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FROM: Rachael Baturin, JD., MPH, Samuel Knapp, Ed.D., Pennsylvania Psychological Association

TO: IRRC

RE: Proposed IBHS Regulations

On behalf of the Pennsylvania Psychological Association, we are requesting that you reject the proposed IBHS regulations. We believe that these proposed regulations undermine public welfare in at least two ways. First, they require a diagnostic interview of a child only within the last 12 months. Second, they unnecessarily restrict public access to behavioral analytic services.

Diagnostic Interviews

Under the new proposed regulations children seeking individual services need a diagnosis based on an evaluation made in the last year by a physician, psychologist, CRPN (nurse practitioners) or other professional who is licensed to diagnose disorders (this includes licensed clinical social workers, professional counselors, and marriage and family therapists, who had diagnoses added to their scope of practice in 2018; 1155.32 (a)).

In addition, for individual services, children must have a face-to-face assessment completed by an individual qualified to provide behavior consultation services or mobile services within 15 days of the initiation of services. The ITP requires that the face-to-face assessment and the diagnostic interview and must occur within 30 days of the initiation of services. A licensed professional who gives the diagnosis may, but does not have to, be involved in the 15-day evaluation.

Although a diagnostic interview once a year may be appropriate for some neurodevelopmental disorders, other disorders have a more acute onset and should require more frequent diagnostic evaluations by a licensed professional. In practice, a substantial number of children who receive IBHS services do not have common disorders or have complex comorbid disorders that can vary considerably over time.

Therefore, we oppose the adoption of the regulations because they allow for a diagnostic interview within 12 months of the receipt of services and they allow unlicensed professionals to make the more detailed treatment decisions.

ABA Services

The original proposed regulations required that the clinical director of an agency providing ABA services to have a credential as a BCBA from the Behavior Analyst Certification Board in addition to holding a license as mental health professional. This was modified to include psychologists who have certain experiential or training requirements.

A licensed psychologist may be a clinical director of an agency providing ABA services if that psychologist has been providing “a minimum of 3 years of full-time experience in providing clinical oversight of an ABA program and a minimum of 40 hours of training related to ABA approved by the Department or provided by a continuing education provider approved by the Behavior Analyst Certification Board” (§5240.91(b) (2)). This 40-hours of training appears to be a one-time requirement. In addition, by 2022, the psychologist must have “a minimum of 5 years of full-time experience providing clinical oversight of an ABA program and a minimum of 40 hours of training related to ABA approved by the Department or provided by a continuing education provider approved by the Behavior analyst Certification Board” (§5240.91 (c)).

We also oppose the adoption of these regulations because the issuing agency is making a decision about the practice of psychology that is not within its statutory authority to do. In addition, this decision will restrict patient access to ABA services.