

**Local Education Agency (LEA) Medi-Cal Billing Option Program
Advisory Workgroup Meeting
October 15, 2015 Minutes**

Location: Natomas Unified School District (USD)

Attendees: Michelle Kristoff, Safety Net Financing Division (SNFD); Rick Record, SNFD; Cheryl Ward, SNFD; Dmitry Terlesky, SNFD; Stephanie Magee, SNFD; Martin Alvarez, A&I Financial Audits Branch (FAB); Vongayi Chitambria, A&I FAB; Renzo Bernales, California Department of Education (CDE); Kevin Harris, Navigant Consulting; Marna Metcalf, Navigant Consulting; Alma McKenry, Fresno COE; Amanda Dickey, CCSESA; Andrea Coleman, LAUSD; Aurelei Alvarez, LACOE; Belinda Brager, Calaveras USD; Bernie Bettencourt, Stockton USD; Brian Baterina, San Mateo COE; Carolyn Nunes, San Diego COE; Cathy Bennett, Sacramento City USD; Debbie Wood, Bakersfield City SD; DeeDee Lowery, Napa Valley USD; Donna Wolter, Lake Elsinor USD; Elizabeth McCannally, William Hart USD; Jackie Swords, Lancaster USD; Janice Holden, Stanislaus COE; Jennifer Wood-Slayton, Lamont SD; Jeremy Ford, Oakland USD; Laura Missimer, San Joaquin COE; Laurie Lane, Winters Joint USD; Linda Ledesma, Lindsay USD; Margarita Bobe, LAUSD; Mary Jo Cowan, Stockton USD; Mary Olmstead, Amador COE; McKenzie Mekelburg-Palomino, San Joaquin COE; Michelle Cowart, Contra Costa COE; Octavio Castelo, LACOE; Patricia Banueolas, Orange County DOE; Penney Larsen, Orange County DOE; Randy Jones, Glenn COE; Rebecca Santos, Elk Grove USD; Robert Stout, Alameda COE; Rose Medeiros, Modesto City Schools; Sheri Coburn, San Joaquin COE; Sharon Battaglia, Sonoma COE; Sharon Kahfal, Pleasanton USD; Tammy Jones, Ventura COE; Tanya Perry, Bear Valley USD; Tracy Cole, Natomas USD; Wendi Yamabe, Saugus Union SD, Margarita Bobe, LAUSD.

Handouts

Each participant was emailed an electronic copy of the following: Workgroup Meeting Agenda; August 2015 Meeting Minutes; October DHCS Status Update Summary; Free Care breakout group instructions; Free Care Overview; April 2004 CMS letter clarifying Free Care requirements; July 2005 letter to CMS requesting waiver of Free Care requirements for LEAs; September 2005 CMS letter denying waiver request; and a chaptered version of Senate Bill 276.

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 Local Educational Agency (LEA) Medi-Cal Billing Option Program. 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 Workgroup reviewed the August meeting minutes. The minutes will be posted on the LEA Medi-Cal Billing Option Program website.

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

- CDE noted that they have been involved in the audit, conducted by the California State Auditor, regarding the use of Assembly Bill 114 funds. The audit is expected to continue through December 2015, followed by a report that may include recommendations. Additional detail on the scope of the audit can be found at: <https://www.auditor.ca.gov/reports/scope/2015-112>

DHCS A&I Updates and Presentation

- A&I Financial Audits Branch (FAB) gave a brief update on the progress of CRCS audits. The FY 2010/11 audits are nearly complete, with exit conferences underway on less than fifty LEAs. For FY 2011/12, all minimal audits are complete and approximately one hundred limited and field audits are underway. For FY 2012/13, approximately 100 minimal audits are complete and A&I FAB will now focus on limited/field audits. FAB expects to complete the FY 13/14 minimal audits by February 2016, and then work on limited/field audits.
- FAB noted that there are three outstanding appeals for prior CRCS audits.
- A&I provided a recap of the proposal presented at the June 2015 LEA Advisory Workgroup Meeting regarding funding for the 14 auditor positions. At that meeting, A&I gave a presentation to the Workgroup on the current \$650,000 funding cap and proposed that the cap be increased to \$820,000, the amount approved in the initial Budget Change Proposal (BCP). This proposal would not be effective until FY 2016/17. A&I FAB noted that DHCS is working internally regarding the request for additional funds and will provide an update at the next Advisory Workgroup meeting.

DHCS SNFD Status Updates

“Evergreen” Provider Participation Agreement (PPA) and FY 2014/15 Annual Report (AR)

- The due date for the PPA and AR was extended to November 30, 2015.
- The current PPA and AR documents are posted on the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/PPAAR14-15.aspx>
 - All participating LEAs (new and returning) are required to submit the PPA and AR.
 - The PPA and AR may be submitted electronically with electronic signatures.

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- The PPA/AR FAQs are updated at:
<http://www.dhcs.ca.gov/provgovpart/Pages/LEAFAQs.aspx>
- Policy and Procedure Letter (PPL) 15-020 regarding implementation of the “Evergreen” PPA was published August 24, 2015 and may be viewed at:
http://www.dhcs.ca.gov/provgovpart/Documents/ACLSS/LEA/Policy%20and%20Procedure%20Letter/PPL_15-20_Evergreen_PPA.pdf

2015-2018 Data Use Agreement (DUA) and Attachment E Due Date

- The Data Use Agreement (DUA) and Attachment E (Certificate of Destruction) are due
- November 30, 2015.
- The current DUA and attachments are posted on the LEA Program website at
<http://www.dhcs.ca.gov/provgovpart/Pages/DataUseAgreement.aspx>
 - The DUA must be submitted by all participating LEAs that order tape match data.
 - Attachment E must be submitted by all LEAs that currently have a DUA on file with DHCS.
 - The DUA and Attachment E may be submitted electronically with electronic signatures.

FY 2013/14 Cost and Reimbursement Comparison Schedule (CRCS) and Form 2437a

- The CRCS is due November 30, 2015.
- Form 2437a “Certification of Zero Reimbursements for LEA Services” is due November 30, 2015.
 - Form 2437a is a simplified one-page form for LEAs who did not receive reimbursements in FY 2013-14
 - LEAs that file Form 2437a are not required to submit the entire CRCS(Form 2437).
- The current CRCS and Form 2437a are posted on the LEA Program website at:
<http://www.dhcs.ca.gov/provgovpart/Pages/CRCS13-14.aspx>

FY 2013/14 Annual Reimbursement Report

- The FY 2013-14 Annual Reimbursement Report is posted on the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/CRCS13-14.aspx>

FY 2014/15 Inflated Reimbursement Rates

- The FY 2014-15 Inflated Reimbursement Rates table is posted on the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/LEAClaimsProcessing.aspx>

Site Visit/Technical Assistance

- The new Site Visit/Technical Assistance Request Form is located under the Getting Started section of the LEA Program website at
<http://www.dhcs.ca.gov/provgovpart/Pages/LEA.aspx>

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- DHCS has three site visits scheduled during October and November, and is in the process of scheduling three additional site visits.
- At the next Advisory Workgroup meeting, DHCS will present a high-level summary of findings on site visits conducted to date.

Onboarding Handbook

- The Onboarding Handbook has been updated as of September 2015 to include new program requirements.

LEA Tool Box

- The new LEA Tool Box is located under the Getting Started section of the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/LEA.aspx>
 - Provides quick access to resources and information

At-A-Glance Self-Audit Checklist

- The new At-A-Glance Self-Audit Checklist is located as a link in the LEA Tool Box at <http://www.dhcs.ca.gov/provgovpart/Pages/ToolBox.aspx>
 - A guide for basic program requirements regarding program compliance, claim documentation for billing, and requirements for practitioners and services.

ICD-10

- The “Road to ICD-10” ICD-10 Implementation Guide Webinar was presented by CMS on September 25, 2015.
- The ICD-10 compliance date was October 1, 2015.
- ICD-10 was included in the Fall Training Webinar Part Two.
- The NEW ICD-10 General Equivalence Mappings is located under the Manuals and Training section of the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/LEA.aspx>
 - A crosswalk of the 20 most frequently billed ICD-9 codes in the LEA Program and their associated ICD-10 codes

2015 Fall Training Webinar

- On September 24, 2015 DHCS conducted a two part Training Webinar which included Safety Net Financing (SNF), Audits and Investigations (A&I) and Navigant Consulting as presenters.
 - 433 registered and 355 participated in the morning session (approximately 1 ½ hours including Q&A)
 - 412 registered and 325 participated in the afternoon session (approximately 2 hours including Q&A)
- The training PPTs are available on the LEA Program website at <http://www.dhcs.ca.gov/provgovpart/Pages/2015-16-Training.aspx> and the recorded versions will be posted soon.

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- 151 questions were submitted during the two webinars, and SNFD is summarizing them to post as FAQs on the Fall Training Webinar webpage.

Specialized Medical Transportation Services Regulations

- The Public Notice for the LEA Program Specialized Medical Transportation Services regulations was published in the California Regulatory Notice Register on July 31, 2015.
 - LEAs were notified via e-blast September 1, 2015.
 - The public comment period ended September 14, 2015.

LEA Provider Manual Updates

- The Department reported the following updates to the LEA Provider Manual:
 - September 2015 *loc ed bil cd* clarifying the current FMAP is 50%.
- SNFD has submitted Provider Manual updates for the following sections:
 - *loc ed a prov* includes participation requirement updates
 - *loc ed bil* includes Other Health Coverage (OHC) and ICD-10 updates
 - *loc ed bil ex* includes ICD-10 updates
 - *loc ed serv targ* includes TCM updates

LEA Website Updates and E-blasts

- E-blast 8/24/15: PPA/AR and CRCS updates
- E-blast 9/1/15: Specialized Medical Transportation Services regulations
- E-blast 9/3/15: PPL 15-020, PPA/AR Deadline Extension, Inflated Reimbursement Rates, and Site Visit Form
- E-blast 9/4/15: Fall Training Webinar registration
- E-blast 9/21/15: Fall Training Webinar registration reminder
- E-blast 9/22/15: New: LEA Toolbox, At-A-Glance Self-Audit Checklist, and ICD-10 GEMS; Updated: Onboarding Handbook
- E-blast 9/23/15: CRCS, Certification of Zero Reimbursements, and Annual Reimbursement Report
- E-blast 9/29/15: ICD-10 Reminder

FY 2014/15 Rate Inflation – Update LEA Rate Table

- On August 24, 2015, Xerox implemented the updated rate table with inflated reimbursement rates for LEA services.

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Denial of Transportation Claims (EPC 29273)

- In March 2015, Xerox inadvertently deleted Category of Service 075 from certain procedure codes, causing denial of mileage claims (procedure code A0425) for some LEAs. This issue was corrected on May 22, 2015.
- EPC 29273 initiated to reimburse affected LEAs
 - Xerox to test results

System Design Notice (SDN) 14002

- SDN 14002, initially completed on June 22, 2015, instructed Xerox to exempt cost settlements, over-collected withhold reimbursements and electronic health record provider incentive payments from the withhold process.
- Post implementation review (testing and monitoring) discovered a discrepancy affecting very few claims (in favor of LEAs)
- Final implementation completed September 28, 2015
- DHCS is working with Xerox to gather data specifying over-collected withhold amounts

Fair Share Reimbursements/Collections for FY 2013-14

- With implementation of SDN 14002 completed, SNF can now calculate the Fair Share reimbursement/collection for each LEA for FY 2013-14.
 - Will include carry over collections from LEAs for FY 2011-12 and FY 2012-13

Random Moment Time Study (RMTS)

- Ten Implementation Advisory Group (IAG) meetings have taken place to date in Sacramento.
- Three additional meeting dates are scheduled (October 16, 2015, November 3, 2015 and December 9, 2015).
- RMTS overview was included in the Fall Training Webinar Part Two.

Termination of Speech-Language Pathology (SLP) CPT Code 92506 and Implementation of CPT codes 92521-24 and 92557

- Draft PPL including CPT Codes 92521-24 and 92557 was resubmitted to PPL Workgroup on October 6, 2015 for final review.
- Finalized PPL is expected to be released Fall 2015 for expected implementation of the new CPT codes on July 1, 2016.

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Telehealth

- Draft PPL to include the telehealth modality for speech-language services was resubmitted to PPL Workgroup on October 6, 2015 for final review
- Finalized PPL is expected to be released late summer 2015 for expected implementation of telehealth modality on July 1, 2016.
- An Advisory Workgroup member asked whether a California license would be required to provide telehealth services. The Department confirmed that the provider performing services via telemedicine at the distant site, whether from California or out of state, must be a licensed Speech-Language practitioner in California and enrolled as a Medi-Cal provider. The provider at the originating site can be employed by the LEA (or contracted by the LEA) and does not need to be registered as a Medi-Cal provider. The requirement for the practitioner at the distant site is a statewide telehealth requirement.

SPA 15-021 (New Services and RMTS Implementation SPA)

- SPA 15-021 was successfully submitted to CMS on 9/30/15, with an effective date of 7/1/15. CMS must respond by 12/29/15.
- SPA 15-021 proposes the following:
 - New Assessments:
 - Respiratory
 - Orientation and Mobility
 - New Treatments:
 - Personal Care
 - Respiratory
 - Orientation and Mobility
 - New Practitioners:
 - Personal Care Assistant
 - Speech-Language Pathology Assistant
 - Licensed Physical Therapy Assistant
 - Licensed Occupational Therapy Assistant
 - Orientation and Mobility Specialist
 - Licensed Respiratory Therapist
 - Registered Marriage and Family Therapist Intern
 - Registered Associate Clinical Social Worker
 - Random Moment Time Survey:
 - New methodology to capture the amount of time spent providing direct medical services by qualified health professionals that bill in the LEA Program.
 - Other Changes:
 - Establishes services to eligible individuals under age 22 who are Medicaid eligible, including Medicaid eligible individuals with an IEP/IFSP under IDEA.

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- Removes the limitation of 24 services in a 12 month period for Non-IEP/IFSP Medicaid eligible individuals.
- Removes the requirement for rebasing rates every three years.
- Includes a nursing proxy rate for TCM services.
- Includes a medical transportation reimbursement methodology.
- Includes the use of proxy rates and the Medi-Cal fee Schedule for services (e.g., nursing proxy rate for TCM services)

May 2013 Legislative Report

- The FY 2012-13 LEA Legislative Report was submitted to the Health and Human Services Agency for review/approval.

May 2014/May 2015 Legislative Report

- The LEA Legislative Report will be combined for FYs 2013-14 and 2014-15. NCI and SNF are working collaboratively to complete and submit the report by 12/31/15.

Random Moment Time Study (RMTS) Implementation Advisory Group (IAG) Update

- Ten Implementation Advisory Group (IAG) meetings have taken place in Sacramento to date. Three additional meeting dates are currently scheduled (October 16, November 3, December 9). IAG meeting summaries are posted on the LEA website at: http://www.dhcs.ca.gov/provgovpart/Pages/LEA_RMTS.aspx.
- A stakeholder feedback tool has been developed and is posted on the LEA website at: <http://lea-medical-rmts.surveyanalytics.com/>. The IAG would like stakeholder feedback on RMTS and encourages LEAs to participate in the process by summarizing their concerns on the feedback tool.
- A new RMTS quick profile page is posted on the LEA website provides an overview of RMTS and topics that impact LEAs participating in the LEA Medi-Cal Billing Option Program. The RMTS quick profile page can be found at: http://www.dhcs.ca.gov/provgovpart/Documents/ACLSS/LEA/AdHoc%20and%20RMTS%20Meeting%20Summaries/RMTS_Profile_PageA.pdf
- The IAG has begun work on the implementation planning phase and expects to provide the Department with recommendations for future discussions with CMS.
- Currently, the IAG is reviewing detailed points on implementation-related topical areas needing further discussion, including: outreach and training, coding, oversight and monitoring, resource materials, contracting and cost reporting.
- CMS has 90 days until December 29, 2015 to respond to SPA 15-021. The Department expects that CMS will have additional questions regarding the design and implementation of the RMTS, which the IAG will discuss in future meetings.

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National Alliance for Medicaid in Education (NAME) Conference Update

- NAME members that attended the conference gave a brief update to the Advisory Workgroup. A summary of the CMS presentation areas and suggested DHCS action items were distributed to the Advisory Workgroup members. The 2015 NAME Conference was held in Baltimore on October 4-7, 2015.
- CMS presented on its December 2014 State Medicaid Director letter regarding Free Care. NAME members indicated that CMS provided feedback that Medicaid-eligible students with 504 Plans were included under their revised Free Care guidance. DHCS confirmed that SPA 15-021, submitted to CMS in September, covers the 504 Plan population. DHCS noted that the SPA intentionally includes a broad definition of LEA Medicaid-eligible beneficiaries. Stakeholders asked that the School-Based Medicaid Administrative Activities (SMAA) manual be updated to reflect that 504 Plan services are claimable.
- DHCS confirmed that LEAs must continue to bill OHC in cases where the student has additional health coverage, but that the requirement to collect and bill OHC for 100 percent of students is being removed. DHCS is in the process of updating the LEA Provider Manual with this information.
- DHCS is currently reviewing the latest CMS Free Care policy and developing guidance for LEAs. SPA 15-021 removes the service limitation associated with non-IEP/IFSP students (24 services per twelve month period), but DHCS does not expect to fully implement the CMS policy until SPA 15-021 is approved by CMS. With this in mind, stakeholders asked the Department to issue guidance to LEAs to inform the providers that they should not move forward with billing non-IEP/IFSP services until they receive notification from DHCS. DHCS confirmed that they will send an e-mail blast and PPL with guidance on Free Care, including information that LEAs should continue following the LEA Provider Manual regarding non-IEP/IFSP services, until they hear otherwise from DHCS.
- NAME representatives reported that CMS suggested states submit a Third Party Liability (TPL) waiver that would exempt LEAs from the requirement to bill OHC before billing Medi-Cal. DHCS intends to look into this option.
- NAME representatives noted that individual practitioner NPIs are a requirement in several other states to bill for services. DHCS confirmed this and expects that CMS may address this under California's SPA 15-021. Stakeholders noted concern that certain practitioners do not want to provide SSNs and asked if any other information is acceptable to obtain an NPI. DHCS will look into this requirement, and encourages open dialogue regarding how to implement this requirement effectively and minimize the risk of losing rendering service practitioners.
- NAME representatives discussed concerns regarding OIG audit risk under RMTS, and indicated that CMS messaging at the NAME conference suggested that the more RMTS universes a state maintains, the higher the audit risk for the school-based programs (both direct services and MAA).

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Workgroup Breakout Session

The goal of the Workgroup breakout sessions is to brainstorm challenges and barriers in smaller workgroups, and use combined expertise to provide guidance to DHCS and suggest planning and solutions. This month's session included a discussion on Free Care.

- Workgroup members reviewed the current Free Care policy, including historical information presented by DHCS.
- Workgroup members discussed the CMS December 2014 letter clarifying ambiguities surrounding Free Care and its impact on the LEA Medi-Cal Billing Option Program.

Next Meeting

The next meeting will take place on Wednesday, December 2, 2015 at Natomas Unified School District.