

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup (AWG) Meeting
August 2, 2017 Minutes**

Location: Natomas Unified School District (USD)

Attendees: Michelle Kristoff, Safety Net Financing Division (SNFD); Rick Record, SNFD; Dmitry Terlesky, SNFD; Stephanie Magee, SNFD; Martin Alvarez, A&I Financial Audits Branch (FAB); Renzo Bernales, California Department of Education (CDE); Andrea Pederson, Navigant Consulting; Marna Metcalf, Navigant Consulting; Alest Walker, California School Board Association; Alma McKenry, Fresno COE; Amanda Dickey, CCSESA; Aurelei Alvarez, LACOE; Belinda Brager, Calaveras COE; Beth Benne, Pierce College; Cara Schukdske, San Diego COE; Cathy Bennett, Sacramento City USD; Cheryl Boney, UC Davis Student Health; Cristina Guillen, Napa Valley USD; Coreen DeLeon, Glenn COE; Cremilde Rolichcheck, Los Banos USD; Cynthia Dickinson, Santa Rosa Junior College; Debbi Conner, Mendocino COE; Deborah Still, Monterey COE; Derek Cruz, Washington Unified School District; Francisca Montes, Manteca USD; Heather Plahn, Palmdale SD; Helen Frederickson, Palmdale SD; Helen Lopez, LA COE; Janice Holden, Stanislaus COE; Jeanne Harris-Caldwell, Saddleback College; Jennifer Wood-Slayton, Lamont SD; Jeremy Ford, Oakland USD; Julie Ferebee, Palmdale SD; Karol Castillo, Folsom Cordova USD; Kelly Earls, Bakersfield City SD; Laura Missimer, San Joaquin COE; Laurie Lane, Winters JUSD ; Leslie Agostini, Manteca USD; Linda Ledesma, Lindsay Unified; McKenzie Palomino, San Joaquin COE; Melissa Locketz, Rocklin USD; Melissa Locketz, Rocklin USD; Michelle Cowart, Contra Costa COE; Michelle Roberto, Washington Unified School District; Natasha Slivkoff, Bakersfield City School District; Octavio Castelo, LA COE; Phillip Downing, LA COE; Rebecca Santos, EGUSD; Rebekah Smith, San Bernadino Co Sup of Schools; Rosalee Hormuth, Orange County COE; Sharon Battaglia, Sonoma COE; Shelley Walsh, San Bernardino USD; Tammy Jones, Ventura COE; Wendi Yamabe, Saugus Union SD.

Handouts

Each participant was emailed an electronic copy of the following: August AWG Meeting Agenda; August Department of Health Care Services (DHCS) Status Update Summary; Summary of Proposed SPA 15-021 Services (by type of care plan); a copy of slides for the afternoon group discussion on fiscal year (FY) 2016-17 breakout session progress; and June 2017 Meeting Minutes.

Purpose

The meeting was convened by DHCS. DHCS welcomed all participants to the meeting and briefly reviewed the purpose of the AWG, which is to improve the LEA BOP. The emphasis of the meeting is to strategize various goals and activities aimed at enhancing the Medi-Cal services provided on school sites and access by students to these services, while increasing federal reimbursement to LEAs for the cost of providing these services.

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Review of Meeting Minutes

- The AWG reviewed the June meeting minutes. As a follow up to the Third Party Liability Recoupment topic on page 6 of the minutes, a stakeholder requested additional information be developed by DHCS for LEAs to share with parents that are concerned about providing consent to bill Medi-Cal for LEA services.
 - Several meeting attendees supported the idea of a DHCS letter or fact sheet that would help ease parent concerns. DHCS stated that the DHCS publication: [Medi-Cal - What It Means To You](#), specifically item 12: **Private Health Insurance and Medi-Cal**, contains the necessary information. However, the Department understands stakeholder concerns that the relevant information is part of a large document and will look into the option of extracting the detail in item 12 to include in a LEA-specific document.
- A stakeholder suggested that the link be added to the Explanation of Benefits (EOB) Fact Sheet on page 8 of the meeting minutes. DHCS will correct the minutes, since no EOB Fact Sheet currently exists. The Department's current policy on this subject is contained in Item 12 of the DHCS publication [Medi-Cal - What It Means To You](#). The June minutes will be adjusted accordingly and posted on the LEA Program website.
- A stakeholder inquired regarding the comment on page 6 of the meeting minutes under "Transportation Policy" regarding a standard car seat purchased at retail not meeting the standard of being "specialized" equipment. The Department will clarify the meeting minutes to indicate that a standard car seat purchased at retail that does not accommodate the child's disability does not meet the standard of being specialized or adapted.
- Once the edits above are made, DHCS will post the June 2017 minutes on the LEA website.

California Department of Education (CDE), Special Education Division Updates

- CDE noted that the Department underwent a recent reorganization, wherein one branch was dissolved and the Special Education Division is now under the Teaching & Learning Supports Branch, overseen by Deputy Superintendent Tom Adams.
- CDE continues to discuss the Continuum of Care Reform with the Department of Social Services, brought about by AB 403. The reform realigns the child welfare system and will impact the out-of-home funding formula for foster youth services. The Department of Social Services has a State/County Implementation Team (see <http://www.cdss.ca.gov/inforesources/Continuum-of-Care-Reform> for more information on participating).

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DHCS A&I Updates - FAB

- A&I provided an update on the status of the Cost and Reimbursement Comparison Schedule (CRCS) audits by Fiscal Year End (FYE) date:
 - FYE 2012 – All but 1 audit have been completed; A&I has issued 516 audit reports.
 - FYE 2013 – Most audits have been completed; approximately 390 audit reports issued to date.
 - FYE 2014– All minimal audits have been completed; approximately 100 audit reports issued to date.
 - FYE 2015 – No work started to date.

- FAB provided an update on the ten audit appeals:
 - Two informal appeals are awaiting response;
 - Five formal appeals have been scheduled;
 - Three formal appeals are not yet scheduled.

- FAB provided an update on interim versus audited reimbursement per fiscal year between FY 2009-10 and FY 2012-13. Stakeholders requested this information be posted on the website. FAB indicated that they'd confirm this chart could be posted, and if so, would do so in the coming weeks.

- A stakeholder asked FAB whether they believe the quality of documentation is improving as LEAs undergo more audits. FAB indicated that the documentation does appear to be improving with time, but that they are still auditing 2014 reports so the information is somewhat dated.

- A college representative that is new to the LEA Program inquired what to do if they received a Medi-Cal payment in error. It was noted that they will need to submit a Claims Inquiry Form (CIF) to make the correction, and that Conduent will back out the payment on the next check write. CIF details are included in Part 1 of the LEA Provider Manual, which can be accessed through the LEA Program website:
<http://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx>.

DHCS Safety Net Financing Division (SNFD) Status Updates

- SNFD noted that Dr. Lindy Summers-Bair of the Medical Review Branch retired as of July 31, 2017. At this point, SNFD is unsure whether a replacement will be named to assist with LEA Program issues.

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- **FY 2016-17 Annual Report (AR) (due November 30, 2017)**
 - The fiscal year FY 2016-17 AR for FY 2017-18 was posted on the LEA website on July 1, 2017.
 - No significant changes were made to the template this year.
 - All participating LEAs must submit the FY 2016-17 AR by November 30, 2017.

- **Evergreen Provider Participation Agreement (PPA)**
 - The PPA was posted on the LEA website on July 1, 2017, and included only minor updates.
 - Currently enrolled LEAs are not required to submit a PPA or Data Use Agreement in FY 2017-18.

- **FY 2015-16 Cost and Reimbursement Comparison Schedule (CRCS) and Certification of Zero Reimbursements (Due November 30, 2017)**
 - The FY 2015-16 CRCS and Certification of Zero Reimbursements were posted on the LEA website on July 14, 2017.
 - No significant changes were made to the templates this year.
 - All participating LEAs must submit the applicable FY 2015-16 report by November 30, 2017.
 - A stakeholder requested that the training document on the CRCS landing page be updated with the current form, even though the only items that will change are the dates. The stakeholder noted that it is important to update documents so that LEAs can appropriately maintain their audit files for each fiscal year. DHCS indicated that they would update the document and post it on the LEA website in the coming weeks.

- **FY 2015-16 Annual Reimbursement Report**
 - The FY 2015-16 Annual Reimbursement Report is not yet posted on the LEA website, and LEAs will be notified once this report is available.
 - Before extracting the necessary data to compile the report, the Department is awaiting the implementation of the Erroneous Payment Correction (EPC) related to the speech therapy denials. The EPC is scheduled to implement in September 2017.

- **Past Years CRCS and Certification of Zero Reimbursement Reports Update**
 - FY 2014-15: As of June 2, 2017, A&I has accepted 525 submissions.
 - 502 DHCS Form 2437 - *Medi-Cal Cost and Reimbursement Comparison Schedule*
 - 23 DHCS Form 2437a - *Certification of Zero Reimbursements for LEA Services*

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- Delinquent CRCS Reports: Detail on the 56 LEAs on 100% withhold follows:
 - 45 for FY 2014-15 (\$3.2 million total reimbursements received)*
 - 6 for FY 2013-14 (\$21,899 total reimbursements received)
 - 3 for FY 2012-13 (\$104 total reimbursements received)
 - 1 for FY 2011-12 (\$7,967 total reimbursements received)
 - 1 for FY 2009-10 (\$12,345 total reimbursements received)

**Note that the status update summary sent to participants prior to the meeting included an incorrect figure of \$9.9 million for FY 2014-15. This figure have been updated (above) in these meeting minutes.*
- **LEA Website Updates and E-blasts**
 - E-blast June 6, 2017: Transportation Claiming Guide Update; Fall Training Slides Update; Paid Claims Data Reports Update
 - E-blast June 20, 2017: AWG Minutes; RMTS IAG Summary; Transportation Claiming Guide Update
 - E-blast July 3, 2017: Annual Report Due November 30, 2017
 - E-blast July 11, 2017: RMTS in the LEA BOP
 - E-blast July 14, 2017: CRCS / Certification of Zero Reimbursements Due November 30, 2017
- **Fair Share Reimbursement/Collections for FY 2014-15**
 - DHCS finalized and submitted an Operating Instruction Letter (OIL) Memo instructing Conduent to:
 - Refund \$2,254,303 to LEAs over-collected for the A&I and NCI withholds in FY 2014-15, including a reconciliation of the 1% Administrative withhold due to RADs 710, 728 and 769 (cost settlement, other than cost settlement and Electronic Health Records).
 - Collect via offset \$40,275 from LEAs that were under-collected for the A&I and NCI withhold in FY 2014-15.
 - Collect via offset \$39,197 from LEAs that were under-collected due to not being assessed the 1% Administrative withhold in FY 2014-15.
 - Estimated 60 days for implementation.
 - A stakeholder asked what the expected implementation date would be for LEA reimbursement. DHCS was unsure when these refunds/collections would be processed with Conduent, but they are currently in process.
- **FY 2016-17 Rate Inflation**
 - DHCS issued an OIL Memo instructing Conduent to update the LEA rate table with inflated reimbursement rates (1.73%) for FY 2016-17 LEA services.
 - Estimated implementation date of rate table update is September 25, 2017.
 - Once implementation is complete, an EPC will be initiated to reprocess claims submitted by LEAs for DOS July 1, 2016 through June 30, 2017 using the updated reimbursement rates.

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- **Erroneous Payment Correction (EPC) 37517**
 - During implementation of “Termination of SLP CPT Code 92506; Implementation of CPT Codes 92521-24 and 92557” there were erroneous claims denials of the new CPT codes for claims with dates of service (DOS) July 1, 2016 forward.
 - Conduent, Inc. fixed the issue October 28, 2016.
 - EPC 37517 to reprocess the erroneously denied claims is scheduled to be implemented in July 2017, resulting in approximately \$21,500 in reimbursement to LEAs.

- **EPC 38960**
 - During implementation of “*Termination of SLP CPT Code 92506; Implementation of CPT Codes 92521-24 and 92557*” there were erroneous claim denials of CPT Codes 92507 and 92508 for claims with DOS prior to July 1, 2016.
 - Conduent, Inc. fixed the issue April 13, 2017.
 - DHCS is awaiting test results for EPC 38960 to reprocess the erroneously denied claims, with expected implementation in September 2017.
 - A stakeholder asked what the expected payout on the EPC would be and DHCS responded that the initial estimate was approximately \$4 million.

- **EPC 39281**
 - During implementation of “Termination of SLP CPT Code 92506; Implementation of CPT Codes 92521-24 and 92557” there were erroneous claims denials of some of the newly implemented speech therapy codes, due to Other Health Coverage.
 - This EPC will be implemented after EPCs 37517 and 38960.
 - DHCS is awaiting test results for EPC 39281 to reprocess the erroneously denied claims, with expected implementation in November 2017.

- **Transportation Policy**
 - SNFD updated the Transportation Guide and Training Slides to include:
 - *Specialized Medical Transportation provided in a specially adapted vehicle or vehicle that contains specialized equipment, including but not limited to lifts, ramps, or restraints, to accommodate the LEA eligible beneficiary’s disability*
 - *Clarifying language under “How to Calculate Mileage”*
 - SNFD is in process of updating the Provider Manual Transportation section.

- **SPA 15-021 (New Services and RMTS Implementation)**
 - DHCS has reached out to CMS to inquire if CMS would be agreeable to changing the SPA effective date, should that be requested.
 - A stakeholder inquired as to what effective dates are being considered and DHCS responded that they asked for CMS’ thoughts on July 1, 2017 and July 1, 2018. DHCS noted that they are not officially requesting a change to the effective date, but wanted to discuss options with CMS since the SPA is almost two years old at this point.

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- A LEC representative in attendance noted concern with the lack of SPA approval and noted that LECs need to move forward with RMTS contracting for the software system, since their current contract expires in July 2018. The stakeholder requested detail from DHCS by October 2017 regarding the RMTS design so that they can move forward with the RFP process.
- DHCS anticipates submitting the LEA Billing Option Program DRAFT RMTS Implementation Guide to CMS for approval in August.

- **Individualized Health and Support Plan (IHSP) status update**
 - DHCS stated that they completed a draft of the Provider Manual update for IHSPs; however, until the SPA is approved it cannot be published. Once the SPA is approved, the policy will take effect.
 - DHCS sent a copy of the draft updates to the Documentation Subcommittee and just received their comments. SNF will work with the Documentation Subcommittee and address their suggested edits in the coming weeks.

- **Random Moment Time Survey (RMTS) Implementation Advisory Group**
 - 29 IAG meetings have taken place in Sacramento to date.
 - The IAG met with DHCS, Navigant, and the IAG members on August 1st. During the meeting the IAG members reviewed two draft trainings: one for the RMTS Coordinator and one for the Time Survey Participants. In addition, the IAG made additional suggested edits to a training presentation for LEAs participating in the LEA BOP but not SMAA.
 - At the next meeting, the IAG plans to continue finalizing training slides so that these are ready for CMS review.

- **OT/PT Prescription Policy**
 - A stakeholder asked about the status of the OT/PT prescription policy, specifically whether it is acceptable for LEAs to contract with physicians to review records and prescribe OT/PT services without physically evaluating the student.
 - DHCS noted that the policy is being reviewed by the Office of Legal Services and they would follow-up on this issue and report out to stakeholders.
 - Several LEA representatives in attendance noted that they are holding claims until the policy determination is made by DHCS. A stakeholder noted that the Medical Board of California believes that this is an acceptable standard for a school-based setting and asked DHCS to adopt this standard. DHCS noted that Legal will make the final determination on the Medi-Cal policy.

- **National Alliance for Medicaid in Education (NAME) Conference**
 - LEA representatives from NAME passed out a flyer on the annual conference, set for October 15-18, 2017 in Fort Lauderdale, FL.

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- Many meeting attendees are planning on attending the conference; DHCS will not be in attendance this year. Several meeting attendees expressed disappointment that DHCS will not be attending the conference.
- NAME representatives indicated that the Anysia Drumheller Memorial Scholarship, which awards at least one annual conference registration and travel reimbursement to a NAME member who is unable to attend the conference otherwise, is yet to be awarded. Interested parties can find more information and apply for the scholarship at www.medicaidforeducation.org.

AWG Discussion Session

The goal of the AWG breakout session is to brainstorm challenges and barriers in smaller workgroups, and use combined expertise to provide guidance to DHCS and suggest planning and solutions. At this meeting, there was one central discussion topic for the entire group.

The goal of the August session is to conduct a planning session for the upcoming fiscal year. DHCS presented summary slides on progress made to date on FY 2016-17 breakout sessions, and brainstormed possible breakout topics for FY 2017-18 with stakeholders. Topics discussed included:

1. SPA 15-021
 - a. New Services (specifically: what are they? Who can perform? Is supervision required? What are documentation requirements? Are prescriptions or referrals required?)
 - b. Timing of implementation
2. Documentation Standards for IHSP services, including sample IHSPs.
3. Targeted Case Management (post-SPA approval)
 - a. Differences in LEA vs SMAA
 - b. Certification and training proposed by IAG for LEA Medi-Cal Billing Option Program TCM Services.
 - c. Guidance to LEAs billing TCM in the LEA BOP
4. Assistance with Activities of Daily Living
 - a. Detail on the types of approved services
 - b. Documentation for services
5. "Surviving a Medi-Cal Audit" (presented by Medical Review Branch replacement personnel?)
6. LEA Compliance Plans
7. NAME Conference update (December 2017 meeting)
8. Self-Audit Checklist
 - a. Review what is on LEA website
 - b. Edits to the checklist?

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Other Miscellaneous Topics

- LEAs discussed the meeting structure and several LEAs requested the ability for the AWG meetings to be held via conference call, webinar, or some other virtual technology. Stakeholders noted that this would allow LEAs that can't travel for the meeting a chance to participate and be educated on important Program issues. DHCS stated that there are some logistical challenges with having virtual meetings, and it is harder for the audience to interact with the Department. DHCS stated that they will explore this for future meetings and discuss this option.
- One workgroup member suggested that DHCS hold bi-monthly or quarterly conference calls on concentrated subject areas to keep LEAs apprised of important Program issues.
- The group discussed the current meeting structure and agreed that having one afternoon discussion topic is preferable to having two breakout discussions. DHCS agreed and will adopt the format of one afternoon discussion topic in FY 2017-18.
- College representatives expressed interest in forming a college subcommittee in the next fiscal year. The Department agrees with this proposal and will ask the college subcommittee to weigh in on program issues and their impact on colleges.

Next Meeting

The next meeting will take place on Wednesday, October 4, 2017.