

LEC Advisory Committee Meeting Minutes

Thursday, April 4, 2019

Meeting Time: 9:00 am - 1:15 pm

SELF Building, 1531 I Street Suite #300, Sacramento, CA

1.0 Roll Call

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
Jen Minton, Sutter County Superintendent of Schools – Region 3
Michelle Cowart, Contra Costa County Office of Education – Region 4
Tina Reger, Santa Cruz County Office of Education – Region 5
Janice Holden, Stanislaus County Office of Education – Region 6
Rhonda Yohman, Madera County Office of Education – Region 7
Margaret Roux, Kern County Superintendent of Schools – Region 8
Rosalee Hormuth, Orange County Department of Education, **Co-Chair** – Region 9
Rebekah Smith, San Bernardino County Superintendent of Schools – Region 10
Octavio Castelo, Los Angeles County Office of Education – Region 11
Lori Koh, Los Angeles County Office of Education – Region 11
Marlene Culpepper, Sacramento LGA
Thelma Galario, Tulare County LGA

LEA Representatives

Jeremy Ford, Oakland Unified School District
Margie Bobe, Los Angeles Unified School District

Other Attendees

Stacy Armstrong, Department of Health Care Services, (DHCS)
Levi Higgins, Department of Health Care Services, (DHCS)
Rick Record, Department of Health Care Services, (DHCS)
Dmitry Terlesky, Department of Health Care Services, (DHCS)
John Mendoza, Department of Health Care Services, (DHCS)
Tony Teresi, Department of Health Care Services, (DHCS)
Stephanie Magee, Department of Health Care Services, (DHCS)
Rida Munir, Department of Health Care Services, (DHCS)
Francisco Yanes, Department of Health Care Services, (DHCS)
Levi Higgins, Department of Health Care Services, (DHCS)
Amarbir Takhar, Department of Health Care Services, (DHCS)
Amanda Dickey, California County Superintendent Educational Services Association (CCSESA)
Renzo Bernales, California Department of Education (CDE)

2.0 **Additions to the Agenda**

3.0 **Approval of Minutes** - Minutes from the February 7, 2019 meeting

4.0 Introduction of New LEC Coordinator – Region 11 – Lori Koh

5.0 LEC Advisory Meeting Calendar for FY2019/2020

- August 8, 2019 (tentative – pending Summit/Coder Training)
- October 10, 2019 (*NAME Conference 1st week in October)
- December 5, 2019
- February 13, 2020
- April 9, 2020
- June 4, 2020

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

6.1 Backcasting:

- Any response from DOF/SCO about Prop 98 withhold transaction occurring/not occurring and what type of supporting documentation will be provided once the transaction occurs? Working with DOF to finalize the process for withholds to ensure withhold actually gets processed and doesn't get lost in communication. Did receive verification from DOF that entire amount of withhold spreadsheet is eligible to be used for offsetting. Initially thought to be limited to specific columns for government code, however has been confirmed that ENTIRE spreadsheet is eligible.
- What will happen to the 52 LEAs that will not have enough funds available in the June withhold? DHCS has different results of overpayment on withholds than Glenn LEC came up with. DHCS was able to revise estimate based on recent number received. DHCS to work with Randy Jones/Region 2 to revise. Department will need to look at options in terms of looking at how offsets will be handled, nothing definite at this time. Per John Mendoza, he is strongly encouraged to believe that offset will happen in June and no other possible miscommunication should prevent that from occurring, as it did in January. Revised version of spreadsheet should reach DOF by next week.

6.2 Dec 2018 OIG Report:

- DHCS feedback received, workgroup update and next steps – Initial workgroup meeting last month in Mid-March to work out logistics of addressing findings from report. Will initially focus on documentation part of report, second meeting will focus on RMTS sample.

6.3 Integration of RMTS into LEA BOP:

- Has the SPA been officially re-submitted? (ETA was end of Feb) No, not yet officially submitted, however, meeting scheduled with CMS on April 11th to discuss RMTS and CRCS back casting methodology. Per Rick, still holding to July 1 implementation date. Concerns provided by group that we are at our drop dead date, and that some LEA's are still not aware of this change. LEC's need to have an approved plan to provide to their contracting dept and legal dept for review. Process of implementing new/amended contract. Suggestion made that those LEA's who attend AdHoc meeting, develop and provide a checklist.

Need the most recent list of participating LEA's in LEA BOP. Request for contact name and contact information as well. Response was for LEC's to begin contacting their respective LEA's and answer what is possible and directing to LEA inbox. {Guidance, list of those LEA's who are billing, and contractual issues are main concerns}.

- Trainings – SPA 15-021: So. CA training date of April 22, what will be the No. CA date? Northern California date will be May 9th. Two additional training TBD with LEA Coordinator training and TSP training.
 - What about trainings for LEA Coordinators and TSPs? TBD
 - Non-LEA billing contractors – are they allowed in Pool 2? LEA BOP, LEA's that contract with direct service contractors can exclude those providers from RMTS, SMAA program will allow.
 - Confirm that all 100% federally funded TSPs (including DS providers) will not be allowed on the RMTS TSP list with integration (previously allowed in LEA BOP) – If a direct service provider is 100% FFP, should not be included in TSP list for respective quarter.
 - How will LEA's currently on 'withholds' for not turning in CRCS be managed w/ integration? All LEA's on withhold will be subject to same requirements of backcasting. Moving forward, all LEA's as of July 15, will be subject to backcasting unless they pay back money owed.
 - How does TCM play into all of this? Will TCM use Code 2A in billing? What is claimable under TCM? Why would an LEA do all 3; LEA BOP, SMAA and TCM? PER SPA 15-021, TCM services will be onboarded with new rate methodology. 16-001 and will allow TCM services or all Medi-cal eligible students. Claimable services: comp assessment, review of of care plan, monitoring and follow up activities, and TCM will be included in backcasting. DHCS will provide the TCM certification form to LEAs for signature and forwarding to LECs/LGAs.
- *Follow-up from prior meetings:*
- Please provide a copy of the updated integration timeline. Rick Will Email
 - Please provide an updated listing of LEAs that participate in LEA BOP and not SMAA. ('at risk' LEAs) – including new Community Colleges – Will send to co-chairs
 - Update on the submission timeline of the CRCS. March 13th CMS approved submission to be 8 months after close of FY. First due will be March 1st 2021, for FY 19/20.
 - Please provide a copy of the tentative LEA BOP CRCS Backcasting timelines/deadlines. Does the waiver for 15/16 submissions release LEA's from audit? Yes, once approval received from CMS. FY 15/16 will not be audited until backcasting is submitted.

- Status of DHCS new year contract language. Will there be any changes? LECs stated we would need language by end March/early April. Will include language to incorporate LEA BOP and all exhibits included in previous document will be consolidated and posted on line and referenced to new PPA.
- What TSP list do we use for LEA BOP billings for 19/20-Q1?
- Clarification of Cost Pool 1 = eligible to bill or actually billing Requesting verbiage to clarify: eligible to bill, will actually bill and primary duty is to provide direct medical service. Rick said includes those eligible. Group stated concern that that could create significant increases in providers being added, ie trained health care aides.
- How will SMAA RMTS non-compliance affect participation in the LEA BOP? DHCS has not come to a definitive answer in terms of how noncompliance in LEA BOP will affect TSP
- Documentation of direct medical service moments? (2A/2Z) – in discussion with OIG review group. Have provided a list of initial take on what would qualify as documentation. Will have this discussion tomorrow 4/5 and will provide more info after that discussion. Will be added to program guide if on website per DHCS

6.4 Random Moment Time Survey (RMTS)

- Status of SMAA Manual 2020 edits? There was 1 call on 1/30/19. Next steps? Next scheduled call is Wednesday 4/10 regarding invoice section, section 10. May have discussion during summit.
- Averaging quarter TSP List – which list do we use? Feedback received from RMTS vendors?
 - Option 1 = 19/20 Q2 TSP list used as both 19/20 Q1 and Q2 (for 1st year of integration only, then Q4 list used as Q1)
 - Option 2 = 19/20 Q2 TSP list used as both 19/20 Q1 and Q2 (ongoing) – majority preferred this option, this will be DHCS's ask from CMS
 - Option 3 = SMAA continues to use prior year Q4 list, LEA BOP uses Q2 list of current year
- Sampling Requirements PPL
 - Can LECs/LGAs get a copy of the email approval from CMS for these changes? Information will be provided via PPL
 - Is this the best approach especially for last minute of a shift? DHCS strongly recommends that each region adjust individual schedules. If adjustments are not made, all moments occurring during final minute will be coded 17.

➤ *Follow-up from prior meetings:*

- Please confirm that the additional upfront question of *Was this activity being performed pursuant to, or related to, as service listed on a student's IEP, IFSP or 'Care Plan'?* **only** applies to Cost Pool 1. – not clear in red-lined version of manual Group suggested it should be Pool 1 only to avoid confusion, Rick will look into it further.
- Being able to certify Staff Pool List with vacancies. **CMS is unaware of this practice and presents a number of potential problems. DHCS will not adopt this practice**
- TSP Replacements – Are replacements a CMS accepted practice? Staff rosters are to be finalized before start of quarter and are the basis of universe sample in time study. This should remain as vacant and coded as such. Any new replacements should be added to next quarter, and trained appropriately. Nebraska 2017 & New Mexico 2016 have in their approved plan for vacancies and replacements. DHCS to follow-up with CMS as both PCG and Fairbanks are unaware of a change to person driven versus position driven.
- Discussion on Quarterly Quality Assurance Report (Appendix K) **Can have further discussion**
- Invoice submission timeline and potential changes - **currently under review, if we may be able to achieve desired outcome in other ways, may not need any adjustment. No change was ever official. DHCS to review current timelines.**
- DHCS to provide copy of CMS approval of 1/4 notification and response timeline changes – **emails are internal guidance and not official policy, PPL is official guidance**
- Invalid moment/coding chart-needed DHCS final response on scenario with TSP who responded as on pd/unpd time off but was later determined to actually be at work – **Discussion had to change this to code 1. DHCS to review ambiguity of SMAA manual verbiage regarding unverifiable time off, noted in 6-15 & 6-20**
- Clarification on the calculation of RMTS percentages used in the SMAA Invoice. (all codes including C18 or only C1-16) – **DHCS may need to revise formula to include code 18 as time survey needs to account to all coding. Currently in discussion with CMS. Will go over this in OIG workgroup.**

- - **BREAK FOR LUNCH** - -

7.0 LEC Advisory Committee Business

- 7.1 **CCSESA Update** - Amanda– Meeting with DHCS on contracts, willing to entertain a non-liability clause in the contract. Amanda will try to push back and try to put in financial non-liability clause. Advises, If LEA BOP only, can have one contract, as flat fee and can have another for those who are SMAA & LEA BOP combined as a percentage. Senate Budget Committee staff reached out to Amanda and advised Senate Education, Senate Budget staff, pro-tems office, senate health budget staff, Margaret, Rosalee & Jeremy in attendance. Senator O’Donnell has two Medicaid in school initiatives on horizon. Amanda believes they will continue to explore committee language, and assist with giving life to initiatives. Amanda’s national association, who Amanda has provided with all our feedback, has a piece of legislation regarding Medicaid in schools. Amanda to send out document for feedback.
- 7.2 **AB3192 Workgroup Update** – Rhonda – over 300 pages, have not seen anything yet
- 7.3 **DHCS Integration Sub-workgroup** – Michelle & Margaret - Condensed into spreadsheet, summary on key points, spreadsheet has more detailed info. Further discussion on backcasting. Comments can be posted to document that will be sent out of discussed issues.
- 7.4 **OIG Report Workgroup** – Margaret & Sharon – First call was more logistical, so next call should provide more info to report out.
- 7.5 **Draft TSP Checklist** – Michelle & Janice
- 7.6 **PCG invoice piece** – finished with feature request document and hoping to have all complete by end of July/beginning of August. Also, asked PCG about extending waiver date beyond June 30.

8.0 Adjourn

Next LEC Advisory Committee Meeting is scheduled for October 3, 2019