

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

**LEC Advisory Committee Meeting Minutes
April 3, 2014**

LEC Coordinator/Representative Attendees:

Sharon Battaglia, Sonoma County Office of Education - Region 1
Randy Jones, 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
Margaret Roux, Kern County Superintendent of Schools - Region 8
Annette Jewell, Orange County Department of Education, **Co-Chair** - Region 9
Andrea Tennyson, San Bernardino County Superintendent of Schools - Region 10
Octavio Castelo, Los Angeles County Office of Education - Region 11
Phillip Downing, Los Angeles County Office of Education - Region 11

Other Attendees:

Carolyn Cain-Smith, Department of Health Care Services (DHCS)
Tony Teresi, Department of Health Care Services (DHCS)
Janice DiCroce, LGA Co-Chair
Lynda Lindsay, LGA Co-Chair
Bill Cornelius, Sutter County Superintendent of Schools
Rosalee Hormuth, Orange County Department of Education

Absent:

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 February 6, 2014 LEC Advisory Committee meeting minutes were approved.

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

4.0 Staffing

- There were no new hires in the SMAA unit.
- Chief Carolyn Cain-Smith stated that she would provide a DHCS Analyst assignment list for RTC (Reasonableness Test Criteria) review to the Co-Chairs for distribution to committee members.
- Former SMAA employees Robert Lucia and Candace Banks would be assisting SMAA staff with the RTC review process.
- The Interim Claim Participant Universe Grids would continue to be reviewed by the regularly assigned DHCS analyst.

4.1 LEC RFP (Request for Proposal)

The details of the LEC RFP (for a Random Moment Time Study-RMTS software platform) could not be discussed at this time. Prospective vendors will be interviewed by the RFP interview panel on 4/8/14 in Rancho Cucamonga. The majority of the LECs will be attending the interview.

4.2 DHCS SMAA Forum – March 24, 2014

4.2.1 Upcoming forum dates

- DHCS stated that the audio recording from the March 24, 2014 SMAA Stakeholder Forum would be posted on the DHCS website. No date of posting at this time.
- DHCS stated that they would not host additional forums until they heard back from CMS (Centers for Medicare and Medicaid Services) on the status of the new plan.

4.3 Program Implementation Concerns

No discussion - the new plan remains in draft form.

4.4 Interim Claiming - status

4.4.1 2012/2013 RTC or Back-casting?

DHCS would continue to request (official) approval from CMS (Centers for Medicare and Medicaid Services) to allow the RTC process in lieu of back-casting for 2012/13 claims. All 2013/14 claims would be subject to back-casting once the new RMTS methodology is implemented.

4.4.2 2013/2014 Q2, Q3 and Q4 SMAA Claiming Unit Participant Universe Grids - status

DHCS stated that they were working on approval of the 2013/14 Q2 Universe Grids and LECs/LGAs would be receiving notification of approval (or requests for clarification). Quarterly Participant Universe Grid approval would most likely occur after the time survey period due to DHCS staffing and workload. The (Participant Universe Grid) approval letters would be sent (from DHCS to LEC) via email.

4.4.3 2013/2014 Q2, Q3 and Q4 Conditional Approval Process

DHCS stated that Q2 and Q3 Universe Grids would be conditionally approved until the LEC received official approval (or official denial) via email notification.

4.5 2013/2014 Benchmarks

4.5.1 Will Code 8 Benchmark be increased?

The committee asked DHCS if the code 8 benchmark would be increased since all referrals were now considered a code 8 activity. Chief Carolyn Cain-Smith stated that the question was posed to CMS and she had not received an answer.

4.6 Reasonableness Test Criteria (RTC)

4.6.1 Status of Reasonableness Test Criteria (RTC) Approval Process

- Chief Carolyn Cain-Smith stated that the majority of RTC approvals so far are within the Kern County LEC. DHCS received approximately 400 RTC forms thus far. Any denial letters/emails that were received by LECs were “premature” and those letters should not be taken as a final decision. If LECs received an email (denial) from their DHCS Analyst, the LEC representative should disregard the email.
- A formal letter from Carolyn Cain-Smith would represent the final decision. A committee member asked what options a LEC would have if they received a denial (RTC) letter. Chief Carolyn Cain-Smith replied that the LEC and/or LEA could respond back to DHCS regarding the denial.
- DHCS was given a six month window to have all RTCs reviewed by 9/30/14. DHCS would post a timeline on their website with RTC due dates by claiming unit. Once RTCs are approved, reimbursements will be paid. DHCS would not hold SMAA payments.

4.6.2 Any CMS Concerns

All RTCs (on the CMS-64) must be reviewed by DHCS by 9/30/14.

4.6.3 Counselors – approved position?

- A LEC Committee member reminded DHCS that counselors were on the official list in the draft RMTS plan. Chief Carolyn Cain-Smith was not aware that counselors were included in RMTS. A committee member suggested that Chief Carolyn Cain-Smith inform CMS that counselors were already accepted in the RMTS draft plan.
- A committee member asked if claiming units must continue to justify the counselor position on the RTC and IC (Interim Claim) documents. Chief Carolyn Cain-Smith replied in the affirmative. Chief Carolyn Cain-Smith explained that DHCS is requesting what specialties the counselor possess (credentials, etc.) and DHCS is submitting this information to CMS (Judi Wallace) and asking CMS in what capacity counselors will be allowed to participate. Required justification must explain what the counselor is doing and provide something in-depth

explaining what at-risk population is being served. DHCS hoped to receive guidance from CMS on counselors soon. Chief Carolyn Cain-Smith stated that DHCS was in constant communication with CMS requesting guidance on counselor participation.

- Sutter County Superintendent Bill Cornelius stressed the importance (and urgency) of DHCS communicating to CMS that counselors were already an approved part of RMTS and were already approved in the draft plan.

4.6.4 Vendor fee sheet – quarterly or yearly?

- A committee member asked DHCS if it would be acceptable to report cumulative vendor fees on the vendor fee calculation sheet or must we report only one quarter at a time. Chief Carolyn Cain-Smith responded that DHCS would accept yearly vendor fee calculation sheets. They would also accept single quarter vendor fee calculation sheets.
- A committee member stated that it was her understanding that each quarterly vendor fee should stand on its own and this was for a specific reason. The reason being that 12/13 invoices could be processed and not early claimed (quarter by quarter) instead of waiting until all 4 quarterly invoices were submitted to determine how much was owed back due to vendor fee overpayments.
- Chief Carolyn Cain-Smith stated that each invoice could still be paid and that reconciliation would take place after the 4th quarter even if the prior invoices were paid. Eventually, somewhere down the line, the vendor fees would be reconciled.

4.6.5 New instruction regarding the payback for invoices previously overpaid

- Chief Carolyn Cain-Smith stated that update #9 on the state website would address this issue. DHCS would be working out the details of tracking payments with internal accounting and when the details were in place, update #9 would be released.
- Internal accounting, John Mendoza, and Jen Brooks would be working on a process for claiming units that do not have enough funds after completing a year of the RTC process. For example, if a claiming unit was negative in 10/11 after completing the RTC process and was positive in the 11/12 year (after completing the RTC process), DHCS internal accounting would know this and send out a “net” reimbursement. Chief Carolyn Cain-Smith stated that we don’t know the details of the process yet.

4.7 Implementation Plan – status

4.7.1 CMS Communication and Response

On 2/4/14 DHCS received a request from CMS for additional information relative to the draft plan. DHCS hoped to respond to CMS next week and would post the response (to CMS) on the SMAA website once approved (for posting) by management.

4.8 CMS Financial Management Review (FMR) Report – update

4.8.1 DHCS Response to FMR Report

DHCS responded to the CMS draft FMR Report findings (of Turlock and Tulare) in May 2013.

4.8.2 Final CMS FMR Report

DHCS received a final report from CMS in November 2013 and the report is currently with DHCS management. Eventually, the SMAA unit will be provided with the final report and will post it to the SMAA website.

4.9 OIG (Office of Inspector General) – update

- Chief Carolyn Cain-Smith stated that before issuing their draft report on Chino Valley USD, OIG requested Medi-Cal tape match data from DHCS. DHCS Information Technology department will submit this data to OIG and then we should see a draft report.
- OIG has not provided any written reports relative to their ongoing review in Region 6 (Stockton Unified).

4.10 SMAA Program Updates on DHCS Website

4.10.1 Comments/Questions to DHCS

Chief Carolyn Cain-Smith stated that the RTC process was consuming the majority of DHCS staff time. She apologized for the delay in responding to questions and assured the committee that a person was assigned to the SMAA mailbox.

4.10.2 Could DHCS post a Q&A?

- DHCS planned to post a listing of questions/answers on the website but does not know when this would happen due to current workload.
- A committee member stated that it would be helpful to have Q&As from DHCS stating what is true and what is not, as misinformation was causing damage to the integrity of the SMAA Program.

4.11 DHCS Communication with LEC and LGA Coordinators and Committees

- Chief Carolyn Cain-Smith stated that SMAA stakeholder forums would continue. DHCS felt that forums and post forum meetings were sufficient to provide information to the public and to discuss issues with contractors (LECs/LGAs).
- The committee discussed the importance of meetings between DHCS staff and the contractors (LECs/LGAs). LECs/LGAs value meetings with DHCS staff. These meetings allow for focus on tasks without interference and allow for focus on what is required for LECs to do their job and assist DHCS in program administration. A committee member stated that LECs/LGAs have contractual responsibilities and must discuss issues/concerns with DHCS to properly execute those contractual responsibilities.
- Superintendent Bill Cornelius shared information with DHCS regarding SMAA “stakeholders” misrepresenting factual information. LEAs were being advised that if we move forward with new RMTS methodology, their reimbursements could be held until 2014/15 or 2015/16. LEAs were further informed that another interim claim year is a possibility in 2014/15.
- Chief Carolyn Cain-Smith stated that we do not know if CMS will allow interim claiming for one more year, but so far CMS has said that we need the new plan in place July 1, 2014.
- Superintendent Cornelius asked for clarification from Chief Cain-Smith on the statement above. Superintendent Cornelius asked Chief Carolyn Cain-Smith if it was correct that DHCS made a request (to CMS) for an additional interim claim year and CMS was still saying to “move forward”. Chief Carolyn Cain-Smith stated that was correct.

- Superintendent Cornelius reiterated that LEAs were hearing incorrect information rather than what CMS was actually telling us to do and requiring us to do. Superintendent Cornelius asked DHCS if the audio recording of the Stakeholder Forum would be posted on the DHCS website. Chief Carolyn Cain-Smith responded in the affirmative.
- Region 11 (LACOE) shared information about a (private) meeting DHCS held with a vendor to discuss what LACOE was requiring districts to provide as part of the RTC process. LACOE has the responsibility (and authority) to ascertain reasonableness and compliance within Region 11 and it is not acceptable for DHCS to meet with a vendor regarding LEC RTC requirements.
- Chief Carolyn Cain-Smith responded that she does not set up (DHCS) meetings, she is invited to attend meetings and/or requested to attend meetings. She further stated that DHCS was trying to be transparent. Superintendent Cornelius stated that transparency was the reason DHCS has “stakeholder” meetings. Stakeholder meetings were for vendors and others to provide input.
- A committee member stated that some “stakeholders” at the forum meetings said that LECs failed to provide oversight and then in a private meeting with DHCS said that LECs were providing too much oversight.
- Chief Carolyn Cain-Smith stated that the focus of DHCS was on LECs/LGAs, not SMAA vendors.

4.12 SMAA Program Support and Interest

4.12.1 CA Assembly Bill 1955

Chief Carolyn Cain-Smith stated that DHCS received a copy of the bill and was aware of it and that was all she could say at this time. A committee member asked if there were any discussions between CDE (California Department of Education) and DHCS. Chief Carolyn Cain-Smith stated that (to her knowledge) there had been no discussion between CDE and DHCS.

4.13 SMAA Responsibilities – State, Regional, County, Local

The committee discussed how SMAA responsibilities would be changing as of July 1, 2014 and how that would affect LEC staffing. DHCS stated that once we have a final plan we will have more information about responsibilities. A committee member asked if CMS had questioned any portions of the roles and responsibilities in the “draft” plan and DHCS responded that they had not questioned that portion.

4.14 Community College – update

DHCS reported that staff was working with community colleges to develop policies that would allow continued (college) participation in SMAA. Jen Brooks was also working with West Hills College to identify (college) issues/concerns surrounding the SMAA Program.

4.15 Branch Chief Report

- Chief Carolyn Cain-Smith stated that there was nothing to report other than that the SMAA unit was moving forward with the (draft) plan and waiting for direction from CMS. The SMAA unit continues to work through the RTC process and work with everyone to bring SMAA back up to program standards.

- Superintendent Cornelius offered to advocate through a local congress representative (John Garamendi) to help speed up the process with CMS. DHCS need only let Superintendent Cornelius know if they would like assistance with communication with CMS. Chief Cain-Smith stated that she appreciated that and would take the offer (of assistance) to her upper management.

5.0 Business and Administration Steering Committee (BASC) Report

5.1 CCSESA (California County Superintendents Educational Services Association) Update

- Sutter County Superintendent Bill Cornelius reported that the California County Superintendents Educational Services Association (CCSESA) remained supportive of moving forward with the new SMAA time survey methodology on July 1, 2014.
- CSBA (California School Boards Association) had requested that CCSESA partner with them and other SMAA stakeholders to unite in advocating for the timely release of SMAA reimbursement funds. Superintendent Cornelius stated that he would contact CSBA, but was not sure of a “partnership” at this time.
- Superintendent Cornelius reminded the committee that Assembly Bill 1955 is still something to be concerned about. He further stated that Gary Jones (Modoc County Superintendent) met with State Assembly member Dr. Richard Pan to explain that the stakeholders in attendance at the recent meetings did not necessarily represent the majority of school districts in the state. Superintendent Cornelius would continue to work proactively to provide information to legislators and to the California Department of Education about how the SMAA program operates. The more information that he could provide to these key people, the better they would understand our program and the needs of the districts we serve.
- A committee member asked why Dr. Pan was not including LEC representatives in meetings held with MAA stakeholders. Superintendent Cornelius responded that he would make the suggestion to Dr. Pan’s office to include LEC representatives in future meetings.
- The committee discussed that AB 1955 appeared to be written in a way that would restrict MAA funds and it is important that school districts maintain flexibility in where money could be spent. Superintendent Cornelius stated that the timeline surrounding AB 1955 was short and he, along with CCSESA, would work quickly to provide information to legislators prior to the bill being heard and passed.
- Superintendent Cornelius stated that the County Superintendents appreciate the work that the LEC Advisory committee does on behalf of LEAs and appreciates the continued flow of information from the LECs to the school districts.
- The committee thanked Superintendent Bill Cornelius and CCSESA for their advocacy and support relative to the SMAA Program.

6.0 Review of February 6, 2014 Committee Meeting Items

No discussion

7.0 LEC Committee Business (Review DHCS Agenda Items)

7.1 LEC RFP

No discussion as the LEC RFP process was continuing and a software platform was not yet selected.

7.2 DHCS SMAA Forum – March 24, 2014

7.2.1 Upcoming forum dates

- The committee discussed the SMAA stakeholder forum process and DHCS contractor (LEC/LGA) meetings immediately following forum meetings. The committee expressed concerns about DHCS potentially not attending future LEC Advisory Committee meetings. The stakeholder meetings are not regularly scheduled as are the LEC Advisory Committee meetings and the committee does not want to lose valuable discussion time with DHCS. The stakeholder forums do not provide the same opportunity to discuss and resolve problems relative to program policy and program administration. A committee member suggested changing the venue of the LEC Advisory Committee to a DHCS location where additional DHCS staff (Jen Brooks) would be better able to attend. The committee agreed that DHCS representation at the LEC Advisory Committee meetings was important.
- The committee also discussed whether the LEC/LGA Co-Chair meeting with DHCS prior to the LEC Advisory Committee was necessary. A committee member stated DHCS contracts with all LEC agencies, yet DHCS sometimes appeared under the impression that individual LEC-contracted business should go through the LEC Co-Chairs. Another committee member stated that the Co-Chair meetings were important because it was an opportunity for LEC, LGA, and DHCS representatives to focus on key agenda items in preparation for the LEC Advisory Committee meeting.

7.3 Program Implementation Concerns

See item #4.3

7.4 Interim Claiming – status

7.4.1 2012/2013 RTC or Back Casting?

See Item #4.4.1

7.4.2 2013/2014 Q2, Q3 and Q4 SMAA Claiming Unit Participant Universe Grids – status

See item #4.4.2

7.4.3 2013/2014 Q2, Q3 and Q4 Conditional Approval Process

See item #4.4.3

7.5 2013/2014 Benchmarks

7.5.1 Will Code 8 Benchmark be increased due to all referrals being a Code 8 activity?

See item #4.5.1

7.6 Reasonableness Test Criteria (RTC)

7.6.1 Status of Reasonableness Test Criteria (RTC) Approval Process

See item #4.6.1

7.6.2 CMS Concerns

See item #4.6.2

- 7.6.3 Counselors – approved position?**
See item #4.6.3
- 7.6.4 Vendor fee sheet – quarterly or yearly?**
See item #4.6.4
- 7.6.5 New instructions regarding the payback for invoices previously overpaid**
See item #4.6.5

- 7.7 Implementation Plan – status**
 - 7.7.1 CMS Communication and Response**
See item #4.7.1

- 7.8 CMS Financial Management Review Report (FMR) – update**
 - 7.8.1 DHCS Response to FMR Report**
See item #4.8.1
 - 7.8.2 Final CMS FMR Report**
See item #4.8.2

- 7.9 OIG (Office of Inspector General)**
See item #4.9

- 7.10 SMAA Updates on DHCS Website**
 - 7.10.1 Comments/Questions to DHCS**
See item # 4.10.1
 - 7.10.2 Could DHCS post a Q&A**
See item #4.10.2

- 7.11 DHCS Communication with LEC and LGA Coordinators and Committees**
See item #4.11

- 7.12 SMAA Program Support and Interest**
 - 7.12.1 Assembly Bill 1955**
See item #4.12

- 7.13 SMAA Responsibilities – State, Regional, County, Local**
See item #4.13

- 7.14 Community College - update**
See item #4.14

- 7.15 LEC Committee Bylaws**
The LEC Co-Chairs reminded all members to review the bylaws before the June 2014 meeting, so that all pending revisions could be finalized. A few sections of the bylaws were changed by committee approval on 8/9/12. There were some pending revisions that require review and approval by the committee.

- 7.16 LEC Committee Nominations and Elections**
Octavio Castelo (Region 11) was nominated for the position of LEC Co-Chair to begin a term of 2-years on July 1, 2014. Octavio accepted the nomination.

8.0 LEA Medi-Cal Billing Option Ad-Hoc Workgroup Report

- DHCS would be providing LEA Billing documentation training on 4/29/14 and would post the training PowerPoint on their website.
- The next Ad-Hoc Workgroup meeting will be on May 28, 2014.

9.0 LGA Report

- Janice DiCroce reported that the San Diego County RFP (for the RMTS software platform) is in process. There is a five day protest period before final approval of the selected vendor.

10.0 Items for June 2014 Committee Meeting

- LEC Advisory Committee bylaws
- LEC Advisory Committee appeals process

11.0 Adjourn

The next LEC Advisory Committee Meeting will be on
Thursday, June 5, 2014 at:
Yolo County Office of Education
1280 Santa Anita Court
Woodland, CA 95695