

LEC Advisory Committee Meeting Minutes

Thursday, February 7, 2019

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

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

1.0 Roll Call

LECs: Sharon Battaglia, Sonoma County Office of Education, **Co-Chair** – Region 1
Randy Jones, Glenn County Office of Education – Region 2
Coreen DeLeon, 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
Phil Downing, Los Angeles County Office of Education – Region 11

DHCS: John Mendoza, Katie Brooks, Tony Teresi, Stephanie Magee, Rida Munir, Stacey Armstrong, Levi Higgins, & Rick Record

CDE: Renzo Bernales

LGA representatives: Thelma Galario, Tulare & Marlene Culpepper, Sacramento

LEA representatives: Jeremy Ford & Margie Bobe

CCSESA: Carolyn Gray & Amanda Dickey (arrived after lunch)

Via Phone: PCG, Fairbanks and Monica Lemelle San Luis Obispo LGA

2.0 Additions to the Agenda - none

3.0 Approval of Minutes - Minutes from the December 13, 2018 meeting were approved and will be posted

4.0 Welcome New Meeting Attendees – We welcomed 3 new meeting participants; LEA Coordinators Jeremy Ford (Oakland USD) and Margie Bobe (LAUSD) and Renzo Bernales from CDE

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

5.1 Backcasting:

- **Any response from DOF about supporting documentation related to Prop 98 reductions?** DHCS emailed stakeholders that there was an issue in Dept. of Finance/State Controller's Office applying the SMAA deduction/recoupment against the first apportionment of one-time Prop 98 discretionary funds. DHCS confirmed no deductions have occurred

at this time. DHCS is expecting the entire deduction to be applied against the second apportionment in June. DHCS commented that they are currently unsure how to handle situations if the LEA's payback is larger than their apportionment but agreed to work with those LEC/LGA/LEA affected.

- **Status of Group #3?** All Group #3 documentation has been submitted to DHCS Accounting. All LECs/LGAs received worksheets with final figures from Betty Lai.

5.2 Integration of RMTS into LBO Program – Rick Record

- **Has the SPA been officially re-submitted?** No. Final RAI responses were submitted to CMS at the beginning of January and recently DHCS received additional questions/comments from CMS. DHCS anticipates being able to respond by the end of February. SPA is 'off the clock'. CMS has 90 days to approve once SPA is re-submitted.
- **Is there an updated timeline? Please provide a copy.** The timeline has not be updated. DHCS agreed to update. DHCS is looking at dates to host trainings; one in southern CA and one in Sacramento. Training will be open to all stakeholders.
 - **Target implementation date still July 1, 2019?** Yes, CMS has already approved 7/1/2019 as implementation date.
- **Has the submission timeline of the CRCS been officially changed and communicated to all stakeholders?** DHCS stated that the language specifically related to this change is imbedded in the SPA and once approved the policy changes will become effective 7/1/2019.
 - **Q:** What types of communications are you going to be engaging in to ensure *ALL* LEAs, not just those participating in the LEA Advisory Workgroup, are aware of these changes?
R: DHCS is working on PPLs, will update website and include in trainings.
 - **Q:** Has there been further communications with those LEAs that were once determined as 'at-risk'? Not participating in SMAA, only LEA BOP.
R: Recently, no. DHCS had an outreach webinar back in Oct 2017. DHCS agreed that they could reach out again to those LEAs. DHCS stated that Navigant Consulting Inc. has also reached out to those LEAs.

DHCS requested to know if the group knew of anyone needing additional assistance, it was suggested that community colleges and any LEA who just started doing LEA BOP be provided with more support. It was suggested that DHCS provide the LECs/LGAs with an updated list to differentiate between LEA's who have a current contract for

SMAA and those who do not or a current listing from Conduit of LEAs who are billing LEA BOP.

Discussion about contract language changes in DHCS&LEC/LGA contracts due to integration. It is nearly impossible for LECs/LGAs to prepare LEA contracts if we are unclear what our scope of work/responsibilities will be. LECs and LEA reps explained that the local contracting process may take at least 30-60 days. DHCS agreed to have internal discussions regarding and look at potential changes by the end of March/1st week in April.

- **LEA – CRCS Backcasting** – The actual Backcasting methodology is still pending approval of the SPA. Since the effective date the SPA is 7/1/2015, LEAs will need to re-submit 4 years of recalculated prior cost reports (CRCS) for 2015/16, 2016/17, 2017/18 and 2018/19.

There will be a year in which two cost reports will be due because of the new 5 month submission timeline. DHCS agreed to provide a table to the LECs/LGAs showing which CRCS is due when.

It was brought up in the discussion that the CFR DHCS is referencing and changing policy to for submission timelines is a Medicare not a Medicaid policy and is more restrictive than the federal agency requires. DHCS' response was that they are adhering to that because many other programs follow this timeline and they have chosen to adopt this timeline for cost reports.

Information was shared with DHCS that County Offices of Education are not mandated to close fiscal records until Oct 15th of each year, it would not be conducive to success of program to create a timeline this soon after close of books. DHCS shared that when Audits & Investigations reviews the claims, they will pull all paid claims data and true-up the CRCS. LECs shared concerns about submitting cost reports with 'estimated' claim amounts that are technically not finalized. LECs also shared that this was a recent OIG finding and is cause for concern.

DHCS agreed to review timelines to determine whether this is the best timeframe and to review the CFR reference.

➤ **Q:** What Code 2 percentage will be used on new CRCS for backcasting?

A: The RMTS percentage for Code 2A will be used from FY19/20 to backcast all years. When submitting backcasting CRCS, the RMTS Code 2A calculated by DHCS by region for FY19/20 will replace the prior percentages reported.

The LECs asked the RMTS vendors on the call (PCG and Fairbanks) to provide any information regarding cost settlement timelines in other states. A: Depending on the state plan, some states have 6-9 months, others have 12 months after the reporting period.

DHCS confirmed that the interim paid claims report will still be made available and posted on the DHCS website.

➤ **Q:** Who are we placing on the TSP list for FY19/20 Q1? Because currently for SMAA the FY18/19 Q4 TSP lists are used for Q1 but it is not comprehensive to include all those TSPs would need to be added for integration.

A: LECs suggested using the Q2 TSP list. DHCS did not have an answer. Margaret Roux, Jeremy Ford and Michelle Cowart volunteered to assist DHCS in this conversation more.

- **Can DHCS please provide more clarification on when/how Model 2 contracting of health care practitioners or clinics will be treated moving forward?** DHCS referenced SMAA Manual Page 6-5, TSP shall not include direct medical providers that are contracted...no longer subject to being on the TSP list or to RMTS moments.
- **Has there been any progress made regarding Community College participation? Both in SMAA and LBO.** There are currently 19 community colleges participating in the LEA BOP, a few years ago there were only 3. There is a separate workgroup to talk about issues specific to community colleges. DHCS is currently working on a separate SPA related to nursing requirements.

Question was asked about how DHCS has dealt with the fact that community colleges funding categories do not fall in line with SACs funding. DHCS said there has been some discussion on this issue and they are aware. DHCS to share the list of the 19 colleges with LEC Co-chairs. .

5.3 Random Moment Time Survey (RMTS) – Tony Teresi

- **Status of SMAA Manual edits?** DHCS is working with a small workgroup. Met on 1/30/19 to discuss due dates and timelines. DHCS is reviewing comments collected and will be scheduling more meetings. Meetings will be focused on specific sections.
 - **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.** DHCS stated that the additional upfront question would be applicable to both pools because of other staff who would be involved in IEP meetings.

LEC members stated that throughout the last 3+ years of IAG meetings, it was understood that this would apply to cost pool 1 because of integration with LEA BOP and Code 2A/2Z. DHCS agreed to go back and review notes from IAG and get back to the group.

LECs asked RMTS system vendors on the call (PCG and Fairbanks) their drop dead dates to update their systems. A: The earlier the better. May/June ok.

- **Follow-up: please provide a copy of the approval DHCS received from CMS for this language to be added to RMTS for us to provide to our system vendors.** DHCS has in email format and will provide.
- **Question on section 6-8 (revised manual/redline version) #3 and #4 under Cost Pool 2. (Direct service practitioners that are unqualified to bill LBO and that are not providing direct billable health services) – DHCS to review and respond**
- **Discussion on Quarterly Quality Assurance Report (Appendix K) – DHCS noted that the report header advises it is due 120 days after the end of quarter. DHCS has not been strict on the submission. DHCS is reviewing the form in conjunction with the SMAA Manual Revision process and asked for suggestions for amendments. LECs reminded DHCS that during the last Summit there were several unanswered questions regarding the data to be collected on this form and that was why this was put on hold.**
- **Notification to RMTS System vendors to begin implementing upcoming changes (timelines) – 1/4, cost pools, code 2, lunch clarification, real-time access, training screen language.** DHCS is circulating a draft PPL regarding the 1/4 notification and response time. Please provide feedback by next Friday the 15th.
- **Invalid moments and recoding of moments – review updated chart** DHCS agreed on TSP response/errors and the associated final coding as shown on the updated chart. DHCS also notated that there are also two different PPL's that identify moments and how they should be coded. Clarification requested on TSP who erroneously responds to moment advising they were not there, when in fact they were working-Code 1 (manual conflicts).
- **Invoice submission timeline and potential changes – DHCS is revising the SMAA Invoice submission timeline to phase in over the next couple of years; reducing from 15 months to 12 months. DHCS provided contractors with a draft of potential new timelines. DHCS asking for comments before end of February to review and discuss. Would be effective beginning with FY 2018/19 SMAA invoices. DHCS stated that there still would be opportunities for extension requests.**
- **Submission of conditionally approved TSP Universe**
 - **Potential requests for job description of TSPs – DHCS stated that a significant component of their oversight is to ensure that each LEC/LGA/LEA complies with SMAA/RMTS process.**

DHCS stated that Duty statements/job descriptions must be maintained in the LEA Audit file as backup documentation and made available for DHCS/CMS review if needed.

- **Duty statements vs. official job descriptions** – A request was made to DHCS remove duty statements and continue only with official job description documents. Suggested that SMAA manual section 7 needs to be updated.

DHCS is requesting a summary GL report with every SMAA Invoice as per manual requirements. DHCS stated that there is no other way for DHCS analysts to confirm costs. It was clarified that the one-page summary document was acceptable to DHCS. LECs/LGAs/LEAs will maintain all detail general ledger/financial reports that support the invoice.

- **Any plans for additional future Joint Stakeholder meetings?** DHCS commented that it would be up to all Stakeholders. Some feedback was very positive however, a few did not find it helpful.

DHCS announced the annual SMAA Summit has been scheduled for 7/31/2019 in Sacramento. No vendors, contractors only (LECs/LGAs). Possible call-in section of meeting for RMTS System Vendors to participate in discussion regarding related changes. DHCS has reserved a room for the next day for potential coder training, 8/1/2019.

5.4 Follow-up from prior meetings/questions:

- **Dec 2018 OIG Report – DHCS feedback? Next steps?** DHCS is in process of developing a workgroup to discuss and make recommendations for next steps. Comment period regarding the OIG report due by 02/08.
- **Documentation of direct medical service moments? (2A/2Z)** DHCS has developed draft language and has vetted through Audits & Investigations Unit. Pending approval from CMS.
- **How will SMAA RMTS non-compliance affect participation in the LEA BOP?** DHCS initially leaning towards applying same level of SMAA sanctions against LEA's in LEA BOP showing continued non-compliance, i.e., written warning and then suspension for the following quarter, however, that presents some complications regarding ongoing billings with LEA BOP. DHCS agreed that both programs will need to discuss and review including legal review. Needs to be some kind of accountability and effort.
- **TSP Replacements – Are replacements a CMS accepted practice?** DHCS is reaching out to CMS. Jeremy Ford brought up that the state of Michigan allows certification of the SPL with vacancies. PCG is the Michigan RMTS System vendor.

The LECs asked PCG for more information on how that works. Is it in their State Plan? What happens to any moment(s) assigned to a vacancy that is not filled? PCG to provide more info.

- **Submission of Vendor Fee Worksheets (VFW) for RMTS Invoices (FY15/16 and forward)** – DHCS is working on a PPL related to VFW and the process because there is nothing in the current SMAA Manual. DHCS to provide draft to the group soon.

- - BREAK FOR LUNCH - -

6.0 LEC Advisory Committee Business

- 6.1 PCG call-in for discussion on Compliance Calculator Tool - POSTPONED**
- 6.2 CCSESA Update** - Amanda (unable to provide update at this meeting)
- 6.3 Draft TSP Checklist** – Michelle & Janice
- 6.4 Discussion on SPL Certification to DHCS**

7.0 Adjourn

Next LEC Advisory Committee Meeting is scheduled for April 4, 2019 from 9:00am - 1:15pm at the SELF Building, 1531 I Street, Suite #300