

LEC Advisory Committee Meeting Minutes

Thursday, June 6, 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

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)
John Mendoza, Department of Health Care Services, (DHCS)
Tony Teresi, Department of Health Care Services, (DHCS)
Jillian Mongetta, 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)
Renzo Bernales, California Department of Education, Special Education (CDE)
Amanda Dickey, California County Superintendent Educational Services
Association (CCSESA)
Carolyn Grace, California County Superintendent Educational Services
Association (CCSESA)

On Phone

Thelma Galario, Tulare County LGA
Joe Mendes, Madera County Office of Education – Region 7

Corina Reyes, Madera County Office of Education – Region 7
Catherine Graham, Orange County Department of Education – Region 9
Steve Sanchez & Lisa Pavelek – PCG
Matt – Fairbanks
Judi Wallace – Fairbanks

2.0 Additions to the Agenda – none

3.0 Approval of Minutes - Minutes from the April 4, 2019 meeting were approved as presented

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

4.1 Update on DHCS Staffing – Tony introduced Jillian Mongetta

4.2 Backcasting:

- Any response from DOF/SCO about what type of supporting documentation will be provided once the transaction occurs? CDE has not yet submitted vouchers, they will be submitted to State Controller’s Office (SCO) this week and DHCS will provide an exact time as soon as they know. DHCS will reach out to DOF and SCO to provide any info they can to properly document.
- How will DHCS handle any outstanding amounts still due? About 28 claiming units that will have an approximately \$2.5m balance after Prop 98 reduction. About a dozen or so of the 28 remaining that could resolve amounts easily; however, other claiming units have amounts that would take significantly longer to resolve, concerning offsetting. DHCS will generate an invoice and send it to the LEC referencing the LEA, and the LEC will forward appropriately to assist DHCS in collecting. Tony to provide a list to LECs of which claiming units still owe in their region, as soon as possible.
- Is there still an offsetting processing in LEA BOP? Can this be standardized with SMAA? Per DHCS, they looked at this and it appeared to be problematic. Not an option.
- Amounts provided by DHCS (will go out in email as well, per Tony)
 - \$398,517,209 original claims (8411 claims)
 - \$188,745,818 settlement amount paid
 - \$47,387,914 additional money beyond settlement, (827 claims)
 - \$29,841,264 amount of recoupment, (7584 claims)
 - \$17,546,650 net positive
 - Approx. 52% of total original claim amounts received by LEAs

4.3 Dec 2018 OIG Report:

- Can you please provide a workgroup update? Held two conference calls and discussed findings related to documentation for both direct services and admin, RMTS sampling, created a list of what would be considered “acceptable” documentation. Discussing how to handle non-responses

and invalid moments. Also looking at language to ensure districts are utilizing actual work schedules for TSP's and not the best-fit model. Comment from LECs: Would like to see a more detailed list of documentation, i.e., by assessment type and treatment type. If DHCS does not provide documentation clarity through the end of the billing process, LEAs will not be properly prepared. Next call on July 9.

- Are there concerns with CA's current plan? Responsibility of who maintains source documentation is that of the LEA and/or their vendor. CMS recommending credentialing requirements are removed from state plan. Procedures contained in SMAA and provider manual are in compliance.
- What are the next steps? Next meeting scheduled for Tuesday July 9th, will discuss cost settlement portion of audit.

4.4 Integration of RMTS into LEA BOP:

- Has the SPA been officially re-submitted? No. Approved? No. DHCS is providing info/responses so they can get it back on clock. May 31 DHCS requested that CMS put SPA back on clock but their recommendation was to continue negotiations off the clock regarding RMTS, backcasting and CRCS methodologies. No new services will start July 1, 2019 because SPA has not been approved. PCG advised that in order to move forward with 2a & 2z, they must get something in writing from DHCS, the earlier the better. **Tony stated that CMS has approved the notification response of 1 / 4, LEA real time access, and using the Q2 TSP list for the Q1 average.** PCG requesting an email outlining what has been approved, DHCS will provide to all.
- Has CMS responded to the request to phase-in or tier integration? CMS did not foresee an issues delaying until 7/1/2020, but would not formally comment or approve until SPA had been fully re-submitted and reviewed. DHCS stated that CMS has already vetted the additional services and practitioners and do not foresee and concerns including in the new year as long as they perform SMAA. The SMAA invoice will eventually also need to be updated.
 - What exactly does this mean as it relates to RMTS and the RMTS systems? The RMTS delay would allow time for DHCS to provide contract language, system changes, stakeholder training and address any remaining issues.
- What is DHCS' plan to train Coders on distinguishing between Code 2A and 2Z? – Comments from LECs: Many Coders do NOT have a background in LEA BOP and should NOT just be directed to the Provider Manual. DHCS needs to provide brief, comprehensive training and tools.
The LEA BOP program has developed a Code 2A Reference Sheet. Margie Bobe offered to assist DHCS in developing a more detailed list.

- Significant clarification is still needed on TCM. There are concerns about overloading the SPL. What is DHCS' guidance going to be on this issue?
 - Can you confirm if Special Ed Teachers are allowed to bill as Program Specialists? Currently they are in Pool 2, Pool 1 does not list Special Ed Teachers as a valid DMS provider in the red-line version. They would be included in cost pool 2 and listed in TSP 2. Attendees then asked questions about Trained Health Care Aids. DHCS re-stated it's about the primary function of the TSPs job duties.
 - How is coding different? LEAs will need to identify staff on the TCM Certification form.
 - When will the new TCM Certification be released and explained? DHCS will not provide guidance until the SPA is approved.
- When will materials be posted from 4/22 & 5/9 stakeholder meetings? Posted yesterday, June 5th.
- For LEAs not participating in LEA BOP, do their direct service providers have to be moved to Pool 2 or can they be left in Pool 1? Once the SPA is approved all direct service providers will need to be in Cost Pool 1, other than those who are not billing LEABOP. For those LEAs that only participate in SMAA (no LEABOP) they will need to move their direct service providers to Cost Pool 2. Lots of discussion --- DHCS agreed to revisit this item.
- Please provide an update on the communication DHCS was going to draft and release to LEAs regarding integration as was discussed at the April LEC Mtg. DHCS sent an eblast questionnaire on 6/5 to all LEA's with information and instruction regarding participating in both programs. Listserv contains email/contact info for all other individuals participating in program.

➤ **Outstanding items/Follow-up needed from prior meetings:**

- ✓ Please provide a copy of the updated integration timeline. DHCS has not updated it. DHCS stated that they need input from LECs/LGAs and Rick will work to update and provide.
- ✓ Please confirm whether all direct medical service provided by a Pool 2 TSP is to be assigned a Code 2Z (see 5-6 of SMAA Manual with Integration edits) - YES
- ✓ Please confirm which pool(s) 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'*' applies to? DHCS confirmed that the question would ONLY be applicable to Cost Pool 1 TSPs.
- ✓ Please provide a copy of the tentative LEA BOP CRCS Backcasting timelines/deadlines.
 - What is the status of LEA BOP Backcasting process discussions with CMS? Still in negotiations with CMS, will be released once negotiations are complete. May 30th CMS indicated they

will make additional recommendations to CRCS and backcasting methodology.

- ✓ Status of DHCS new year contract language for both LEA BOP and SMAA. For SMAA the potential contract revisions are currently under review, the new PPA has the SMAA Manual as the controlling policy document for terms and conditions. DHCS welcomes language changes and will work with their Legal department. DHCS anticipates drafts being ready by end of summer to go out to all contractors.
- ✓ How will SMAA RMTS non-compliance affect participation in the LEA BOP? DHCS is suggesting, if an LEA does not meet 85% compliance rate for 2 quarters in a 12-month period, the LEA may participate in RMTS and LEA BOP but will not submit invoice for SMAA for the suspended quarter. Item to be discussed further.
- ✓ Trainings – What about trainings for LEA Coordinators and TSPs? Will update trainings on SMAA website. Going through new process of uploading documents to website. Sometime this summer.

4.5 Random Moment Time Survey (RMTS)

- Tony provided an update that CMS provided additional guidance related to excluding moments from occurring the last 5 days of school. CMS stated that this could be done, however it would also require that any costs associated with those days would need to be excluded too.
- New DHCS RMTS mailbox – there are some instances, where depending on the region, some processes may differ
 - Who at DHCS will be monitoring? Both programs will be monitoring and will consult with the LEC group before responding.
 - What's the turnaround time for responses?
 - Will LECs/LGAs be cc'd? Yes
- Host Contract Invoice – 18/19 Q1 invoices were sent out in March, the department and the state as a whole is switching to new financial information system. Currently in process of transitioning and all data has not been completely loaded into system. November-December is projected finalization. Will need to be billed for additional 3 quarters or single invoices to be reconciled individually...preference of group? Item to be discussed further.
- Status of SMAA Manual 2020 edits? Next workgroup meeting scheduled, discussion was regarding creating two manuals to be split by program and a separate RMTS guide. DHCS to provide info to the committee. Will also discuss at Summit.
- Updating RMTS Moment Training Screen Language – LECs stated that this needs to be done prior to RMTS system opening for FY19/20-time survey – Sharon Battaglia has offered to assist with this process. DHCS hopes to be done by end of June.
- Averaging quarter TSP List update:

- Has CMS approved using the Q2 list for Q1 average once full integration occurs? *Yes, tentatively*
- In which fiscal year will it take effect? *2020/21*
- What about FY19/20 Q1 if full implementation is delayed? *Still use 18/19 Q4*
- Status of Sampling Requirements PPL? *pending*
- Please confirm TSP List Job Classifications and effective date – *July 1*
- Will contractors be allowed only in Participant Pool 2? *No, only pool 1*
- Please confirm whether the response time for Clarifying Questions will be 4 student attendance days. *Response time will not change, it will stay at 5 days.*
- Because of new financial system for the state, SMAA invoice will need to be changed, *Date to Invoice Date, CalStrs removed on bottom, and remit address will need to be added. Will need to create a Universal Identifier Number for each claiming unit, for the most part CDS codes can be used. Questions still remain on community colleges and charter schools. For 17/18 Q2 and some Q3's, can make adjustments in house, beginning with next submissions, new templates will need to be utilized. If you have 17/18 Q3 invoices that have not been submitted, hold off until new template is available. Right now just Summary Invoice page for Q3 needs to be updated. Will be required for 17/18 Q4.*

➤ **Outstanding items/Follow-up needed from prior meetings:**

- ✓ Being able to certify Staff Pool List with vacancies
- ✓ TSP Replacements
- ✓ SMAA Manual with Integration edits/SPA 15-021 – DHCS previously stated this version was approved by CMS. LECs have asked it be provided to DHCS' contractors. Status? – This is needed to finalize RMTS system updates.
- ✓ Vendor Fee Worksheet process

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