

NEXT CALL: Tuesday February 3rd, 1:30pm

Conference call number is: 1-800-914-8405; code is: 1785191#. We will be muting all lines for this call: to contribute to the conversation and un-mute, please press *7.

School districts from across the state were part of the meeting. Below are minutes. Pass these on and let others know they can join in the calls.

Update on Deferral Proposals–

A proposal to cap any losses at 75% and to do backcasting using LAUSD data from the time period when the deferrals occurred and use proxy data to determine the reasonableness of the claims had been presented to DHCS. Below is the memo that was sent by John Mendoza on 1/22 to the stakeholders group which says these proposals were shared with CMS but were rejected. Also attached were a list of Departmental Appeals Board (DAB) decisions used by CMS to make decisions:

Good afternoon. At the January 16 RMTS Methodology Workgroup meeting, the group requested that DHCS have a preliminary discussion with CMS regarding what CMS would consider in a backcasting proposal. Therefore, DHCS presented various options to CMS including: the use of LAUSD RMTS data for Backcasting; the capping of the repayment amounts; the capping of the weighted average on the invoice based on the averages of random invoices pulled based on high, medium, low, COE, FRC, small and rural, and SELPA (an estimate number of 5% was discussed); or using a proxy percentage to cap the weighted average from the invoice based on Free and Reduced Lunch, English Learners, or Foster Children.

CMS responded today and was very clear that these options are not allowable; further, CMS stated that backcasting criteria without adjustments is an acceptable practice that is based on several Departmental Appeals Board (DAB) decisions. CMS provided DHCS with the summary of the backcasting criteria that they use that reflects the relevant DAB decisions that describe the specific requirements and conditions under which backcasting may be permitted (copy attached). CMS referred the Department back to the October 7, 2014, settlement letter, pointing out the requirement to use four quarters of statewide RMTS data for backcasting and reiterated the stipulation that there is no room for negotiations.

As you are aware, once DHCS received the October 7, 2014, settlement letter from CMS stating the requirement of backcasting, the SMAA stakeholders requested to be part of the backcasting discussions and to work in conjunction with DHCS to prepare

and submit a backcasting proposal. DHCS formed the workgroup and solicited proposals from the LEC/LGAs and RMTS workgroup members. Collectively, some of the options were denied and some were modified based on workgroup discussions.

Unfortunately, as stated above, the workgroup's proposed options that deviate from a traditional backcasting methodology are not allowable by CMS. Therefore, DHCS must submit an RMTS backcasting methodology to CMS that reflects the use of four quarters of statewide RMTS data beginning with state fiscal year (SFY) 14/15 Q3 and Q4 (January 1, 2015 through June 30, 2015) and SFY 15/16 Q2 and Q3 (October 1, 2015 through March 31, 2016).

We appreciate the hard work and time the workgroup has invested to assist the Department with the backcasting proposals. DHCS will continue to engage our stakeholders as we move forward with this process. Please let me know if you have any questions. Thank you.

The DAB decisions were reviewed as well as what had been agreed to by the stakeholders group and a new proposal was sent to DHCS for them to submit to CMS. A meeting was held on 1/26 to discuss the proposal. DHCS strongly rejected the payment of 75%. We encouraged them to send a proposal to CMS that was the most favorable to the school districts rather than off the bat, a proposal that would seriously impact districts. We have not heard back from DHCS on what they are submitting. A letter on the settlement and back casting is due to CMS on January 30th.

School districts on the call felt that DHCS may not have full understanding that their place is to advocate for the school districts. Some of the districts asked that contact information be sent on others who should be aware of the situation. Concerns over this issue can be expressed to the contacts listed below.

Tom Torlakson, State Superintendent of Public Instruction: <http://www.cde.ca.gov/eo/bo/tt/>

Jennifer Kent, Director of the Department of Health Care Services; Jennifer.Kent@DHCS.org

Governor Jerry Brown: <https://govnews.ca.gov/gov39mail/mail.php>

Find your local legislative representative: <http://findyourrep.legislature.ca.gov/>

Implementation of RMTS:

- **Coder Questions**

Recently an email was sent out by Tony at DHCS stating that primary coders could ask clarifying questions. There was concern on the lack of clarity in these instructions. This was raised at the Monday stakeholder call and it has been clarified that not only the senior coder can ask follow up questions but also the central coders as well.

- **Coding for employees who have left employment, are on leave, etc.**

At this time there is no procedure on what to do if moment is sent yet there is no respondent, due to leave of absence or the person has left employment. DHCS was saying these should be counted as invalid moments. There is no clear procedure in the manual concerning invalid codes although in 6-17 it does address the issue. There was discussion on the call that these are no-cost moments since the moments are not related to someone being in the position. Since there is no cost to these employees who have left, Code 17 would be appropriate. They would not be invalid moments, because invalid moments should be tied to moments where a cost is attached. Code 17 is used for moments where there are no costs! Hopefully DHCS will get this correct.

It was suggested by the group that when there are unclear situations in that there is no one answering the moment, PCG needs create an email and send alerts or have the notice go to a different email depending on the situation. There are also cases when an email is sent, but is a second email update instead of the original. The original contains the link. Another issue is when issues arise and an LGA is not available due to vacation. A helpline would help.

- **Using the LEA Compliance Report Option**

This is a new option for LEA's to pull reports to verify completed moments. This report brings up all the moments of the quarter with date/time. It can be exported into an excel spreadsheet. The report can be run at any time. This helpful hint was provided: go to the PCG website, at the top, click on **moments** and look at this tab.

Comments from Districts

We are 30% though this quarter and yet we are still dealing with coding issues and qualifying issues. Should this quarter should not count, particularly when it could be used for back casting and impact claims from other quarters as well.

These are all red flags and concerning issues about audits since some of the policies don't reflect what is in the manual. Concerns and issues need to continue to be presented to the stakeholders and addressed with PCG and DHCS.

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