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INDEPENDENT REGULATORY
REVIEW COMMISSION

March 11, 2010

VIA E-Mail: st-medicine@state.pa.us

Regulatory Unit Counsel
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

Re: Comments for Reference No. 16A-4929 (Behavior Specialist)

Dear Regulatory Counsel:

Magellan Behavioral Health appreciates the opportunity to comment on these important regulations.

We would like to suggest that you add Board Certified Behavior Analysts (BCBA) to the groups of professionals that are able to seek certification under 18.524. We believe that the inclusion of individuals with BCBA certification would fall within the statutory requirements for certification as a behavior specialist as this is clearly 'another related field'. These practitioners are professionals that all hold Masters or Doctorate degrees with specific requirements for classroom hours and experience and who have passed an examination in order to receive their BCBA certification. In addition, the FAQ on the Department of Public Welfare website indicates that BCBAs will be eligible for the certification. Including them specifically by reference in the regulations would eliminate questions on their eligibility for this certification.

We recommend that criminal background checks & Act 33 clearances be included in the required documentation to secure certification.

We would like clarification on the documentation that the licensing board will require in order to verify that the elements required in 18.524 (b) (c) and (d) have been fulfilled by the applicant.

We would also like to confirm our interpretation of Act 62 that if an individual has a degree that is included in 40 P.S. § 764h (f) (14) as able to provide treatment for autism spectrum disorders (i.e. LCSW) that they are not required to also obtain certification as a behavior specialist to perform functions that are currently permissible under their licensure in treating individuals with Autism.

If you have any questions related to these comments you may reach me at 410-953-4710 or tberman@magellanhealth.com to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Teresa Berman', with a long horizontal flourish extending to the right.

Teresa Berman
Senior Legal Counsel
Magellan Health Services