

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

Location: Natomas Unified School District (USD)

Attendees: Michelle Kristoff, SNFD; Rick Record, SNFD; Cheryl Ward, SNFD; Dmitry Terlesky, SNFD; Stephanie Magee, SNFD; Cori Miglietto, A&I Financial Audits Branch (FAB); Etta Gross, A&I Financial Audits Branch (FAB); Olga Barajas, A&I Financial Audits Branch (FAB); Lindy Summers-Bair, M.D., A&I Medical Review Branch (MRB); Andrea Pederson, Navigant Consulting; Dennis Finnegan, Navigant Consulting; Marna Metcalf, Navigant Consulting; Alicia Rodriguez, Adelanto Elementary SD; Alma McKenry, Fresno COE; Andrea Coleman, LAUSD; Aurelei Alvarez, LACOE; Belinda Brager, Calaveras USD; Catherine Graham, Orange County DOE; Cathy Bennett, Sacramento City USD; Christina Giullen, Napa Valley USD; Christine Wilhite, Butte COE; Coreen DeLeon, Glenn COE; Craig Chilson, Stockton USD; Elizabeth McAnnally, William S. Hart USD; Enrique Ruacho, LAUSD; Francisca Montes, Manteca USD; Greg Wood, LAUSD Charter; Helen Frederickson, Palmdale SD; Janice Holden, Stanislaus COE; Jeremy Ford, Oakland USD; Julie Ferebee, Palmdale SD; Karol Castillo, Folsom Cordova USD; Kelly Earls, Bakersfield City SD; La Shun Washington, LAUSD Charter; Laurie Lane, Winters JUSD ; Leslie Agostini, Manteca USD; Linda Ledesma, Lindsay USD; Linda Torres, Natomas USD; Lisa Eisenberg, California School-Based Health Alliance; Margaret Roux, Kern County; Margarita Bobe, LAUSD; Maricela Martin, San Bernardino County; Marta Cuevas-Ortega, Galt Joint Union ESD; Maryann Morrison, San Joaquin COE; McKenzie Paolmino, San Joaquin COE; Michelle Cowart, Contra Costa COE; Natasha Slivkoff, Bakersfield City School District; Octavio Castelo, LA COE; Sacramento COE; Sharon Battaglia, Sonoma COE; Sharon Kuhfal, Pleasanton USD; Tammy Jones, Ventura COE; Wendi Yamabe, Saugus Union SD.

Handouts

Each participant was emailed an electronic copy of the following: February Workgroup Meeting Agenda; February Department of Health Care Services (DHCS) Status Update Summary; February Breakout Instructions; December 2016 Meeting Minutes.

Purpose

The meeting was convened by DHCS. The Department welcomed all participants to the meeting and briefly reviewed the purpose of the Workgroup, 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.

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

Review of Meeting Minutes

The Workgroup reviewed the December meeting minutes. One attendee asked what type of audits will be completed for the combined 2014 and 2015 audits. A representative from Audits and Investigation (A&I) Financial Audits Branch (FAB) mentioned they would most likely be field audits, but that could change. The December meeting minutes were approved as written and will be posted on the LEA Program website.

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

- There was no CDE representative at the AWG meeting and an update was not provided.

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 has been completed.
 - FYE 2013 – 105 audits are in process now.
 - FYE 2014 – Limited field audits will start towards the end of February 2017.
 - FYE 2015 – These audits have not yet been started by FAB.
- An attendee asked how the type of audit performed by FAB is decided. FAB stated that the audit type is based upon a risk assessment for each LEA.

DHCS Safety Net Financing Division (SNFD) Status Updates

FY 2015-16 Annual Report (AR) Submissions (due November 30, 2016)

- As of January 26, 2017, 514 LEAs have submitted the FY 2015-16 AR.

FY 2014-15 (CRCS) and FY 2014-15 Certification of Zero Reimbursements (due November 30, 2016)

- As of January 27, 2017, 513 LEAs have submitted the FY 2014-15 CRCS.

Prior Years CRCS and Certification of Zero Reimbursements Update

- FY 2013-14: As of January 27, 2017, A&I accepted 563 submissions.
 - 534 DHCS Form 2437- CRCS
 - 29 DHCS Form 2437a - Certification of Zero Reimbursements for LEA Services
- 7 LEAs have not submitted the FY 2013-14 CRCS as of December 2, 2016.
- Delinquent CRCS Reports: A total of 13 LEAs are on 100% withhold.
 - 8 for FY 2013-14 (\$38,799.13 total reimbursements received)
 - 3 for FY 2012-13 (\$103.75 total reimbursements received)
 - 1 for FY 2011-12 (\$19,012.68 total reimbursements received)
 - 1 for FY 2009-10 (\$12,345.27 total reimbursements received)
- An attendee asked, what do the dollar amounts (listed above) for LEAs on 100% withhold represent? DHCS stated that the totals reflect the cumulative interim reimbursement for delinquent LEAs.

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

LEA Website Updates and E-blasts

- E-blast December 14, 2016: Third Party Liability/Explanation of Benefits Survey
- E-blast January 5, 2017: Third Party Liability/Explanation of Benefits Survey Extension
- E-blast January 18, 2017: Notification to Submit Speech Therapy Treatment Claims

Fair Share Reimbursement/Collections for FY 2013-14

- As previously reported, DHCS finalized and submitted an Operating Instruction Letter (OIL) instructing Xerox to:
 - Refund \$1,695,742 to LEAs over-collected for the A&I and Navigant Consulting Inc. (NCI) withholds in FY 2013-14, including a reconciliation of the 1% Administrative withhold due to Remittance Advice Details (RAD) 710, 728 and 769 (cost settlement, other than cost settlement and Electronic Health Records)
 - Collect via offset \$204,086 from LEAs that were under-collected for the A&I and NCI withholds in FYs 2011-12, 2012-13, and 2013-14
 - Collect via offset \$36,292 from LEAs that were under-collected due to not being assessed the 1% Administrative withhold in FY 2013-14
- OIL to fiscal intermediary was amended, resulting in estimated implementation by March 27, 2017.
- DHCS expects that the amount of over-collected funds will be lower in the future due to the reduction of A&I and NCI withholds from 2.5% to 1.5%.

Annual Accounting of Funds Summary Report for FY 2014-15

- DHCS has completed the draft report and is working with Conduent to verify the FY 2014-15 total paid claims data in order to finalize the report.
- Once total paid claims data is verified DHCS will initiate the Fair Share Reimbursement/Collections for FY 2014-15.

Audit Issues

- Audit reports from 2007 through 2011 are located on the LEA program website at <http://www.dhcs.ca.gov/dataandstats/reports/Pages/AIRReportLinks.aspx>
- SNFD, A&I (FAB) and A&I Medical Review Branch (MRB) will meet quarterly to discuss audit issues within the LEA program.
 - Initial meeting was held December 22, 2016
- A “summary of audit findings” will be presented annually for each fiscal year’s audit reports.
- Updates on audit issues will be provided, as needed, at the AWG Meetings and a summary of audit finds will be included in training materials.
- An attendee asked the Department, when will a “summary of audit findings” be presented to the LEAs? DHCS stated that the summary of audit findings will be presented annually at the August AWG meeting and then recapped during the 2017 Fall Training.

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

- An LEA stated that some links to A&I's audit reports on the DHCS website are broken. SNFD will alert A&I FAB of this issue, since the audit reports are maintained on the A&I website.

Withholds Related to CRCS Audit

- SNFD is researching the issue of withholds on funds returned to the LEA as a result of a CRCS audit.

Random Moment Time Study (RMTS)

- 26 Implementation Advisory Group (IAG) meetings have taken place in Sacramento to date.
- The IAG met once on January 31st to prepare for a meeting with the Local Educational Consortiums (LEC) and Local Governmental Agencies (LGA) that will take place on February 2nd. The purpose of the meeting tomorrow is to provide the LECs and LGAs with an update of the IAG's progress and details regarding the SPA.
- See RMTS IAG Meeting Summaries on the LEA Program website for more detail.

Termination of Speech Language Pathology (SLP) Current Procedural Terminology (CPT) Code 92506; Implementation of CPT Codes 92521-24 and 92557

- On October 24, 2016, DHCS announced implementation of new SLP codes with instructions on how to submit these claims (fully implemented October 28, 2016).
- Subsequently, DHCS received notification of erroneous claim denials for individual and group speech therapy treatment services, impacting codes 92507 and 92508 (and associated modifiers). RAD codes 406 and 9680 are associated with the denials.
 - On November 8, 2016, DHCS alerted LEAs to hold off submitting 92507 and 92508 claims until DHCS notifies LEAs that the problem has been resolved, and once the correction is implemented an Erroneous Payment Correction (EPC) will be initiated.
 - On January 18, 2017, DHCS alerted LEAs to submit 92507 and 92508 claims, and once the correction is implemented an EPC will be initiated.
- In November 2016, DHCS was also alerted that some of the newly implemented speech therapy assessment codes were also erroneously being denied due to Other Health Coverage.
 - DHCS is working with Conduent to resolve this issue, with an estimated implementation date of February 28, 2017.
 - LEAs may continue to submit claims with Other Health Coverage(OHC), and once the correction is implemented an EPC will be initiated

Third Party Liability Recoupment

- DHCS resent an online survey to all enrolled LEAs to determine whether the Third Party Liability (TPL) recoupment process is affecting LEA reimbursements. The survey period ended in mid-January.
- Navigant presented the results of the survey (see notes below in "Explanation of Benefits Survey Results" section).

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

June 2013 - June 2015 Combined Legislative Report

- DHCS is currently responding to additional questions from the Department of Finance and will submit responses as soon as possible.
- DHCS reminded the AWG the Legislative Report is required by law and allows California to compare their direct service claiming program to those in other states.

2016 Fall Webinar Training (October 13, 2016)

- Training Frequently Asked Questions (FAQ) are expected to be posted on the LEA program website by end of February.
- DHCS noted that not all of the questions have been answered, but they would like to post the answers to questions that they have and will update the FAQs when research on outstanding questions is complete.

LEA Technical Assistance / Site Visit

- DHCS has one site visit scheduled for March and one pending.
- DHCS will continue to schedule site visits to those LEAs that have not submitted a cost report, are new to the program, or have requested a site visit.
- Site visits allow DHCS to provide guidance to LEAs on program compliance.
- As attendee asked DHCS if site visits are provided to LEAs that are currently delinquent with their CRCS. DHCS confirmed that LEAs delinquent with their CRCS are provided site visits.

DHCS Update on SPA 15-021

- DHCS has completed the response to the Request for Additional Information (RAI), and the SPA 15-021 RAI package is currently under review by DHCS prior to submission to Centers for Medicare and Medicaid Services (CMS).
- Responses to the RAIs will be submitted to CMS once the package is approved. DHCS explained that once the RAIs are submitted to CMS, they have 90 days to respond; they can either approve/deny the responses or ask more questions.
- DHCS stated that they are moving forward with SPA related activities, in anticipation of a SPA approval. The activities include: preparing the paid claims system for expected updates to procedure codes and modifiers, updating the LEA provider manual, and preparing Policy and Procedure Letters.
- An LEA stated that it is important to alert LEAs of any procedure code/practitioner changes so they can also make software system edits. DHCS understands that LEAs need time to prepare their systems and will make procedure code/modifier information available as soon as possible.

Explanation Of Benefits (EOB) Survey Results

- DHCS sent a survey to enrolled LEAs in December 2016 to help determine if the Third Party Liability recoupment process is negatively impacting LEAs. Navigant presented the survey results, highlighting:
 - 127 LEAs responded to the survey. Of these respondents, 19 percent (24 LEAs) had parents that had received an EOB for services provided at school sites.

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

- Of the 24 LEAs that reported receiving an EOB, 48% had at least one parent/guardian revoke consent to bill Medi-Cal.
- Although the survey results showed minimal impact due to parents/guardians receiving an EOB for LEA BOP services, there is confusion about why the EOBs are being received. SNFD will create a one-page handout for LEAs with talking points about EOBs and the LEA Program. This 'fact sheet' will be posted on the LEA Program website so that LEAs can access the handout if parents have questions.

Data Tape Match (DHCS questions for LEAs)

- SNFD stated that the Data Use Agreement (DUA) will be changing to include data elements for both the LEA and School Based Medi-Cal Administrative Activities (SMAA) Programs. DHCS would like to have one DUA for both programs. A committee is being formed to look into this issue. If you have committee nominations, or would like to be a committee member, email the LEA inbox at LEA@dhcs.ca.gov.
- SNFD asked the AWG if the data match is used for anything other than checking eligibility, such as outreach. If so, please email SNFD and let them know via e-mail at LEA@dhcs.ca.gov. Some stakeholders noted that they have grants to conduct outreach work. Another LEA noted a grant from CMS to do outreach. DHCS requested that descriptions of these examples be sent to the LEA inbox.
- The Department reminded the audience that the eligibility data for the LEA BOP and SMAA programs is limited in how it can be used and shared.
 - An LEA responded that they were under the impression that the Medi-Cal eligibility information can only be used for billing purposes. DHCS stated that the current DUA limits how the eligibility data can be used, but DHCS wants to make sure the future DUA covers all allowable uses, since the DUA is already being updated.

Future Meeting Dates

- DHCS will continue holding AWG meetings every other month on the first Wednesday of the respective meeting month. The AWG meeting will continue to be held at Natomas Unified School District (1931 Arena Blvd., Sacramento). Following are the meeting dates for FY 2017-18:
 - August 2, 2017
 - October 4, 2017
 - December 6, 2017
 - February 7, 2018
 - April 4, 2018
 - June 6, 2018

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

Subcommittee Reports

Several subcommittees have been formed for LEAs and DHCS to work through important topics. Subcommittee reports follow:

Documentation

- The purpose of this subcommittee is to discuss documentation areas that the AWG members need clarification on; the subcommittee will work with DHCS and A&I on defining/communicating those requirements.
- The following updates were provided:
 - The subcommittee provided documentation samples of non-Individualized Education Plan (IEP)/non-Individualized Family Services Plan (IFSP) records.
 - The Occupational and Physical Therapy Associations of California are submitting a legislative request to align the state and federal regulations.
 - SNFD and MRB confirmed that the Medical Board has not made a decision regarding Occupational Therapy and Physical Therapy prescription requirements.
 - SNFD and the Documentation Subcommittee will hold a conference call to discuss next steps.

Terminology Crosswalk

- The purpose of this subcommittee is to create a glossary of terms that are commonly used in the LEA BOP and to bridge the gap between the education and Medi-Cal definitions.
 - Any additional terms that need to be added to the crosswalk should be sent to the subcommittee.

Other Miscellaneous Topics

- A request for Trained Health Care Aide (THCA) group monitoring services was brought up by a workgroup member. DHCS noted that although this will not be included in SPA 15-021, DHCS will commit to researching whether this service is offered in other states. The Department may consider adding this service in the future, once it is fully vetted.
- The National Alliance for Medicaid in Education conference will take place from October 15-18, 2017 in Fort Lauderdale, Florida.

**Local Educational Agency (LEA) Medi-Cal Billing Option Program (BOP)
Advisory Workgroup Meeting (AWG)
February 1, 2017 Minutes**

Workgroup Breakout Session

The goal of the Workgroup breakout sessions are to brainstorm challenges and barriers in smaller workgroups, and use combined expertise to provide guidance to DHCS and suggest planning and solutions. There was one discussion session during this meeting. The discussion focused on reviewing non-IEP/IFSP plans of care and the processes that support their development. This discussion is tied to State Plan Amendment (SPA) 15-021 and the documentation requirements for new assessments and treatment services. .

CMS has communicated that the California managed care plan contracts carve out services provided by LEAs that are pursuant to IEPs, IFSPs or Individualized Health and Support Plans (IHSPs). Accordingly, SPA 15-021 must be limited to services provided pursuant to these three types of plans. To understand more about IHSPs, the Department presented information from *The Green Book: Guidelines for Specialized Physical Healthcare Services*, including sample templates of these plans. Meeting attendees discussed their processes for developing these plans of care, including: the practitioners involved in the process, situations needing physician review, pre-plan assessments, and the frequency the plans are reviewed. Workgroup members commented that it would be hard to standardize care plans, since they can cover so many types of students. However, there will be common standards that can be required of any care plan, and schools are likely currently maintaining certain common standards in their documentation. Some of these common standards include:

- Student-identifying information
- Name and signature of the rendering practitioner
- Date of plan
- When/where/how/by whom services to be provided
- Documentation of medical necessity
- Component to monitor progress to meet the student's goals
- Plan maintained in the student's record
- Need for supervision of unlicensed staff, if necessary
- Need for required prescription/referral

The Department will use the information gathered in today's breakout session to form a policy on IHSP documentation. Workgroup members discussed whether past non-IEP services would meet documentation standards discussed in the breakout session; some LEAs noted that they don't currently meet all standards discussed. DHCS is working to develop an IHSP documentation policy for FY 17/18.

Next Meeting

The next meeting will take place on Wednesday, April 5, 2017.