

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

**LEC Advisory Committee Meeting Minutes
December 4, 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
Rosalee Hormuth, Orange County Department of Education - Region 9
Andrea Tennyson, San Bernardino County Superintendent of Schools - Region 10
Octavio Castelo, Los Angeles County Office of Education **Co-Chair** - Region 11

Other Attendees:

John Mendoza, Department of Health Care Services (DHCS)
Michelle Kristoff, Department of Health Care Services (DHCS)
Tony Teresi, Department of Health Care Services (DHCS)
Bill Cornelius, Sutter County Superintendent of Schools
Ofelia Roxas, Contra Costa County Office of Education
Janice DiCroce, San Diego County LGA

Absent:

1.0 Introductions

Each individual stated his/her name and agency affiliation.

2.0 Additions to the Agenda

Item #4.6 was added to the agenda to discuss community college SMAA participation.

3.0 Approval of Minutes

The October 2, 2014 LEC Advisory Committee meeting minutes were approved with two corrections to page one (removal of Annette Jewell as an attendee, correction of department for attendee Bruce Lee, Department of Finance).

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

4.1 DHCS/CMS Update from December 1, 2014 meeting

- Chief Michelle Kristoff reported that DHCS posed several questions to CMS (Centers for Medicare and Medicaid Services) regarding required documentation for RMTS (random moment time survey) participant responses. DHCS will compile a list of these questions and the responses provided by CMS and will post them on the DHCS website.
- One of the topics discussed with CMS was the requirement to include time survey participant licenses and credentials in the MAA audit file. CMS clarified that there was no requirement to keep licenses and credentials in the MAA audit file.
- Another item discussed with CMS was whether the word Medi-Cal was required in the time survey participants' RMTS response. There is no requirement to include the word "Medi-Cal". Participants should provide detailed and clear responses to their RMTS moment.
- CMS and DHCS discussed the amount of oversampling allowed in RMTS. Oversampling may not exceed 15% (2,761 moments/cost pool).
- A committee member asked DHCS if all invoices that were deferred (paid or not) were subject to the CMS/DHCS settlement agreement. Chief Michelle Kristoff responded in the affirmative. A committee member asked if the settled invoice payments would be "netted" out and Chief Michelle Kristoff said they would. However, she would check with DHCS accounting to confirm that there were no fiscal year restrictions on netting out MAA invoices. DHCS would send out additional information about the process to everyone once it was in place.
- A committee member asked if DHCS discussed allowing more than one RMTS clarifying question with CMS. Chief Tony Teresi stated that the reason DHCS was limiting the clarifying questions to one was because DHCS was concerned about "leading" the participant to an answer of the RMTS questions. A committee member stated that other states allow more than one clarifying question in RMTS. Chief Tony Teresi stated that he would discuss this with CMS.
- A committee member asked DHCS if they had received clarification from CMS regarding Code 8 activities during IEP (Individualized Education Program) meetings. Chief Tony Teresi stated that CMS clarified that the coding relates to the specific activity and not the place of the activity. However, when a time survey participant is in an IEP meeting, the activity is NOT reimbursable because IEPs fall under State education mandates. DHCS would provide something in

writing on this issue and would provide clarification in the RMTS training slides and in the SMAA manual.

4.2 RMTS Implementation

4.2.1 LEC and PCG (Public Consulting Group) Contracts – CMS/DHCS Review and Feedback

DHCS is currently reviewing LEC/PCG contracts.

4.2.2 Will DHCS/CMS be reviewing LEC/LEA contracts?

DHCS and CMS may review LEC/LEA contracts in the future.

4.2.3 TSP (Time Survey Participant) Equivalency Form Directions

Chief Tony Teresi stated that LECs should send in their TSP equivalency lists to DHCS for review. DHCS would provide forms for additional information if necessary. A committee member stated that it was her understanding that DHCS could utilize the RMTS software system to download and review job titles/categories. Chief Tony Teresi said that if LECs have equivalency lists already prepared they should send them in to DHCS for review; otherwise, DHCS will utilize the RMTS software system to review job titles/categories.

4.2.4 TSP Equivalency Status

See item #4.2.3

4.2.5 Guidance on what to distribute to LEA Coordinators, so they can share with TSP – Standardized Message

- Chief Michelle Kristoff stated that DHCS urged caution to LECs/LEAs relative to providing specific RMTS information to time survey participants other than a “welcome letter” explaining how the RMTS process works.
- DHCS would provide a standardized welcome letter for participants early next week.

4.2.6 TCM (Targeted Case Management) Component – PCG System Update

- LECs should denote any TSP that performs TCM services with a “TCM” after the job title. The RMTS coder would see that designation and code the TSP appropriately.
- Chief Tony Teresi stated that if a TSP with the TCM designation receives a random moment, that person would most likely receive a clarifying question from the coder.
- Chief Michelle Kristoff stated that DHCS was aware that the TCM (labor study) list sent out by DHCS was not accurate and DHCS would work internally to provide a correct listing of districts currently billing for TCM services.

4.2.7 2014/15 Final SMAA Manual

A committee member asked DHCS when the final SMAA manual (2014/15) would be posted to the DHCS website. Chief Michelle Kristoff stated that DHCS does not have a date for the release of the final manual. Many items were discussed with CMS that will be incorporated into the 2014/15 SMAA manual before it is finalized.

4.2.8 Five student attendance days prior to moments – or a minimum of five student attendance days?

- The manual currently reads that participants will receive notification of their selected moment no more than five student attendance days in

advance of the moment.

- The RMTS software is currently configured to provide five calendar days notice to survey participants. This will be corrected next quarter to five student attendance days. The five-calendar day notification is still within the regulations. DHCS reminded the committee that participants would receive two notifications in advance of their moment, as well as a 24-hour and a 72-hour late notification/reminder.
- A committee member explained that LEAs coming back from winter break would not get any advance notification the way the RMTS system is currently configured. Chief Michelle Kristoff stated that DHCS would discuss a work-around for returning from winter break with the software vendor PCG.

4.2.9 Roster Report due to DHCS must include all staff whether they are in the TSP universe or direct charged. Since “direct charged” participants are not entered into the PCG system, is there a specific format as to how to report “direct charged” participants?

A committee member asked about the process of “direct charging” on the MAA invoice. Chief Tony Teresi stated that DHCS would work on an Excel form for direct charging.

4.2.10 Regarding the 85% compliance rate and the warning letter to the LEA’s Superintendent (manual section 6-13) – Need confirmation that this will be a letter from DHCS. Any idea what it will look like? Will LECs/LGAs be copied? When will it be sent?

DHCS stated that section 6-13 of the SMAA manual would be updated to provide clarification that the compliance rate warning letter would come from the LECs/LGAs.

4.3 Backcasting Methodology

4.3.1 Update on Proposals

Chief Michelle Kristoff stated that she sent out six backcasting proposals on 12/2/14 for review. Comments on the proposals are due to DHCS by close of business on 12/5/14.

4.3.2 Deferred Invoice Status

Chief Michelle Kristoff stated that DHCS accounting has three or four boxes of invoices to process (for quarterly claims less than \$25,000). The invoice payment process is moving forward and reimbursement checks will be forthcoming.

4.3.3 Deferred Invoice claims paid? How will these be finalized?

Chief Michelle Kristoff stated that quarterly invoices would be netted out based on the dollar amount of the quarterly invoice and the settlement agreement with CMS.

4.3.4 DHCS indicated that an invoice was created to calculate the percentage of claims to be released. Will this be shared with LECs?

- Chief Michelle Kristoff stated that DHCS was in the process of getting the deferred invoice claims process finalized with their internal legal and accounting departments. Hopefully, DHCS would have something ready to present to LECs/LGAs next week so that LEAs could make a decision (if applicable) on the percentage of claims to be accepted as a settlement.

- A committee member asked DHCS who at the LEA level would be required to sign the settlement invoices. Chief Michelle Kristoff replied that whoever signs the MAA invoices for the LEA could sign the invoice settlement.

4.3.5 Submit 2013/2014 invoices by the April 30, 2015 deadline. Then apply backcasting when we have RMTS data?

DHCS confirmed that all four quarters of 2013/14 MAA invoices are due to DHCS by April 30, 2015 and backcasting would be applied using RMTS data.

4.4 CMS Financial Management Review (FMR) Report

4.4.1 DHCS response to FMR Report

Division Chief John Mendoza stated that DHCS plans to release the DHCS response to the FMR Report to the affected LECs/LGAs and LEAs.

4.4.2 Final CMS FMR Report

Division Chief John Mendoza stated that DHCS plans to release the final CMS FMR Report to the affected LECs/LGAs and LEAs.

4.5 OIG (Office of Inspector General)

DHCS stated that OIG was no longer auditing in California. However, the BSA (Bureau of State Auditors) will be auditing the SMAA and LEA Direct Billing Programs.

4.6 Community Colleges

- Division Chief John Mendoza stated that he met with West Hills College personnel to discuss college participation in the SMAA Program. West Hills is looking forward to creating a consortium of colleges to participate in the SMAA program, as colleges operate differently than K-12 claiming units.
- West Hills College was asked by DHCS to develop a plan that can work across the state for colleges. In addition, West Hills agreed to review and justify the inclusion of categorical funding on SMAA invoices.
- A committee member suggested that colleges consider claiming MAA through the County-based MAA Program.

4.7 DHCS Conclusion

- Co-Chair Margie Rollins thanked DHCS for attending the LEC meeting today with three DHCS officials. The LEC Committee appreciates the program updates provided by DHCS and values the input of DHCS staff in these meetings. She further stated that the LECs are excited to move forward with RMTS and a new MAA Program.
- Division Chief John Mendoza stated that DHCS would work to ensure that at least one DHCS official attends every LEC meeting. He further stated that the LEC Committee has the ear of DHCS as much as anyone else and committee members should feel free to contact him and/or Branch Chief Stacy Fox with any MAA Program issues/concerns. Division Chief John Mendoza stated that he and Branch Chief Stacy Fox, as well as all DHCS support staff want a productive, successful partnership with the LECs/LGAs. DHCS is moving forward with the RMTS implementation and is looking forward to an improved MAA Program in the state of California.
- Superintendent Bill Cornelius expressed his appreciation for the efforts put forth by

John Mendoza, Michelle Kristoff, and Tony Teresi in providing timely communication to all stakeholders as we collaboratively work toward RMTS implementation.

5.0 CCSESA (California County Superintendents Educational Services Association) Update

- Superintendent Cornelius stated that he feels confident that the MAA dollars will begin to flow soon given the update by DHCS that their internal accounting is already working on deferred claims (of quarterly invoices less than \$25,000).
- Superintendent Cornelius reported that CCSESA Executive Director Peter Birdsall remains involved in monitoring the SMAA Program and he has a Project Coordinator (Amanda Dickey) available to work directly with California state legislators on SMAA Program issues whenever necessary.
- Superintendent Cornelius stated that the incoming CCSESA President (Gary Jones) has been actively involved in the SMAA Program and he along with all of the superintendents remain supportive of the LEC Committee and the SMAA Program

6.0 Review October 2, 2014 Committee Meeting Items

No discussion

7.0 LEC Committee Business

7.1 Review DHCS Report.

- The committee discussed the importance of DHCS providing information/guidance on the clarifying question(s) process and the number of clarifying questions that may be asked of time survey participants.
- The committee discussed the DHCS guidance regarding Code 8 activities in an IEP meeting not being reimbursable and the fact that participants had been previously trained that these activities were reimbursable. Past guidance was that the location of the activity was not an issue and that participants should code their time according to what they were doing and not where they were performing the activity.
- The committee discussed the need for DHCS to provide a written process for the “netting” of deferred MAA invoices.

7.2 LEC Lunch Fund

Lunch fund invoices will be sent to all LECs soon.

7.3 Regional LEC Updates/RMTS Implementation

The committee discussed how RMTS implementation was progressing in each region and the committee shared best practices.

7.4 PCG SSP Coder Training – Thursday December 11, 2014 @ 9:00 am

Committee members look forward to the PCG software training for coders scheduled for December 11, 2014.

8.0 LEA Medi-Cal Billing Option Ad-Hoc Committee Report – Janice Holden

- DHCS and CMS would like to begin the process of combing the LEA Medi-Cal Billing Option Program with the SMAA Program utilizing the RMTS methodology.

- Navigant Consulting will form a technical work group to assist DHCS with rewriting the SPA (State Plan Amendment) and to explore the possibility of combining the LEA Medi-Cal Billing Program with the SMAA Program using the RMTS methodology.
- Navigant Consulting will be sending out surveys to current Ad-Hoc Committee attendees to gather information relative to interest and concerns of combining both programs. After data is collected from the surveys, Navigant Consulting will conduct interviews with between twenty and thirty of the survey respondents. The interviews will be approximately one hour in length and will begin in January of 2015.

9.0 Items for February 2015 Committee Meeting

- DHCS to provide response from CMS regarding allowing more than one clarifying question
- DHCS to provide additional information (in writing) regarding Code 8 not being allowed/claimed while TSP is attending IEP meetings
- DHCS to provide a form for “direct charge”
- DHCS to provide/explain the process of “netting” MAA claims for LEAs

10.0 Adjourn

*The next LEC Committee Meeting is **Thursday, February 5, 2015** at:*

**Migrant Education / Woodland Office
1210 Commerce Avenue, #3
Woodland, CA**