

3209

Cheryl Yohn

From: Steven Kossor <sakossor@ibc-pa.org>
Sent: Friday, August 9, 2019 4:36 PM
To: IRRC
Subject: IRRC # 3209 re Final IBHS Regulations

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Independent Regulatory
Review Commission

Please enter these concerns in the record of correspondence with the IRRC concerning the Intensive Behavioral Health Services (IBHS) regulations that will be discussed in the 8/15/19 meeting of the IRRC. I would like to offer public comment at the meeting and would like to know how to schedule that. Thanks.

Steve Kossor

The IBHS regulations claim to be inapplicable to licensed professional psychologists, but that claim is misleading and incorrect. The proposed IBHS regulations most definitely do address the practice of independently licensed psychologists in Pennsylvania, and this is an over-reach by the Department of Human Services (DHS) into the realm of the Department of State, which has been regulating the practice of psychology in Pennsylvania for generations without interference from the DHS, until now.

Under the pending IBHS regulations, independently licensed psychologists and psychologist groups will be excluded from billing for IBHS services -- which are unequivocally "psychological services" under the law in Pennsylvania -- unless they obtain an additional, **new** agency license created and controlled by DHS. A psychology practice group I created has been effectively delivering the equivalent of IBHS (mental health treatment, behavioral support and other psychological services to children enrolled in Medicaid) in Pennsylvania for more than 30 years. Under the IBHS regulations, a new agency license, created and controlled by DHS, has to be obtained for this group in order for it to continue delivering the same psychological services. In addition, as an **individual** practicing psychologist, I will **also** be required to form an agency and obtain an additional license from the DHS, in order to continue having staff under my supervision deliver mental health treatment and behavioral support to children enrolled in Medicaid. The promoters of IBHS *say* the new regulations don't affect the practice of psychology, but it is clear that they most definitely *do*.

If a license issued by DHS is required in order to bill for IBHS, then DHS is regulating the practice of psychology because (since at least 1992) a licensed psychologist is allowed to deliver psychological services to Medicaid recipients under the age of 21 via supervisees and to bill Medical Assistance for those services *without* a separate DHS license. When the IBHS regulations require individual licensed psychologists to obtain a DHS license, they are enabling DHS to regulate the practice of psychology. That should not be permissible.

Steve Kossor
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