

TASB SHARS Updates

March 8, 2024

With Karlyn Keller, Ed.D.



This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

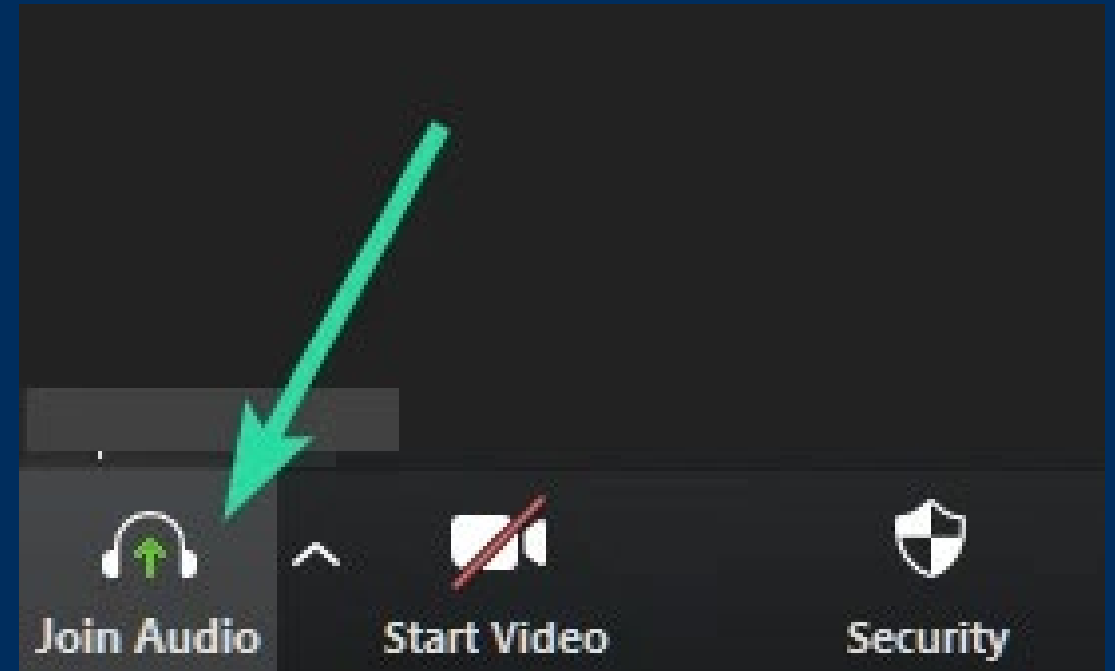
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Housekeeping Items



Housekeeping Items

- Audio options
 - Phone Audio
 - Computer Audio
- Got questions?
 - Submit questions through the Zoom Chat window or by email to shars@tasb.org.
- Please mute yourself for the presentation. Feel free to unmute during the Q&A and Open Office time.



How to communicate with us during the webinar today:

Chat feature: Use this section to ask questions that you have, both technical and content-related. At the end of the presentation, we will remain online respond to questions.

Handouts: Download today's handouts from the Chat window. If you have trouble, send your email to one of our staff and we will send them over that way.

SBEC Certificate: At the end of the presentation the certificate will be posted in chat.



Housekeeping Items

- Session being recorded
- All *SHARS Matters* webinars are available for download from the [TASB Special Education Solutions Training page](#).

The screenshot shows a webpage titled "Free Monthly School Medicaid Webinar Series Focuses on Timely SHARS Topics". The page includes a navigation menu on the left with options like "SHARS Services", "Information on SHARS", "MAC Services", "Training", "SHARS Conference", "Resources", "Contacts", and "COVID-19 FAQs". The main content area features an introductory paragraph about the webinar series, a photo of a man in a meeting, and a table titled "SHARS Matters Webinar Series Schedule* (Season 3)".

Date & Time	Webinar Topic & Registration Link
September 21, 2022 1–1:30 p.m. CST	SHARS Updates
October 19, 2022 1–1:30 p.m. CST	Provider Enrollment/Revalidation
November 16, 2022 1–1:30 p.m. CST	Parental Consent
December 14, 2022 1–1:30 p.m. CST	SHARS Billing
January 18, 2023 1–1:30 p.m. CST	SHARS Cost Report
February 15, 2023 1–1:30 p.m. CST	Strong IEP Documentation is Strong SHARS Documentation



Student Solutions Webinar Series

DATE	TIME	WEBINAR TITLE	DESCRIPTION	PRESENTER(S)	REGISTRATION LINK
11.9.23	10:00 AM	CTE and Transition(CTE) and Special Education	All students should have equitable access to CTE courses, with supports as specified in the individualized education program (IEP). Join this session to hear TEA review answers to common questions related to ARD committee membership, teacher certification and classroom roles, adaptations to course content, and Vocational Adjustment Class (VAC).	Elizabeth Danner, State Transition Coordinator, Texas Education Agency	Available online for Student Solutions Members
1.11.24	10:00 AM	We've reviewed our special education program: Now what?	In this panel discussion central office and special education administrators from two Texas public school districts will discuss why they chose to conduct a special education program review, what they learned, and how they used the results to create action plans that continue to produce positive results in their districts. Panelists will answer questions concerning communication with their boards of trustees, plan implementation, collaboration, and program, staff, and student level impact.	Denise Carter, TASB Student Solutions; Dr. Igor Gussyakov and Brandi Edgerton, Lumberton ISD; Susan Jackson and Holli Pharis, Goose Creek Consolidated ISD	Available online for Student Solutions Members
2.8.24	10:00 AM	Discipline of Students with Disabilities: Ongoing expectations and new requirements	The discipline of students with disabilities can result in confusion and anxiety for all involved. Lack of student progress, frustrated students, parents, and staff, and potential complaints and litigation challenge even the most seasoned school personnel. In this session, the presenters will revisit ongoing, yet often confusing, requirements and help make sure you are up-to-date on recent changes.	Kelly Janes, Shareholder, Walsh, Gallegos, Trevino, Kyle & Robinson P.C. and Denise Carter, Manager, TASB Student Solutions	Available online for Student Solutions Members
4.11.24	10:00 AM	Defending Districts in Special Education Dispute Resolution	With special education litigation on the rise, it's more important than ever that school districts understand the special education dispute resolution process. This webinar will explore the various forms of special education dispute resolution in Texas and address how to properly respond to each type of complaint. Participants will also learn tips and tricks for limiting risks, avoiding costly litigation, and maintaining positive morale after a complaint has been filed.	Taylor Montgomery, Attorney, Thompson & Horton, LLP	https://tasb.zoom.us/meeting/register/tZMpfuCorzkuE9babZShqhmaY_w_-86nQD_B#/registration
5.9.24	10:00 AM	Wrapping Up 2023-2024	Join TASB Division Director Dr. Karlyn Keller as she talks about changes incurred during the 2023-2024 school year and their impact on future planning.	Dr. Karlyn Keller, Division Director, TASB Student Solutions	https://tasb.zoom.us/meeting/register/tZlkcU6prT4jHt0P-gW5T0yYo9u5L0NNVJ_2#/registration



STUDENT SOLUTIONS MEMBERSHIP

➤ Membership Includes

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 - Special Education
 - Section 504
 - Emergent Bilingual
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 - Cameras in the Classroom
 - Gifted and Talented
- Trainings
- Resources

➤ Annual Renewal

- September 1 through August 31

➤ Cost

- \$950/single district
- \$700/member district of SSA (if each member joins)
- \$700/ESC district (when ESC pays for all districts in region)



← Scan the code for more information



TASB Special Education Solutions Team



Dario Avila



Carrie Pawloski



Dr. Karlyn Keller



Tricia Gray



Denise Carter



Laurie Woodel



Mary McFarlin



photo coming soon

Stacy Dull



TODAY'S PRESENTER



Karlyn Keller, Ed.D., Division Director

Dr. Karlyn Keller, a seasoned professional in the education sector with over 32 years of experience. Her academic background is extensive, with degrees in Educational Administration, Special Education, and Counseling, complemented by certifications in numerous specialized areas. Dr. Keller's career has spanned a variety of roles, from substitute teacher to assistant superintendent, contributing to diverse educational settings across Texas. Currently leading TASB's Special Education and Student Solutions departments, she applies her comprehensive knowledge in leadership, academics, and school Medicaid and special programs to develop effective educational strategies and solutions.

Contact Information

Karlyn Keller, Ed.D.

Division Director – Student & Special Education Solutions

512-505-2896 (direct)

972-567-9959 (cell)

karlyn.keller@tasb.org

<https://www.tasb.org/services/special-education-solutions.aspx>

<https://www.tasb.org/services/student-solutions.aspx>





TASB SHARS Updates – 3/8/24

Bonus SHARS Matters Webinar – March 2024

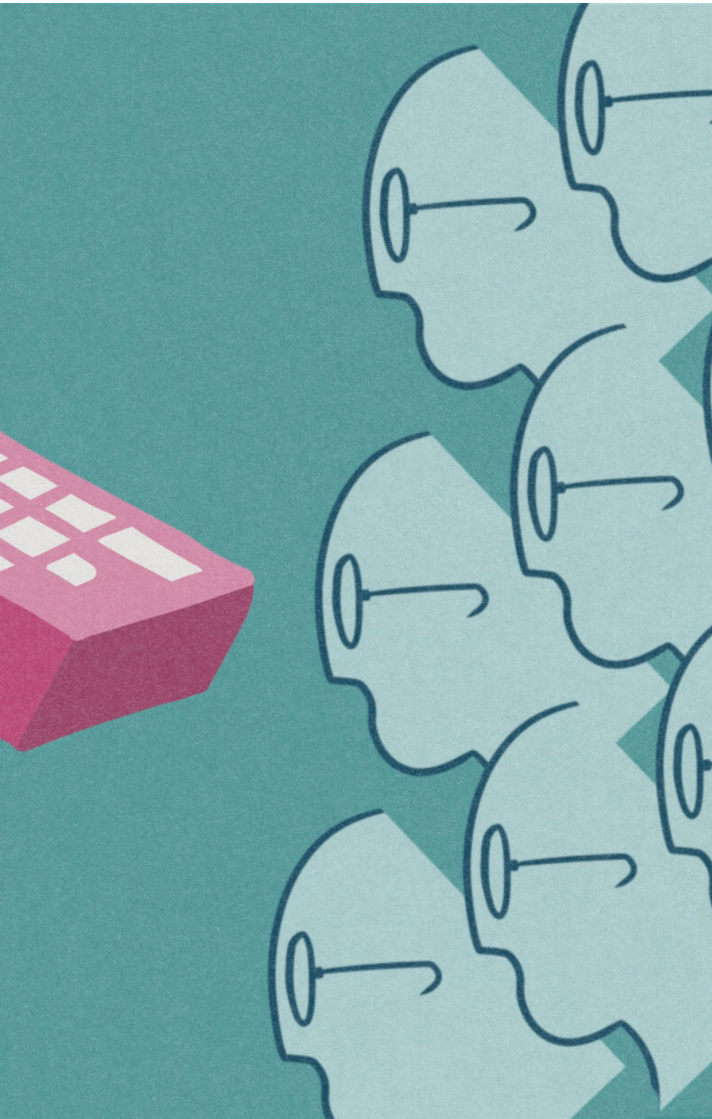


Disclaimer

Please note: The information provided in this presentation is based on current understanding and interpretation of the SHARS changes and state guidelines. This content has not been reviewed by legal counsel and should not be considered legal advice. We strongly encourage each attendee to consult with their legal team to ensure compliance with all applicable laws and regulations specific to their district's situation.

Today's agenda

- 1 Updates on FFY 2022 Informal Reviews
- 2 RMTS Recommendations
- 3 Changes in SHARS Related to Bus Monitors and Transportation
- 4 Considerations for FFY 2023 Cost Report
- 5 A Look Into our SHARS Magic Ball



Informal Reviews are Wrapping Up

What we have learned:

- Responses from HHSC related to Informal Reviews Wrapping Up
- Have you gotten your response yet? If not, and you are about to leave for Spring Break, consider reaching out to HHSC Provider Finance. As the timeline for response starts ticking on the date of your response.
- What additional information does HHSC have on your informal review request?
- 15 days to respond if you are pursuing a formal appeal.
- Formal appeals follow along the lines of a Due Process hearing or a more formal hearing and thus the district will be better suited to respond with legal counsel support

Bottom Line

Is there additional information out there that might help in a formal appeal request? What are you seeking as part of your formal appeal request? How are you asking to be made whole? Is it for the overall state reduction in RMTS? Is it a removal of your entire IEP Ratio or Transportation Costs? Do you have internal counsel to support your formal appeal? Do you have an agreement with external counsel that can assist you through this process? Consider the return on investment of time and resources.

Informal Reviews are Wrapping Up

Why was my appeal denied?

1. The state's request was tailored for appeals against specific moments, which did not align with the nature of most submissions.
2. In most cases, districts appealed based on broader issues and unfortunately these were not addressed in the state's denial responses.
3. Historically, this methodology has been accepted and even successful, indicating a significant deviation this time in the state's review process.
4. To date, we've observed a pattern of blanket denials, suggesting a lack of detailed review by the state of the submitted documentation.

This scenario underscores a systemic issue rather than an error in your approach to submitting documentation for appeals.

Informal Reviews are Wrapping Up

What we have learned...

The HHSC team indicated in one instance that documentation submitted “did not substantiation to warrant a review. They provided form letters and copies of HHSC or Federal documents. There were no documents to review from the LEAs that would allow for an adjustment of their original settlement. We sent a notice out to all providers to note that a submission or a form letter with no LEA specific documents would result in a denial.”



Quick Deep Dive into Appeals

Informal Reviews and Formal Appeals



Informal Review Process

Texas Administrative Code (TAC)
Rule §355.110



Special Education Solutions

Informal Review Process

- Expect decision from HHSC within 30 calendar days of receipt of a satisfactory informal review request and/or the date of receipt of additional information (if requested), whichever is later.
- If action has been taken, new certification forms will be required
- Districts that disagree with the results of the informal review can request a formal appeal.
 - Submission of the new certification forms does not waive the district's right to request a formal appeal.



Formal Appeal Process

- HHSC RAD's informal review decision can be challenged through the formal appeal process
- [Chapter 357, Subchapter I](#) of the TAC
- Formal appeals are limited to issues considered in the informal review



Formal Appeal Process

- Must be received within 15 calendar days of receipt of the written informal review decision
- Must state the reason for the appeal and include a copy of the written informal review decision
- Appeal requests must be sent to:
 - HHSC Appeals Division
 - Mail Code W-613
 - P.O. Box 149030
 - Austin, TX 78714-9030





Considerations to strengthen RMTS practices.

We must look at RMTS from several perspectives and include input from across the district to maximize your SHARS options while remaining compliant.

Key issues:

- Compliance with updated state guidelines
- Potential impact on district and state reimbursements

The 2010/11 OIG audit identified issues concerning the absences of supporting documentation for RMTS submissions. This has not been addressed thus far.

Considerations to strengthen RMTS practices.

Key considerations:

- How are you preparing your staff to participate in RMTS?
- Are you thinking strategically?
- Have you operationalized your process? Did you add it to your Operating Guidelines?

Bottom line:

One off trainings may not optimize participation in the RMTS and may in fact waste staff time. Training each quarter that is directed at specific staff members may better enable them to be prepared for their responsibility. Direct support as part of their response may be beneficial. Passive RMTS management may well be a thing of the past.

Considerations to strengthen RMTS practices.

Key considerations:

- What positions and people are you adding to your PL list?
- Each addition may drive the state percentage up or down.
- Each person is allowed on your cost report but ONLY if they deliver a direct medical service allowable by SHARS.
- Don't forget the role of the PL for MAC before completely removing classes of providers.
- Have you operationalized your process? Did you add it to your Operating Guidelines?
- Be prepared for audits and questions.

Bottom line:

If providers deliver a direct medical service or have the expectation that they may deliver service in the upcoming quarter, they should remain on your PL list. Those that do not or have no expectation of delivering services should be removed. Certain classes of staff are no longer allowed on the PL including administrators, clerical and bus aides.



Recent guidelines affect transportation staff's eligibility.

HHSC and TEA have issued new directives clarifying the roles eligible for participant inclusion of transportation aides, emphasizing the need for direct medical or personal care services.

Key issues:

- Transportation staff roles and SHARS eligibility
- Compliance with updated state guidelines
- Potential impact on district and state reimbursements

Recent guidelines affect transportation staff's eligibility.

Key considerations:

- Distinction between roles
- Eligible services and roles
- Prepare for additional questions and audits

“Please note a transportation attendant is not the same as a personal care attendant/aide.” - CMS

“The SHARS PL is intended to be a list of staff members who provide a SHARS-eligible direct medical service to a SHARS-eligible student on a regular basis. The job category is intended to describe allowable participation. Per HHSC guidance, bus drivers are not allowed to be on the list.” - TEA

Recent guidelines affect transportation staff's eligibility.

Recommendations for Compliance:

- Strategic Planning
- Review Job Titles and Descriptions
- Training and Documentation

Key actions to take:

- Consider Timelines
- Address Student Needs
- Review and Assess Staff Roles
- Plan for Staffing Support Needs



The current cost report process is underway. Are you applying what you have learned thus far this year to your current year's cost report?

Things to think about for your FFY 2023 Cost Report

Key considerations:

- RMTS moments were not recoded this time, the new methodology was applied before the percentage was determined.
- Have you requested your moments so that you can begin looking at them NOW.
- Can you begin planning now to question your moments?
- Can you provide a list of providers who documented or provided service on a day of service for a direct medical service regardless of that being the claim you sent up for payment?
- Where else are you holding documentation to support your staff included in the cost report?
- Have you taken a deep dive into your ratios?

Things to think about for your FFY 2023 Cost Report

What about this new Compliance Risk Assessment Form?

Key considerations:

- To sign it or not to sign it, that is the question?

I certify on behalf of that
complied with all state and federal laws, regulations, rules, policies, or other
guidance related to participation in the School Health and Related Services (SHARS)
program, and that all costs and information reported by the LEA on the cost report
comply with the aforementioned requirements and standards, including
requirements that:

- 1) Pursuant to 1 Tex. Admin. Code (TAC) §355.8443(c) and §354.1342(5), the LEA has valid parental consent on file for all *Medicaid* students LEA Name has included in:

- a. The numerator of the Individualized Education Program (IEP) ratio

And, if applicable,

- b. The numerator of the Specialized Transportation Services IEP Student Count ratio

2) I certify that all supporting information to demonstrate that my LEA has complied with all state and federal laws, regulations, rules, policies, or other guidance, including detailed parental consent documents, are readily available upon request by the Health and Human Services Commission Provider Finance Department (HHSC-PFD) as outlined in 1 TAC §355.106(f).

(3) For SHARS, failure to allow access to any and all records necessary to verify information submitted to HHSC on cost reports may result in an administrative contract violation as specified in 1 TAC §355.8443.

I understand by signing this document, I am certifying that in the cost report, the numerators of the ratios listed above only contain children with parental consent on file. Further, if at any time HHSC-PFD determines information provided is falsified or inaccurate, I understand my LEA is subject to referral to the Office of the Inspector General (OIG) for investigation for possible fraud, waste and abuse.



Join me as we take a speculative look into the future....

A look into the future

- Parental Consent will impact your ratios. Be prepared to provide information and possibly even proof that you have it.
- Reduction in Medicaid eligibility with roll back could impact your program as well as other areas in your district.
- Increased scrutiny of students included in your ratios aligned to new billing requirements could be possible.
- Increased scrutiny of staff included in your participant list and cost report aligned to new billing requirements could be possible.

A look into the future

- Participant List audits questioned staff on the PL that should not be there. We might expect to be required to submit a list of paid claims with providers who are on the cost report for SHARS and more job descriptions. New definitions of who can be included.
- Increased scrutiny that you have billed ALL transportation and ALL personal care services.
- Increased scrutiny that you have ALL personal care service providers documenting services.

A look into the future

- How will you prove that you have claimed all personal care service that an eligible student received within the cost report period?
- How will you prove that you have claimed ALL eligible specialized transportation trips provided within the cost report period?
- What impact will the seven-day documentation period have on these requirements?
- What will noncompliance cost you?
- How are you planning to address this potential issue?

A look into the future

- What further changes to transportation can we anticipate?
- What is an adaptation?
- What is the medical necessity for the adaptation?
- Is the adaptation needed because of a student's age versus their disability or medical condition?
- Where do simple seat belts fall as it relates to an adaptation?
- Where do simple car seats due to the student's size fall as it relates to an adaptation?

A look into the future

- Have you taken a good hard look at your process to ensure you are audit ready?
- What have you done to ensure there is no fraudulent activities in your SHARS program?
- How active are you with your billing company?
- Do you know what is being done in your districts name?

A look into the future

- Are you on the look out...they are!

“If any Medicaid provider or any entity contracted with that provider is offering alternative guidance that may include, but is not limited to, committing Medicaid fraud, waste, or abuse, HHSC will be required to report the entity to the Office of Inspector General (OIG) for further investigation.”

Source - various emails and communication
from HHSC and TEA.



Yearly, TASB presents an introspective look at SHARS and issues that may be on the horizon as part of our SHARS Conference. Please consider joining us in April and May this year as we celebrate 30 years in SHARS.

[More information and registration at this link](#)



SHARS

CONFERENCE

TASB SPECIAL EDUCATION SOLUTIONS



[More information and registration at this link](#)



SHARS CONFERENCE
SPED
VIRTUAL CONFERENCE
MAY 9-10, 2024

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Questions?

Wrapping Up



**Please use the following link and
complete the survey about this
webinar series:**

<https://surveys.tasb.org/s3/FY-2022-Cost-Report-Appeals-Webinars>

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Sign up at tasb.org/specialeducation.



Special Education Solutions



TASB Special Education Solutions
SHARS MATTERS



September 2020

SHARS Amidst COVID-19

All of us have been impacted by the COVID-19 pandemic in some way, shape, or form. Even the School Health and Related Services (SHARS) program has been temporarily modified to accommodate for the changes school districts have had to implement to ensure the health and safety of their students and communities. Throughout the ongoing global pandemic, we have remained in constant contact with state and federal agencies to stay informed of all the latest

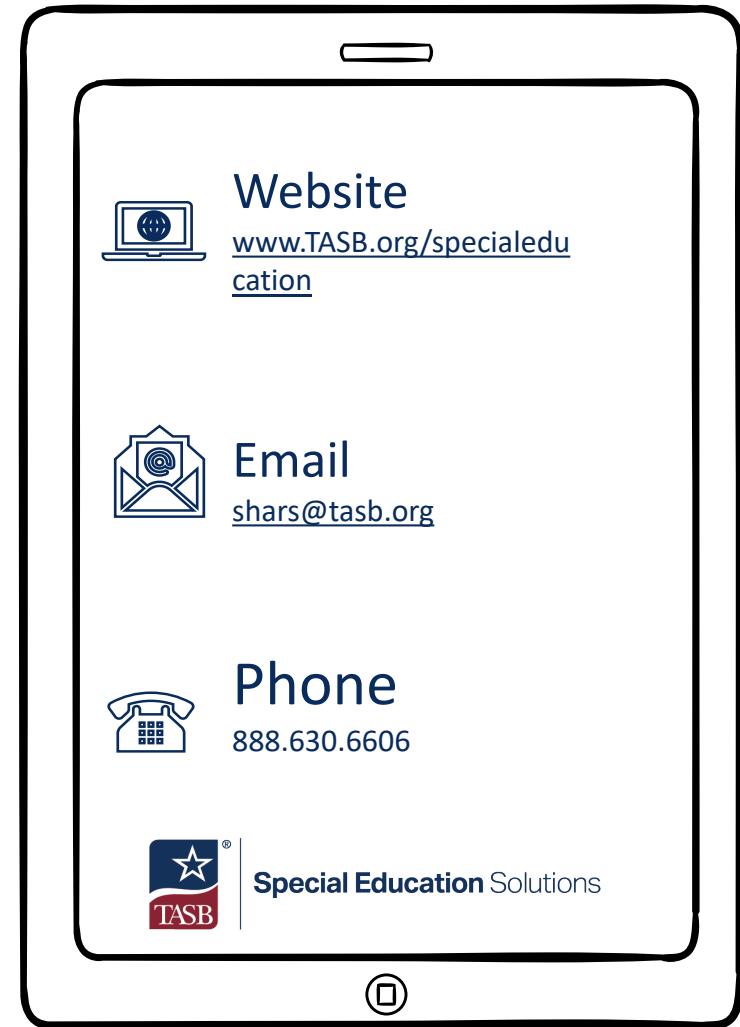


SHARS Matters quarterly e-newsletter



Free Monthly School Medicaid Webinar Series

Contact Information



Contact Information

Karlyn Keller, Ed.D.

Division Director – Student & Special Education Solutions

512-505-2896 (direct)

972-567-9959 (cell)

karlyn.keller@tasb.org

<https://www.tasb.org/services/special-education-solutions.aspx>

<https://www.tasb.org/services/student-solutions.aspx>



Thank you!

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STUDENT SOLUTIONS SERVICES

➤ Workload Staffing Analysis

- Special Education

➤ Program Review

- Special Education
- Section 504
- Emergent Bilingual
- Gifted and Talented

➤ Capacity Building

- Professional Development
- Executive Coaching

Contact TASB Student Solutions for more information on these services or other needs.

StudentSolutions@tasb.org



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