

See item 4.12

7.0 Business and Administration Steering Committee (BASC) Report

No discussion.

8.0 Invoice News

8.1 Claiming for Depreciation

- Per the School-Based MAA manual (11-15), certain depreciation costs are claimable on the MAA invoice.
- Only Object 6400 (capital outlay) depreciation costs can be claimed. All other coding requirements (associated with the capital outlay) must match the requirements for “other costs”, entered on line 56J of the MAA invoice (functions 2700, 7000-7199; excluding federal resources 3000-5639 and 5650-5999).

- The Reconciliation of Governmental Funds Statement is not supporting documentation for allowable MAA (depreciation) costs. A claiming unit must provide a depreciation tracking spreadsheet showing the allowable depreciation costs. These tracking sheets are in most cases off-system tracking sheets (meaning probably in the form of a spreadsheet).

8.2 CBO Employees Hired by Districts

See item 4.10

9.0 LEA Billing Report

- AB114 and budget cuts were discussed. Steve Perry of CDE reported about a brainstorming group to discuss ways to help SELPAs & LEAs fill the budget gap.
- LEA IRUS (Interim Reimbursement & Units of Service) Update:
 - The IRUS report for 2009-10 CRCS is posted to the LEA Billing Website <http://www.dhcs.ca.gov/provgovpart/Pages/LEA.aspx>
 - Effective FY 2011/12, LEAs are required to track their own units, encounters and reimbursement information for LEA paid claims.
- Provider Participation Agreement /Annual report is due on November 30, 2011 for the fiscal year 2010-11.
- The CRCS report is also due on November 30, 2011 for the fiscal year 2009-10
- DHCS will manually track the 1% fee for Audits and Investigations/Auditors not to exceed 650,000.00. According to DHCS this amount should be reached by the middle of December 2011.

10.0 LGA Report

The LGAs are awaiting time survey methodology approval from CMS.

11.0 Adjourn

The next LEC Committee Meeting will be on Thursday, December 1, 2011 @ YOLO COE