

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup (AWG) Meeting
December 12, 2018 Minutes**

Location: Natomas Unified School District (USD)

Attendees: Betty Lai, Safety Net Finance Division (SNFD); Jose Garcia, SNFD; Cheryl Ward, SNFD; Dmitry Terlesky, SNFD; Rick Record, SNFD; Amar Takhar, SNFD; Kate Hancock, Audits and Investigations, Financial Audits Branch (A&I FAB); Martin Alvarez, A&I FAB; Michelle Brown, A&I FAB; Olga Barajas, A&I FAB; Said Mursal, A&I FAB; Renzo Bernales, California Department of Education (CDE); Tom Herman, CDE; Andrea Pederson, Navigant Consulting; Dennis Finnegan, Navigant Consulting; Marna Metcalf, Navigant Consulting; Alma McKenry, Fresno COE; Andrea Coleman, LA USD; Aurelei Alvarez, LACOE; Belinda Brager, Calaveras USD; Beth Benne, Pierce College; Brenda Rios, Ontario-Montclair SD; Cara Schukoske, San Diego COE; Christina Guillen, Napa Valley USD; Coreen DeLeon, Glenn COE; Craig Chilson, Stockton USD; David Nelson, South Orange County Community College District; Dean Purser, Los Banos USD; Debbi Conner, Mendocino COE; Diana Romeri, Rocklin USD; Elizabeth McAnnally, William Hart UHSD; Erick Ramirez, DHS Sacramento County; Francisco Montes, Manteca USD; Frank Jerome, Ripon USD; Heather Plahn, Palmdale SD; Helen Frederickson, Palmdale SD; Jackie Swords, Lancaster SD; Janice Holden, Stanislaus COE; Jeanne Harris-Caldwell, Saddleback College; Jeanne Tso, Montebello USD; Jen Minton, Sutter County Superintendent of Schools; Jennifer Wood-Slayton, Lamont School District; Jeremy Ford, Oakland USD; Jessica Jacobs, LA COE; Jordan Dempsey, Sonoma COE; Julie Ferebee, Palmdale SD; Kelly Earls, Bakersfield City School District; Kristie Kobayashi, Montebello USD; Laura Missimer, San Joaquin COE; Laurie Lane, Winters JUSD; Leslie Agostini, Manteca USD; Lora Gonzalez, Yuba County SELPA; Margarita Blumberg, Galt Joint Union HSD; Margarita Bobe, LAUSD; Maria Parra, Ontario-Montclair SD; Maricela Martin, San Bernardino County; Maricela Martin, San Bernardino County; Marlene Culpepper, DHS Sacramento County; Marta Cuevas-Ortega, Galt Joint Union ESD; McKenzie Luis, San Joaquin COE; Melissa Locektz, Rocklin USD; Melissa Nguyen, San Diego COE; Merry Grasska, Newport Mesa USD; Michelle Cowart, CCCOE; Miranda March, California Community Colleges Chancellor's Office; Nancy Gilko, Nevada Co Superintendent of Schools; Nancy Tamarisk, Napa Valley College; Patrice Breslow, San Diego USD; Phil Downing, LA COE; Randy Nakamura, HUSD; Rebeka Smith, San Bernardino County Superintendent of Schools; Rhonda Yohman, Madera County Superintendent of Schools; Robin Ericsson, Folsom Cordova USD; Rosalee Hormuth, Orange County DOE; Sharon Battaglia, Sonoma COE; Sheri Coburn, California School Nurses Organization; Sheri Elkins, Modesto City Schools; Sheri Messiha, Panama-Buena Vista Union SD; Terri Lindsey, Bakersfield City School District; Thelma Galario, County of Tulare; Tracy Piper, Hemet USD; Vicky Arreola, Hemet USD; Wendi Yamabe, Saugus Union SD.

Handouts

Each participant was emailed an electronic copy of the following: December AWG Meeting Agenda; December Department of Health Care Services (DHCS) Status Update Summary; information for the afternoon group discussion session on the draft

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new Cost and Reimbursement Comparison Schedule (CRCS); and August 2018 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.

Review of Meeting Minutes

- The AWG reviewed the August meeting minutes. No edits were requested, and the minutes will be posted on the LEA Program website.
- One stakeholder requested that the August group discussion topic of collaboratives remain on the list of potential discussion topics for future meetings, stating that additional information on this area would be helpful to LEAs. DHCS agreed to add this topic to the list of future discussion topics so that this area can be further explored by stakeholders.

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

- Two representatives from CDE attended the meeting and provided the following updates:
 - CDE continues working on statewide system support for districts needing assistance based on dashboard results (the systems of support can be accessed by going to <https://www.cde.ca.gov/sp/sw/t1/csss.asp>).
 - Regional leads have been selected and posted to the CDE website (<https://www.cde.ca.gov/sp/sw/t1/crss.asp>). The regional leads will build the capacity of County Offices of Education (COEs) to ensure that counties are equipped to support the continuous improvement of student performance within the state priorities. The regional leads will focus on indicators for English Language Learner Progress and chronic absenteeism.
 - The special education resource leads have not been selected yet.
 - CDE and the California County Superintendents Educational Services Association (CCSESA) designated Title III Regional COE Leads to provide technical assistance for English learners to the LEAs within each of the 11 County Superintendent regions. The COE Leads can be accessed by going to <https://www.cde.ca.gov/sp/el/t3/coeleadscontactlist13.asp>.
 - CDE and the Department of Social Services (DSS) continue to work together to implement Continuum of Care Reform (CCR). An update was provided on issues surrounding support for foster youth.

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- CDE provided an update on the Department's internal reorganization. Barbara Murchison is now the new Director for the Educator Excellence & Equity Division. CDE noted that there may be additional changes in the future.

DHCS A&I Updates - FAB

- A representative from A&I provided an update on the status of the CRCS audits by Fiscal Year End (FYE) date:
 - FYE 2014 – completed all audits; 15 reports to be issued, resulting from late CRCS submissions.
 - FYE 2015 – 60 audits are currently in production; all CRCS submissions will receive some type of review in 2019 (field or limited scope audit, or minimal review).
 - FAB noted that there are currently 56 delinquent cost reports.
- Currently, there six formal appeals (FYE 2010 to 2013), and three informal appeals.
- A stakeholder asked when they will receive notification regarding the completion of their FYE 2014 audit that ended several months ago. FAB responded and let stakeholders know that there is some internal backlog at DHCS since many audits were issued by November 30, 2018. FAB indicated that final notification on FYE 2014 audits will take place shortly. If LEAs would like information a specific situation, reach out to FAB via their email at LEA.CRCS.Questions@DHCS.CA.GOV.

DHCS Safety Net Financing Division (SNFD) Status Updates

- **Annual Report (AR) Submissions**
 - As of December 5, 2018, approximately 370 out of 600 LEAs have submitted the FY 2017-18 AR.
 - A stakeholder asked a clarification question regarding the two different fiscal years referenced on the AR (on page one, FY 18-19 is referenced and on page four, FY 17-18 is referenced). DHCS responded by letting LEAs know that the first page references FY 18-19 so that DHCS will have the current LEA information, but that the reporting of expenditures on page four will be for FY 17-18.
 - A stakeholder asked in they will receive a confirmation that their Annual Report was received? SNFD replied that a confirmation is not sent, unless it is requested by an LEA.

- **FY 2018-19 Provider Participation Agreement (PPA)**
 - The FY 2018-19 PPA and instructions have been published on the DHCS website and they will also be sent via an e-blast shortly after the meeting. The PPA has been revised to remove the signature of the CDE representative.

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Moving forward, only representatives of DHCS and the LEA will sign the PPA. DHCS noted that CDS codes are now public information and it is no longer necessary for CDE to play an active role in facilitating the completion of the PPA.

- All currently enrolled LEAs must submit a new PPA in FY 2018-19 by March 1, 2019.
 - The PPA web page will be updated with the new submission deadline.
 - An e-blast will be sent to stakeholders regarding the new submission deadline.
- The newly filed PPA will also be an evergreen document, consistent with the current PPA.

- **FY 2018-21 Data Use Agreement (DUA)**
 - The FY 2018-21 DUA and instructions are posted on the DHCS website.
 - All currently enrolled LEAs (with their billing vendors) must submit the FY 2018-21 DUA and Attachment D to DHCS by January 31, 2019.
 - A stakeholder asked for clarification on who must submit the DUA, particularly regarding those LEAs that do their own billing but use a third-party billing software system. DHCS responded that this agreement is applicable to LEAs that use third party billing vendors, in cases where those vendors have access to eligibility criteria or Personal Health Information (PHI). If the software vendor has access to this data, the LEA should submit the DUA.
 - DHCS noted that they will continue to maintain separate DUAs for the LEA Program and SMAA Program.

- **Cost and Reimbursement Comparison Schedule (CRCS) and Certification of Zero Reimbursement Reports Update**
 - FY 2015-16: As of December 5, 2018, A&I received 527 and accepted 509 submissions.
 - 493 DHCS Form 2437 - Medi-Cal Cost and Reimbursement Comparison Schedule
 - 16 DHCS Form 2437a - Certification of Zero Reimbursements for LEA Services
 - FY 2014-15: As of December 5, 2018, A&I received 536 CRCS and accepted 528 submissions.
 - 514 DHCS Form 2437 - Medi-Cal Cost and Reimbursement Comparison Schedule
 - 14 DHCS Form 2437a - Certification of Zero Reimbursements for LEA Services
 - Delinquent CRCS Reports: 56 LEAs are on 100% withhold.

- **Policy for Non-Compliant LEAs**
 - DHCS is finalizing the compliance policy for the CRCS report and expects to publish a new Policy and Procedure Letter (PPL) in Q3 FY 2018-19.

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- **LEA Website Updates and E-blasts**
 - E-blast December 7, 2018: DUA Due January 31, 2019
 - E-blast November 30, 2018: ORP Enrollment Update
 - E-blast November 14, 2018: PPL 18-027 Specialized Medical Transportation; Transportation Claiming Guide
 - E-blast November 5, 2018: Elimination of CPT 96101; FY 2016-17 Leg Report; School-Based Meeting PPT
 - E-blast October 23, 2018: Annual Reimbursement Report; Meeting Summary
 - E-blast August 21, 2018: CRCS Due November 30, 2018

- **Erroneous Payment Correction (EPC) 44140 - FY 2016-17 Rate Inflation**
 - This EPC reprocessed claims submitted by LEAs, for dates of service (DOS) July 1, 2016 through June 30, 2017, using the updated reimbursement rates implemented with the FY 2016-17 Inflated Rates on October 26, 2017.
 - EPC completed August 28, 2018
 - Net adjustment paid out \$2,089,120.36

- **EPC 47506 - CPT Codes 92521, 92523, and 92557 Claims Denials**
 - This EPC was initiated for claims for CPT codes 92521, 92523 and 92557 that were submitted on October 27, 2017 and which may have been incorrectly denied.
 - Conduent determined that there was no financial impact and the EPC was closed.

- **EPC 48638 – Error Code for Activity and Modifier Combinations**
 - A 959 Table error was identified by Conduent and was corrected in late August 2018. This EPC was initiated to determine if LEA BOP claims payments were affected. Test results are expected in January 2019.
 - Several stakeholders noted increased denials related to the new occupational therapy (OT) and physical therapy (PT) assessment CPT codes, implemented in July 2018, and questioned whether this EPC was connected to that issue. DHCS indicated that the OT/PT code denials are a separate issue and are currently being researched. Additional information on the OT/PT assessment denials will be reported at the February 2019 meeting.

- **SDN 18-046 – Implement Other Health Coverage (OHC) Policy**
 - The 90-day timeframe for pursuing third party liability has been changed to a 45-day timeframe, per Senate Bill 276.
 - A System Development Notice (SDN) is required to implement this policy.
 - Conduent will provide an SDN estimate.

- **Operating Instruction Letter (OIL) 362-18 – Update LEA BOP Reimbursement Rates with 2018-19 Reimbursement Rates for LEA Services**
 - OIL to update the LEA Rate Table with inflated 2018-19 reimbursement rates

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- A rate inflation was applied to the FY 2016-17 rates using an Implicit Price Deflator of 3.393% (based on the four-quarter averages of FY 16-17 and FY 17-18).
 - Rate table adjustments are projected to be fully implemented on January 28, 2019, at which time LEA BOP claims with DOS July 1, 2018 forward will be paid at the higher rate.
 - In January 2019, SNFD will publish the new rates in the Claims Processing section of the website and will alert stakeholders via e-blast.
 - In January 2019, the Billing Codes and Reimbursement Rates (local bill code) section of LEA BOP Provider Manual will be updated.
 - In February 2019, SNFD will initiate an EPC to adjust for those claims with DOS after July 1, 2018 that were paid at the lower rate.
 - EPC should be smaller than prior years since adjusting for shorter time period, which should continue on future rate inflation EPCs
 - No inflation EPC will run for claims with DOS during FY 2017-18.
 - FY 2017-18 interim payments will not be inflated and the CRCS will be used to settle these interim payments to LEA costs.
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- **OIL 101-18 - Rate Table Updates Related to SPA 15-021**
 - OIL to change the LEA Rate Table to include new services and new practitioners
 - Implementation date TBD based on SPA 15-021 approval

 - **OIL 058-18 – Remove Non-IEP and Non-IFSP Utilization Controls**
 - OIL to remove the limitation that LEAs may only bill up to 24 non-IEP/IFSP services per fiscal year for a Medi-Cal eligible student
 - Implementation date TBD based on SPA 15-021 approval

 - **OIL # TBD – Aid Code Updates**
 - An OIL to update the '0109 Table' that identifies the ineligible and eligible aid codes for the LEA BOP, is pending approval.
 - Draft OIL going through final approval process
 - The Provider Manual will be updated once the '0109 Table' has been updated

 - **FY 2015-16 Fair Share Analysis**
 - Reconciliation of the 1.5% withhold payments resulted in:
 - DHCS over withholding approximately \$1,100,073
 - DHCS under withholding approximately \$154,222
 - Conduent is processing the reimbursements and recoupments, which are expected to take place in the first quarter of calendar year 2019.
 - DHCS noted that the withhold amount was lowered to one percent so the FY 16-17 fair share analysis should result in less over-withholding for most LEAs.

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- **Transportation Policy and Procedure Letter (PPL) and Billing Guide**
 - PPL 18-027, regarding Specialized Medical Transportation in the LEA BOP, was published November 14, 2018.
 - The Transportation Billing Guide was updated to correspond to the PPL updates and includes additional billing scenarios.

- **Elimination of CPT code 96101**
 - On November 5, 2018, LEAs were notified that CPT Code 96101 for IEP/IFSP Psychological Assessments will be eliminated and will be replaced by CPT Code 96130.
 - This change will take place in the first quarter of calendar year 2019.
 - LEAs will be notified once the implementation date has been confirmed.
 - A PPL is being published to inform LEAs of the change.
 - Will not impact the modifiers or rates billed, only the CPT code.

- **Ordering Referring Prescribing (ORP) Enrollment Update**
 - On November 30, 2018, LEAs were notified that DHCS's Provider Enrollment Division updated enrollment rules effective for all ORP application packages received on or after March 20, 2018.
 - The effective date of enrollment for an approved DHCS 6219 form or equivalent PAVE e-form shall be one year prior to the date DHCS received the complete application package.
 - A stakeholder noted that their rendering provider applications were being denied. DHCS asked that stakeholder to email the LEA inbox so that they could assist the LEA after the meeting.
 - DHCS will work with stakeholders to identify why the denials are happening and whether they are for an ORP or rendering practitioner.
 - A stakeholder asked the Department to continue researching out-of-state contractors (such as PresenceLearning) as possible enrolled Medi-Cal telehealth providers. DHCS stated that they would continue to research this issue, but needed to get the ORP issue addressed first, as it has an effective date that could impact claiming.

- **SPA 15-021 (New Services and RMTS Implementation)**
 - DHCS sent the final RAI to CMS on November 9, 2018.
 - DHCS continues to work with CMS regarding the Care Coordination (Memorandum of Understanding, or MOU) requirements. The Department noted that they are pushing back on CMS's suggested MOU requirement and have a meeting with CMS next week to discuss care coordination.
 - SNFD is drafting PPLs and Provider Manual updates related to SPA 15-021.
 - SNFD is in process of consolidating all historical RAIs into one document for CMS review.

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- **Report to the Legislature for FY 2016-17**
 - The FY 2016-17 LEA Legislative Report was published on the LEA BOP website November 5, 2018.

- **Office of Inspector General (OIG) Audit**
 - On November 15, 2018, DHCS received notification from the OIG that it was cancelling its review of the State's certified public expenditures program.
 - SNFD noted that this was a Department-wide audit and not specific to the LEA Program.

- **FY 2018-19 Advisory Workgroup Meeting Dates**
 - February 6, 2019 *
 - April 3, 2019 *
 - June 5, 2019 *

* Meeting venue: 1700 K Street, First Floor, Sacramento

- **Pay and Chase**
 - DHCS let LEAs know that they are aware of ongoing issues surrounding pay and chase and are working with the Third-Party Liability (TPL) Unit on these issues. DHCS asked that stakeholders continue to keep them informed on these issues by emailing the LEA inbox at LEA@dhcs.ca.gov.

- **Subcommittee Reports**
 - The PPL subcommittee has reviewed five PPLs that will go out post SPA 15-021 approval. They are currently reviewing a PPL on TCM Services and two additional PPLs will be sent shortly.
 - The Provider Manual subcommittee has reviewed local and eight individual service sections. They are currently in process of reviewing two additional individual service sections. The new LEA provider manual will be published once SPA 15-021 is approved and will incorporate policy changes related to the SPA.

- **Vision Services SPA**
 - DHCS notified stakeholders that they are pursuing a new SPA for the LEA Program related to expanded coverage for vision services. The new SPA, which would have an effective date of 1/1/19, will provide coverage for comprehensive vision exams performed by optometrists and ophthalmologists, and medically necessary frames and lenses.
 - DHCS noted that the SPA will not be implemented until after SPA 15-021 is approved.

- **College-Related SPA**
 - DHCS notified stakeholders that they are pursuing a SPA related to nursing supervision requirements for colleges. Currently, nursing services must be

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supervised by a Registered Credentialed School Nurse (RCSN), which colleges do not employ. The SPA will attempt to remove the credentialing requirement for nursing services when services are provided via colleges and a qualified practitioner.

- This SPA will not be implemented until after SPA 15-021 is approved.
- A stakeholder representing a college asked about the pending SPA 15-021 age limit and whether the new SPA will revise that age limit. DHCS noted that this change will be more difficult and that the LEA Program is generally intended to align to EPSDT requirements. The stakeholder noted the conflict in existing regulations on age and stated that they'd like this area reconciled in the upcoming SPA, increasing the age limit for eligible beneficiaries in California.
- A college stakeholder noted that they would also like to see Post-Doctorate Interns included as a covered practitioner.

● **Revenue Code Update**

- DHCS noted that there is an upcoming change in reporting of revenue codes, moving from a three-digit code to a four-digit code. Currently, the Provider Manual indicates that LEAs should report revenue code "001" and this will be updated to "0001".
- The provider manual will be updated to reflect this conversion.

● **AB 2423 Physical therapists: Direct Access to Services - Plan of Care**

- [Bill](#) signed by the Governor in September 2018
- Authorizes treatment directly from physical therapists for 45 days or 12 visits without a prescription.
- DHCS stated that bill will have no impact on LEA billing at this time; DHCS Benefits Division has not changed requirements and all Medi-Cal covered physical therapy services will continue to require a prescription.

● **AB 3192 LEA Medi-Cal Billing Option: Program Guide**

- [Bill](#) signed by Governor in September 2018
- Requires the Department, in consultation with the LEA Ad Hoc Workgroup, to issue and regularly maintain a Program Guide for the LEA Program, distributing the Guide to all participating LEAs, charter schools, and community colleges by January 1, 2020.
- DHCS gauged stakeholder interest regarding joining a subcommittee to provide feedback on the Program Guide, noting that there will be a required time commitment to participate on the subcommittee. Several stakeholders noted interest and the Department requested that those interested submit their names via the LEA mailbox.

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- **Licensed Professional Clinical Counselors (LPCCs) and Associate Licensed Professional Clinical Counselors**
 - DHCS informed stakeholders that the Benefits Division will be submitting a SPA to CMS to include these practitioners as covered Medi-Cal practitioners, and asked the LEA Program if they would like to be included in that package. If so, Benefits Division will make the appropriate changes to the LEA State Plan pages and include those with their SPA.
 - Stakeholders noted that although these practitioners provide many of the services that MFTs provide, many are not credentialed and probably would not be billable practitioners in the LEA Program (if PPS credentialing requirements remain). If so, adding this practitioner type to the LEA SPA pages may not be all that helpful to LEAs. Stakeholders noted that the risk of opening up the LEA State Plan should be weighed against a potentially limited benefit.
 - Stakeholders asked for additional information as to when Benefits Division plans to submit the SPA. SNFD was unsure of the timing and will check with Benefits Division and report out at the February 2019 meeting, at which point the discussion can continue.

- **NAME Conference Update**
 - DHCS provided an update on the NAME Conference, specifically thanking the California School Nurses Organization (CSNO) for sponsoring attendance for two SNFD representatives (Betty Lai and Jose Garcia represented SNFD). CDE attended the conference, as well. DHCS noted the following take aways:
 - California is on the forefront of allowing general education billing with SPA 15-021.
 - States that have opened up their SPAs recently have been given guidance on changes to notification/response times for RMTS. This area is a policy change focus for CMS and California is not the only state being required to make notification/response time modifications.
 - Other states have not been as impacted with the managed care coordination issues as California has seen on SPA 15-021.
 - The next conference will be held in Albuquerque, New Mexico between October 2 and 4, 2019. If you cannot join the conference, consider becoming a NAME member (\$50 per year) so that you will receive notifications on important school-based information and can be part of discussions germane to school-based Medicaid reimbursement.
 - If any LEAs have questions about NAME or the NAME Conference, they may reach out to Margie Bobe, the NAME Region 3 LEA representative, at margarita.bobe@lausd.net.

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AWG Group Discussion

The goal of the AWG group discussion is to brainstorm challenges and barriers, use combined expertise to provide guidance to DHCS and suggest potential solutions. At this meeting, DHCS gave a presentation that summarized changes to the CRCS due to SPA 15-021. DHCS walked through a mock version of the new forms so that LEAs could see the main differences between the current and new versions. DHCS reminded attendees that all changes are pending CMS approval and are subject to change.

Additions to the new CRCS include:

- RMTS Code 2A percentage and other cost allocation statistics;
- Incorporation of new SPA 15-021 practitioners;
- Quarterly collection of salary/benefit data (reconciling to each quarter's TSP list);
- New equipment depreciation schedule;
- Transportation incorporated into cost settlement process, resulting in new transportation schedules; and
- Addition of TCM practitioners and interim payments to cost settlement process.

Stakeholders informed DHCS on areas that they believe will need more focus in upcoming training, including the following topics:

- Federally funded employees – schools often do not finalize funding decisions prior to the quarter in which a TSP is on the staff pool list (this will be particularly challenging with a CRCS that will be due 5 months after the end of the fiscal year);
- Transportation – provide more detail on all new schedules, including how to find asset useful life information, how to gather information for transportation ratios, what equipment should be included, etc.
- Transportation Attendants – more detail and definition of an “attendant”. How to handle situations where a THCA is providing billable services in the morning and then acting as an attendant in the afternoon. Where should LEAs report these costs, under transportation “attendant” or “THCA”?
- Reporting for salaries and benefits by quarter - can the CRCS be posted at the start of the fiscal year so that LEAs can input information by quarter?

Next Meeting

The next meeting will take place on Wednesday, February 6.