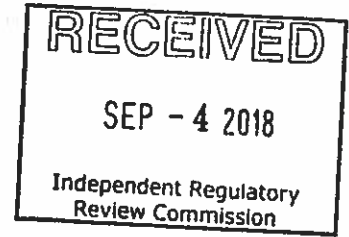


14-546-59

3209

Champa, Heidi

From: Kim Kerr <kkerr@swsix.com>
Sent: Friday, August 31, 2018 12:54 PM
To: PW, IBHS
Cc: Kim Campbell; Kimberly Pape
Subject: IBHS proposed rule making comments - Chapter 1155
Attachments: IBHS Proposed Regulations VBH Comments.docx



Good Afternoon Tara,

Please find the attached IBHS Proposed Rule Making Document. Please note that the comments are embedded in the document through the utilization of "track" changes/comments. The comments were gathered through a collaborative effort between VBH/Beacon Health Options, Southwest Behavioral Health Management, Inc., Northwest Behavioral Health Partnership and our respective 9 Counties.

Please let me know if you were to have any questions.

Thank you very much and enjoy your Labor Day weekend!

~ Kimberly Kerr

Kimberly Kerr, M.S. Ed., LPC
Deputy Quality/Compliance Director
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3209



ANNEX A

TITLE 55. HUMAN SERVICES

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1155. INTENSIVE BEHAVIORAL HEALTH SERVICES

Commented [SB1]: We recommend that as the regulations are being promulgated, provider friendly documents and technical assistance to support implementation.

GENERAL PROVISIONS

§ 1155.1. Policy.

§ 1155.2. Definitions.

SCOPE OF BENEFITS § 1155.11. Scope of benefits.

PROVIDER PARTICIPATION

§ 1155.21. Participation requirements.

§ 1155.22. Ongoing responsibilities of providers.

PAYMENT FOR INTENSIVE BEHAVIORAL HEALTH SERVICES

§ 1155.31. General payment policy.

§ 1155.32. Payment conditions for individual services.

§ 1155.33. Payment conditions for ABA.

§ 1155.34. Payment conditions for EBT.

§ 1155.35. Payment conditions for group services.

§ 1155.36. Covered services.

§ 1155.37. Limitations.

UTILIZATION REVIEW

§ 1155.41. Scope of claims review procedures.

ADMINISTRATIVE SANCTIONS § 1155.51. Provider
misutilization.

GENERAL PROVISIONS § 1155.1. Policy.

(a) The Medical Assistance (MA) program provides payment for Intensive Behavioral Health Services (IBHS) when the service is medically necessary and provided to eligible children, youth or young adults under the age of 21 with behavioral health diagnoses by licensed IBHS agencies enrolled in the MA Program as providers under this chapter.

(b) Payment for IBHS is subject to the provisions in this chapter, Chapter 1101 (relating to the general provisions), the limitations established in Chapter 1150 (relating to MA program payment policies) and the MA Program fee schedule.

(c) This chapter does not apply to individual licensed practitioners or group arrangements of licensed practitioners that bill only for services provided by the licensed practitioner(s).

Commented [SB2]: Clarify who this pertains to; provide an example.

§ 1155.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ABA - Applied behavioral analysis — The design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, which includes:

(i) The use of direct observation, measurement and functional analysis of the relations between environment and behavior.

2

(ii) The attempt to address one or more behavior challenges or skill deficits using evidence-based principles and practices of learning and behavior.

1

(iii) The analysis of the relationship between a stimulus, consequence or other variable. The changes of stimuli, consequences or other variables may occur individually, as a combination or in relationship with each other. The change of stimuli, consequences or other variables may be external or internal to the person whose behavior is being analyzed.

Caregiver— An individual with responsibility for the care and supervision of a minor.

Child— A person under 14 years of age.

Consequence — A resulting directly measurable change of a child's, youth's or young adult's behavior produced by a change in a stimulus or stimuli.

Department — The Department of Human Services.

DSM - Diagnostic and Statistical Manual of Mental Disorders.

EBT - Evidence-based therapy — Behavioral health therapy that uses scientifically established behavioral health interventions and meets one of the following:

Commented [DL3]: DHS should establish an updated list of EBTs and maintain. Establish a central location for review.

(i) Categorized as effective in the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices.

(ii) Categorized as Model or Model Plus in the Blueprints for Healthy Youth Development registry.

(iii) Categorized as well-established by the American Psychological Association's Society of Clinical Child and Adolescent Psychology.

(iv) Rated as having positive effects by the Institute of Education Sciences What

Works Clearinghouse.

(v) Designated as a model intervention by the Department.

Commented [DL4]: Define model interventions. Recommend establishing a mechanism for notifying providers of model interventions.

Group services — Therapeutic interventions provided primarily in a group format through psychotherapy, structured activities and community integration activities that address a child's, youth's or young adult's identified treatment needs. Group services

when included in a child's, youth's or young adult's ITP may include individual interventions.

Commented [DL5]: Define individual interventions. Is the individual intervention billable in addition to the group intervention? Is it inclusive or exclusive of the group service?

IBHS — Intensive behavioral health services — An array of therapeutic interventions and supports provided to a child, youth or young adult in the home, school or other community setting.

IBHS agency — An entity that provides one or more IBHS.

ICD - International Classification of Diseases.

Individual services — Intensive one-to-one therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing, maintaining, or maximizing functioning of a child, youth or young adult in the home, school or other community setting.

ITP - Individual treatment plan - A detailed written plan of treatment services specifically tailored to address each child's, youth's or young adult's therapeutic needs that contains the type, amount, frequency, setting and duration of services to be provided and the specific goals, objectives and interventions for each service.

MA - Medical Assistance.

Stimulus — An event, circumstance or condition that can be changed or does change based upon the behavior specialist analyst's manipulation.

Variables — An observed or manipulable condition that can be changed or does change and a directly measurable change of a child's, youth's or young adult's behavior produced by the change.

Youth — A person 14 years of age or older but under 18 years of age.

Young adult — A person 18 years of age or older but under 21 years of age.

SCOPE OF BENEFITS

§ 1155.11. Scope of benefits.

Children, youth or young adults under 21 years of age with behavioral health diagnoses are eligible for the full range of covered IBHS.

PROVIDER PARTICIPATION

§ 1155.21. Participation requirements.

In addition to the participation requirements established in Chapter 1101 (relating to general provisions), an IBHS agency shall meet the following requirements to participate in the MA Program:

- (a) Have a current license as an IBHS agency issued by the Department.
- (b) Enter into a written provider agreement with the Department.
- (c) Be enrolled by the Department.

§ 1155.22. Ongoing responsibilities of providers.

(a) Ongoing responsibilities of IBHS agencies are established in Chapter 1101 (relating to general provisions) and Chapter 5240 (relating to intensive behavioral health services).

(b) Recordkeeping requirements for IBHS agencies are established in § 1101.51 (e) (relating to ongoing responsibilities of providers) and § 5240.41 and § 5240.42 (relating to individual records; and agency records).

(c) A licensed IBHS agency shall have a current license for each branch location or satellite location.

(d) Each branch location or satellite location of a licensed IBHS agency shall be enrolled by the Department.

(e) An IBHS agency shall notify the Department, in writing, of a change in name, address or services provided prior to the effective date of the change.

PAYMENT FOR INTENSIVE BEHAVIORAL HEALTH SERVICES

§ 1155.31. General payment policy.

(a) Except as provided in subsection (b), payment is made to licensed IBHS agencies for medically necessary IBHS provided by qualified individuals under the supervision and direction of a clinical director that meets the qualifications in § 5240.12(b) (relating to staff qualifications) or § 5240.81 (b) (relating to staff qualifications), subject to the conditions and limitations established in this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA program payment policies) and the MA Program Fee Schedule.

(b) Payment will be made to an IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of _____ (EDITOR'S NOTE: The blank refers to the effective date of the final-form regulation) and the license has not expired. (c) Payment will not be made for a compensable IBHS if payment is available through a third party. Providers shall comply with §1101.64 (relating to third-party medical resources (TPR)).

(d) Payment will not be made for services rendered at an IBHS agency's branch or satellite location if the branch or satellite location is not licensed and enrolled.

§ 1155.32. Payment conditions for individual services.

Payment will be made to a licensed IBHS agency for individual services if the following conditions are met:

(a) There is a written order for services based on a face-to-face interaction with the child, youth or young adult that meets the following:

- (1) Written within six months prior to the initiation of IBHS.
- (2) Written by a licensed physician, licensed psychologist, certified registered nurse practitioner or other licensed professional whose scope of practice includes the diagnosis and treatment of behavioral health disorders.

(3) Includes a behavioral health disorder diagnosis listed in the most recent edition of the DSM or ICD.

(4) Orders one or more IBHS for the child, youth or young adult and include the following:

(i) The clinical information to support the medical necessity of each service ordered.

(ii) The maximum number of hours of each service each month.

(iii) The settings where services may be provided.

(iv) The measurable improvements in the identified therapeutic needs that indicate when services may be reduced, changed or terminated.

(b) A comprehensive face-to-face assessment has been completed by a behavior specialist or mobile therapist within 15 days of the initiation of individual services and prior to developing the ITP in accordance with § 5240.21 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last

Commented [SB6]: The MCO should have the opportunity to provide care management which assures these services are most appropriate for the child. The opportunity should be integrated into the process of approval for the service.

Commented [SB7]: How does the member access services? What are the mechanisms/steps following an order for service? What is a 'face to face interaction' please define. Is this billable? Duration?

Commented [KW8]: What is the role of the County Behavioral Health Program/CASSP Coordinator once an order is written?

Commented [KW9]: Currently a person who holds a master degree under the supervision of a licensed psychologist can complete and evaluation and make BHRS recommendations. The licensed psychologist signs the evaluation. Under the new proposed regulation, a written order must be completed. Can a master degree person under the supervision of licensed psychologist write the order and have the licensed psychologist also sign the order?

Commented [DL10]: Please provide a template for standardization of the order and what is to be included or recommend at least indicate minimum necessary content

Commented [DL11]: Please define the medical necessity criteria. Will Appendix T and S be modified?

Commented [SB12]: What is the maximum number of hours that can be requested per service?

six months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(1) A parent or caregiver of a child or youth requests an update.

(2) A young adult or youth requests an update.

(3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(4) The child, youth or young adult completes an ITP goal.

(5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(c) The assessment and all updates have been signed by the IBHS agency staff person that completes the assessment and the supervisor of the staff person that completed the assessment.

(d) An ITP based upon the assessment and the written order for services has been developed within 30 days after the initiation of services in accordance with § 5240.22 (relating to individual treatment plan), or an ITP has been reviewed and updated within the last six months or an ITP has been reviewed and updated because one of the following has occurred:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of services identified in the ITP.

Commented [SB13]: Recommend adding 'relative to the individual'

- (3) A youth or young adult requests a change.
- (4) A parent or caregiver of a child or youth requests a change.
- (5) The child, youth or young adult experiences a crisis event.
- (6) The ITP is no longer clinically appropriate for the child, youth or young adult.
- (7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

Commented [SB14]: Recommend the inclusion of the MCO throughout the document.

(e) The ITP and all updates have been reviewed and signed by the youth, young adult or at least one parent or caregiver of the child or youth, the staff person who developed the ITP and the supervisor of the staff person who developed the ITP.

(f) For continued individual services, a child, youth or young adult shall have an order written in the last six months that complies with subsections (a)(2)-(4).

(g) For individual services reinitiated after a child, youth or young adult is discharged, payment will be made for a period of up to 90 days, if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with subsections (a)(2)-(4).

Commented [KW15]: What happens at the end of 90 days if the individual continues to need services?

Commented [DL16]: Please confirm if the written order is specific to the services performed following the discharge and is for re-engagement of up to 90 days and is not related to the original order

§ 1155.33. Payment conditions for ABA.

Payment will be made to a licensed IBHS agency for ABA services if the following conditions are met:

Commented [DL17]: Is there a limit to the number of times? We recommend 1 occurrence. What happens if there is not available staff at the agency at the time?

(a) There is a written order for ABA services based on a face-to-face interaction with the child, youth or young adult that meets the following:

- (1) Written within 12 months prior to the initiation of ABA.
- (2) Written by a licensed physician, licensed psychologist, certified registered nurse practitioner or other licensed professional whose scope of practice includes the diagnosis and treatment of behavioral health disorders.

(3) Includes a behavioral health disorder diagnosis that is listed in the most recent edition of the DSM or ICD.

Commented [SB18]: Recommend the exclusion of diagnosis that would not benefit from ABA services, i.e. PTSD, MDD

(4) Orders ABA services for the child, youth or young adult and include the following:

(i) The clinical information to support the medical necessity of each ABA service ordered.

(ii) The maximum number of hours of each ABA service each month.

(iii) The settings where ABA services may be provided.

(iv) The measurable improvements in targeted behaviors or skill deficits that indicate when services may be reduced, changed or terminated,

(b) A comprehensive face-to-face assessment has been completed by a behavior specialist analyst prior to the development of the ITP in accordance with § 5240.85 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last year or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(1) A parent or caregiver of a child or youth requests an update.

(2) A youth or young adult requests an update.

(3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(4) The child, youth or young adult completes an ITP goal.

(5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of the ABA services identified in the ITP.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) The behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved the child's, youth's or young adult's services determines an update is needed.

(c) The assessment and all updates have been signed by the behavior specialist analyst that completes the assessment and the ABA clinical director.

(d) An ITP based upon the assessment and the written order for ABA services has been developed within 30 days after the initiation of ABA services in accordance with § 5240.86 (relating to individual treatment plan), or an ITP has been reviewed and updated within the last six months or an ITP has been reviewed and updated because one of the following has occurred:

- (1) An ITP goal is completed.
- (2) No significant progress has been made within 90 days from the initiation of ABA services identified in the ITP.
- (3) A youth or young adult requests a change.
- (4) A parent or caregiver of a child or youth requests a change.
- (5) The child, youth or young adult experiences a crisis event.
- (6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) A behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(e) The ITP and all updates have been reviewed and signed by the youth, young adult or at least one parent or caregiver of the child or youth, the behavior specialist analyst who developed the ITP and the ABA clinical director.

(f) For continued ABA services, a child, youth or young adult shall have an order written in the last twelve months that complies with subsections (a)(2)-(4).

Commented [SB19]: Recommendation that the reassessment written order be consistent with the 12 month timeframe.

(g) For ABA services reinitiated after a child, youth or young adult is discharged, payment will be made for a period of up to 90 days, if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with subsections (a)(2)-(4).

SI 155.34. Payment conditions for EBT.

Payment will be made to a licensed IBHS agency for EBT services if the following conditions are met:

(a) There is a written order for EBT services that meets the requirements of § 1155.32(a) (relating to payment conditions for individual services).

(b) A comprehensive face-to-face assessment has been completed by a staff person with the qualifications required by the EBT within 15 days of the initiation of the service and prior to developing the ITP in accordance with § 5240.92 (relating to assessment and individual treatment plan), or a comprehensive face-to-face assessment has been reviewed and updated within the last six months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

- (1) A parent or caregiver of a child or youth requests an update.
- (2) A young adult or youth requests an update.
- (3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.
- (4) The child, youth or young adult completes an ITP goal.
- (5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.
- (6) The child, youth, young adult or the family experiences a crisis event.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(c) The assessment and all updates have been signed by a staff person with the qualifications required by the EBT and the staff person's supervisor.

(d) An ITP based upon the assessment and the written order for services has been developed within 30 days of the initiation of services in accordance with § 5240.92, or

an ITP has been reviewed and updated within the last six months or an JTP has been reviewed and updated because one of the following has occurred:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of the EBT service identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(e) The ITP and all updates have been reviewed and signed by the youth, young adult or at least one parent or caregiver of the child or youth, the staff person who developed the ITP and the supervisor of the staff person who developed the ITP.

(f) For continued EBT services, a child, youth or young adult shall have an order written in the last six months that complies with § 1155.32 (a)(2)-(4) (relating to payment conditions for individual services).

(g) The IBHS agency has a current certification or licensure from the national certification organization or entity that developed or owns the EBT provided or the EBT has been designated by the Department as a model intervention.

(h) The IBHS agency delivers the services in accordance with the specific EBT.

(i) For EBT services reinitiated after a child, youth or young adult is discharged, payment will be made for a period of up to 90 days, if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with

S 1155.32(a)(2)-(4)

§ 1155.35. Payment conditions for group services.

Payment will be made to a licensed IBHS agency for group services if the following conditions are met:

(a) There is a written order for group services that meets the requirements of § 1155.32(a) (relating to payment conditions for individual services).

(b) A comprehensive face-to-face assessment has been completed by a mental health professional within five days of the initiation of group services and prior to developing the ITP in accordance with § 5240.105 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last six months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

- (1) A parent or caregiver of a child or youth requests an update.
- (2) A young adult or youth requests an update.
- (3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.
- (4) The child, youth or young adult completes an ITP goal,
- (5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

Commented [DL20]: Is this a duplication of outpatient group services? Can these services be received at the same time?

Commented [DL21]: Are there limits to the group size? Are there limits to the number of hours for groups? What is staff:child ratio for group?

Commented [DL22]: We recommend one assessment and one unified ITP per child rather than staggered timeframes dependent on the IBHS order.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(c) The assessment and all updates have been signed by the mental health professional that completed the assessment and the mental health professional's supervisor.

(d) An ITP based upon the assessment and written order for group services has been developed within ten days after the initiation of services in accordance with § 5240.106 (relating to individual treatment plan), or an ITP has been reviewed and updated within the last six months or an ITP has been reviewed and updated because one of the following has occurred:

(1) An ITP goal is completed.

(2) No significant progress is made within 45 days from the initiation of group services identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(e) The ITP and all updates have been reviewed and signed by the youth, young adult or at least one parent or caregiver of the child or youth, the mental health professional who developed the ITP and the IBHS clinical director.

(f) For continued group services, a child, youth or young adult shall have an order written in the last six months that complies with § 1155.32(a)(2)-(4) (relating to payment conditions for individual services).

Commented [KW23]: For group, evidence based for continued services it is 6 months but for ABA it is 12 months, can one of these be changed to be in line with the other? Also can an individual receive ABA and group, or ABA and an evidence based program?

(g) For group services reinitiated after a child, youth or young adult is discharged, payment will be made for a period of up to 90 days, if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with § 1155.32(a)(2)-(4)

§ 1155.36. Covered services.

The Department will pay for the following IBHS when the services are medically necessary:

(a) Individual services, which include:

- (1) Services provided by a behavior specialist.
- (2) Services provided by a mobile therapist.
- (3) Services provided by a behavioral health technician.

(b) ABA services, which include:

- (1) Services provided by a behavior specialist analyst.
- (2) Services provided by an assistant behavior specialist analyst.
- (3) Services provided by a behavioral health technician—ABA.

(c) EBT.

(d) Group services.

(e) Services approved through the program exception process under § 1150.63

(relating to waivers).

Commented [SB24]: What services are included here? Provide an example.

§ 1155.37. Limitations.

Payment is subject to the following limitations:

(a) Services provided to a child, youth or young adult must be included in the agency's approved service description.

(b) Services provided to a child, youth or young adult residing in a 24 hour residential facility will not be paid for unless the IBHS is ordered in accordance with S 1155.32(a) (relating to payment conditions for individual services) or § 1155.33(a) (relating to payment conditions for ABA) and are provided within 60 days of discharge from the facility to assist in a child's, youth's or young adult's transition to the home or community setting, and the service does not duplicate services included in the facility's rate.

UTILIZATION REVIEW

§ 1155.41. Scope of claims review procedures.

Claims submitted for payment under the MA Program are subject to the utilization review procedures established in Chapter 1101 (relating to general provisions).

ADMINISTRATIVE SANCTIONS

§ 1155.51. Provider misutilization.

If an IBHS agency is determined to have billed for services inconsistent with MA Program regulations, to have provided services outside the scope of customary standards of clinical practice or to have otherwise violated the standards in the provider agreement, the IBHS agency is subject to the sanctions described in Chapter 1101 (relating to general provisions).

ANNEX A

TITLE 55. HUMAN SERVICES

PART vtl. MENTAL HEALTH MANUAL

SUBPART D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES

CHAPTER 5240. INTENSIVE BEHAVIORAL HEALTH SERVICES

GENERAL PROVISIONS

§ 5240.1. Scope.

§ 5240.2. Definitions.

§ 5240.3. Provider eligibility.

§ 5240.4. Organizational structure.

§ 5240.5. Service description.

§ 5240.6. Restrictive procedures.

§ 5240.7. Coordination of services.

STAFFING

§ 5240.11. Staff requirements.

§ 5240.12. Staff qualifications.

§ 5240.13. Staff training plan.

§ 5240.14. Criminal history checks and child abuse certification.

SERVICE PLANNING AND DELIVERY

§ 5240.21. Assessment.

§ 5240.22. Individual treatment plan.

§ 5240.23. Service provision.

DISCHARGE

§ 5240.31. Discharge.

§ 5240.32.

Discharge summary.

RECORDS

§ 5240.41. Individual records.

§ 5240.42. Agency records.

§ 5240.43. Record retention and disposal.

NONDISCRIMINATION § 5240.51. Nondiscrimination.

QUALITY IMPROVEMENT § 5240.61. Quality improvement requirements. INDIVIDUAL SERVICES

§ 5240.71. Staff qualifications,

§ 5240.72. Supervision.

§ 5240.73. Staff training requirements.

§ 5240.74. Individual services initiation requirements.

§ 5240.75. Individual services provision.

APPLIED BEHAVIORAL ANALYSIS

§ 5240.81. Staff qualifications.

§ 5240.82. Supervision.

§ 5240.83. Staff training requirements.

§ 5240.84. ABA initiation requirements.

§ 5240.85. Assessment.

§ 5240.86. Individual treatment plan.

§ 5240.87. ABA services provision.

EVIDENCE-BASED THERAPY

EBT initiation requirements.

§ 5240.92. Assessment and individual treatment plan.

§ 5240.93. EBT requirements.

§ 5240.32.

GROUP SERVICES

§ 5240.101. Staff requirements and qualifications.

§ 5240.102. Supervision.

§ 5240.103. Staff training requirements.

§ 5240.104. Group services initiation requirements.

§ 5240.105. Assessment.

§ 5240.106. Individual treatment plan.

§ 5240.107. Group services provision.

§ 5240.108. Requirements for group services in school settings.

WAIVERS

§ 5240.111. Waivers.

GENERAL PROVISIONS

§ 5240.1. Scope.

(a) This chapter applies to all entities that provide Intensive Behavioral Health Services (IBHS) as defined in this chapter to children, youth or young adults under 21 years of age and provides the minimum requirements that shall be met for an agency to obtain a license to provide one or more IBHS.

(b) This chapter does not apply to individual licensed practitioners or group arrangements in which only licensed practitioners provide IBHS.

Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

ABA — Applied behavioral analysis — The design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce

Commented [DL25]: We support the continuation of exceptions written around specific diagnostic categories and specific individuals.

Commented [DL26]: We need a grandfathering period no shorter in duration than 6 – 12 months to allow continuity of care.

Commented [DL27]: Will an individual be permitted to hold a license? Are Type 19 providers eligible?

§ 5240.32.

socially significant improvement in human behavior or to prevent loss of attained skill or function, which includes:

- (i) The use of direct observation, measurement and functional analysis of the relations between environment and behavior.
- (ii) The attempt to address one or more behavior challenges or skill deficits using evidence-based principles and practices of teaming and behavior.
- (iii) The analysis of the relationship between a stimulus, consequence or other variable. The changes of stimuli, consequences or other variables may occur individually, as a combination or in relationship with each other. The change of stimuli, consequences or other variables may be external or internal to the person whose behavior is being analyzed.

ABSA — Assistant behavior specialist analyst.

ASD — Autism spectrum disorder— A pervasive neurodevelopmental disorder present from early childhood which involves maladaptive or restrictive behaviors, impairments in communication and impairments in social interactions and relationships as described in the diagnostic criteria in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

BCaBA - Board certified assistant behavior analyst— An undergraduate-level professional certified by the Behavior Analyst Certification Board to provide ABA services.

BCA T— Board certified autism technician — A paraprofessional certified by the Behavioral Intervention Certification Council to provide ABA services.

BCBA — Board certified behavior analyst — A graduate-level professional certified by the Behavior Analyst Certification Board to design and provide ABA services. BCBA refers to both master's (BCBA) and doctoral level credentials (BCBA-D). **BHT-ABA — Behavioral health technician-applied behavioral analysis.**

BHT - Behavioral health technician.

Caregiver— An individual with responsibility for the care and supervision of a **minor**.

Commented [SB28]: Legal guardian should be the signatory.

Child — A person under 14 years of age.

Consequence — A resulting directly measurable change of a child's, youth's or young adult's behavior produced by a change in a stimulus or stimuli.

Department — The Department of Human Services.

EBT— Evidence-based therapy — Behavioral health therapy that uses scientifically established behavioral health interventions and meets one of the following:

(i)Categorized as effective in the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices.

(ii) Categorized as Model or Model Plus in the Blueprints for Healthy Youth Development registry.

(iii) Categorized as well-established by the American Psychological Association's Society of Clinical Child and Adolescent Psychology.

-
- (iv) Rated as having positive effects by the Institute of Education Sciences
What

Works Clearinghouse.

- (v) Designated as a model intervention by the Department.

Formal support — An agency, organization or person that provides assistance or resources to a child, youth or young adult within the context of an official role.

Full-time equivalent - 37.5 hours per week of staff time.

Group services — Therapeutic interventions provided primarily in a group format through psychotherapy, structured activities and community integration activities that address a child's, youth's or young adult's identified treatment needs. Group services when included in a child's, youth's or young adult's ITP may include individual interventions.

IBHS — Intensive behavioral health services — An array of therapeutic interventions and supports provided to a child, youth or young adult in the home, school or other community setting.

IBHS agency — An entity that provides one or more IBHS.

Individual services — Intensive one-to-one therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing, maintaining, or maximizing functioning of a child, youth or young adult in the home, school or other community setting.

ITP — Individual treatment plan A detailed written plan of treatment services specifically tailored to address each child's, youth's or young adult's therapeutic needs that contains the type, amount, frequency, setting and duration of services to be provided and the specific goals, objectives and interventions for each service.

Manual restraint - A physical hands-on technique that restricts the movement or function of a child, youth or young adult or a portion of a child's, youth's or young adult's body. A manual restraint does not include the use of hands-on assistance when needed to enable a child, youth or young adult achieve a goal or objective identified in the ITP.

Mental health direct service — Working directly with a child, youth or young adult to provide a mental health service.

Natural support — An agency, organization or person that provides support to a child, youth or young adult in a personal or nonprofessional role.

RBT— Registered behavior technician — A paraprofessional certified by the Behavior Analyst Certification Board to implement an ITP that includes ABA services.

Restrictive procedure — A practice that limits or restricts a child's, youth's or young adult's freedom of movement, activity or function.

Stimulus — An event, circumstance or condition that can be changed or does change based upon the behavior specialist analyst's manipulation.

Systems of care principles — Guiding philosophies that form the essential elements of a coordinated network of community-based services and supports that is organized to meet the challenges of children, youth and young adults with serious mental health needs and their families that is family-driven and youth-guided and includes interagency collaboration, individualized strengths-based care, cultural and linguistic competence, community-based services and accountability.

Trauma — The result of an event, series of events or set of circumstances that is experienced by a child, youth or young adult as physically or emotionally harmful or threatening and that has lasting effects on the child's, youth's or young adult's functioning and physical, social, emotional or spiritual well-being.

Trauma-informed approach — Recognizes the widespread impact of trauma including the signs and symptoms of trauma and potential paths for recovery by integrating

knowledge about trauma into policies, procedures and practices that avoids retraumatization.

Commented [SB29]: Recommend acknowledging traumatization in addition to retraumatization.

Variables — An observed or manipulable condition that can be changed or does change and a directly measurable change of a child's, youth's or young adult's behavior produced by the change.

Youth — A person 14 years of age or older but under 18 years of age.

Young adult— A person 18 years of age or older but under 21 years of age. §

5240.3. Provider eligibility.

(a) An IBHS agency shall obtain a license from the Department prior to commencement of operations.

(b) An IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of (EDITOR'S NOTE: The blank refers to the effective

_____ date of the final-form regulation) shall be required to comply with this chapter as of that date.

(c) An IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of (EDITOR'S NOTE: The blank refers to the effective date

_____ of the final form-regulation) shall be required to obtain a license pursuant to this chapter when that license expires.

(d) An IBHS agency that is approved to provide ABA services shall be required to obtain a license pursuant to this chapter within 180 days of _____ (EDITOR'S NOTE: The blank refers to the effective date of the final form-regulation).

§ 5240.4. Organizational structure.

(a) An IBHS agency shall have an administrative director, clinical director and staff.

(b) The organizational structure of the IBHS agency shall be specified in an organizational chart and the IBHS agency shall notify the Department within ten days of a change in the organizational chart of the IBHS agency.

§ 5240.5. Service description.

(a) As part of the initial licensing application, the IBHS agency shall submit to the Department for review and approval, a written description of services to be provided that shall include the following:

Commented [KW30]: Is there a need for a letter of support from the County Behavioral Health Progra?

- (1) Identification and description of each service offered by the IBHS agency.
- (2) Purpose of the service being offered by the IBHS agency, expected duration of the service and expected outcomes for children, youth or young adults.
- (3) Identification of the target population served by each service, including age range and presenting issues, which may include specific diagnoses.
- (4) The days and hours each service is available.
- (5) Identification of the counties where the IBHS agency provides each service.
- (6) Description of admission criteria.
- (7) Description of discharge criteria.
- (8) Description of any exclusionary criteria.
- (9) Staffing ratios for each service offered by the IBHS agency.
- (10) Maximum number of children, youth or young adults that may be assigned to

Commented [SB31]: Recommend this is relative to the number of hours ordered. How will this be monitored?

BHT or BHT-ABA if a BHT or BHT-ABA will be providing services.

- (11) Treatment modalities.
- (12) Location(s) where the service are offered.

(b) Prior to the IBHS agency changing its services or if the information in the service description is otherwise no longer accurate, the IBHS agency shall submit an updated service description to the Department for review and approval.

§ 5240.6. Restrictive procedures.

Commented [DL32]: When is informed consent required for utilization of restrictive procedures? What is the definition of a restrictive procedure vs a physical prompt?

(a) A restrictive procedure shall only be used in an emergency situation to prevent self-injury or to prevent injury to others by a child, youth or young adult and after the following:

- (1) Every attempt has been made to anticipate and de-escalate the behavior using methods of intervention that are less intrusive than a restrictive procedure.
- (2) Less intrusive techniques and resources appropriate to the behavior have been tried but have failed.

(b) A manual restraint is the only restrictive procedure that may be used and may not:

- (1) Apply pressure or weight on a child's, youth's or young adult's respiratory system.
- (2) Use a prone position.

(c) The position of the manual restraint or the staff person applying a manual restraint shall be changed at least every ten minutes during the application of the manual restraint.

(d) A staff person who is not applying the manual restraint procedure shall observe and document the physical and emotional condition of the child, youth or young adult at least every ten minutes during the application of the manual restraint.

(e) A manual restraint shall be discontinued when the child, youth or young adult demonstrates the ability to regain self-control.

(f) An IBHS agency shall have policies and procedures for the use of manual restraints that shall include at least the following:

(1) Appropriate use of the manual restraint procedure, including all prohibitions on the use of a manual restraint.

(2) Required use of less intrusive techniques and resources appropriate to the behavior prior to the use of a manual restraint procedure.

(3) Immediate discontinuation of the manual restraint procedure when the child, youth or young adult demonstrates the ability to regain self-control.

(g) An IBHS agency shall require yearly training for each staff person who administers a manual restraint procedure that includes:

(1) De-escalation techniques and strategies.

(2) Proper use of the specific manual restraint procedure that is appropriate for the age and weight of the child, youth or young adult.

(3) Demonstrated experience in the proper use of the manual restraint procedure on other staff.

(4) A testing process to demonstrate the ability to properly apply the specific manual restraint procedure.

(h) An IBHS agency shall keep a record of each staff person's training in the use of manual restraint procedures.

(i) An IBHS agency shall document the use of any manual restraint procedure in the child's, youth's or young adult's individual record in accordance with § 5240.41 (a)(11) (relating to individual records).

§ 5240.7. Coordination of services.

Commented [SB33]:

(a) An IBHS agency shall have written agreements to coordinate services with other service providers, including the following:

(1) Psychiatric inpatient facilities.

(2) Partial hospitalization programs.

(3) Psychiatric outpatient clinics.

(4) Crisis intervention programs.

(5) Mental health and intellectual or developmental disability case management programs.

(b) An IBHS agency shall update the written agreements with other seMce providers at least every five years.

(c) An IBHS agency shall have a list of community resources that provide behavioral health services that is available upon request by a parent or caregiver of a child or youth, or a youth or young adult receiving services that includes but is not limited to the following:

(1) The name of the program or organization.

(2) Description of the services provided.

(3) Address and phone number of the program or organization.

(d) An IBHS agency shall update the community resource list annually.

(e) An IBHS agency shall have a written referral process for children, youth and young adults whose therapeutic needs cannot be served by the agency. The IBHS agency shall document in the records of the IBHS agency the referrals made for a child, youth or young adult the IBHS agency could not serve.

(f) An IBHS agency that provides group services is not required to comply with (a) and

(b) under this section.

Commented [SB34]: Recommend they should comply.

STAFFING

§ 5240.11. Staff requirements.

(a) An IBHS agency shall have an administrative director and a clinical director.

(b) The administrative director's responsibilities shall include:

(1) The overall daily management of the agency.

(2) Setting work schedules to meet the needs of the children, youth and young adults served and that accommodate their parents or caregivers schedules.

(3) Ensuring compliance with staff qualifications and training requirements.

(4) Monitoring the IBHS agency's compliance with this chapter.

(5) Developing and monitoring the quality improvement plan for the agency.

(c) The administrative director may also be the clinical director if the person meets the qualifications for both positions.

(d) When an entity operates more than one IBHS agency, the administrative director may be responsible for more than one IBHS agency that is licensed under this chapter.

(e) The administrative director shall dedicate a minimum of 7.5 hours each week for each IBHS agency that he or she directs.

(f) The clinical director's responsibilities shall include:

(1) Ensuring supervision is provided to all staff in accordance with this chapter.

(2) Providing one hour of supervision to all staff that supervise other staff at least two times a month.

(3) Maintaining clinical oversight of all IBHS provided.

(4) Ensuring staff that provide IBHS have access to supervisory staff during all hours that IBHS are provided, including evenings and weekends.

(5) Conducting and documenting monthly staff meetings.

(6) Completing and documenting a clinical record review for quality of the services provided and compliance with this chapter and documenting the outcomes of the review on a quarterly basis.

(7) Ensuring that training for IBHS agency staff is being provided as required by this chapter.

Commented [DL35]: Is there a maximum number of agencies? What is the definition of agency?

(g) An IBHS agency shall employ a sufficient number of qualified staff to comply with the administrative oversight, clinical supervision and monitoring requirements of this chapter.

(h) An IBHS agency shall employ a sufficient number of qualified staff to provide the maximum number of service hours identified in the written order and the ITP for each child, youth or young adult admitted to services.

Commented [SB36]: How will this be monitored?

§ 5240.12. Staff qualifications.

(a) An administrative director of an IBHS agency shall meet one of the following:

- (1) The qualifications for a clinical director in subsection (b).
- (2) Have a graduate degree in psychology, social work, counseling, education, human services, public administration, business administration or related field from a college or university accredited by an agency recognized by the United States

Department of Education or the Council for Higher Education Accreditation.

(3) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) A clinical director of an IBHS agency shall meet the following:

- (1) Have a minimum of one year of full-time postgraduate experience in the provision of mental health direct service to children, youth or young adults.
- (2) Be licensed in Pennsylvania as a psychiatrist, psychologist, professional counselor, marriage and family therapist, or clinical social worker, or be licensed in Pennsylvania as a certified registered nurse practitioner and have a mental health certification or be licensed in Pennsylvania as a social

worker with a graduate degree that required a clinical or mental health direct service practicum.

(c) This section does not apply to ABA services.

§ 5240.13. Staff training plan.

(a) An IBHS agency shall develop and implement a written plan that ensures initial and annual training requirements are met which includes:

(1) A written individual training plan that is:

- (i) Updated annually based on the date of hire for each staff person.
- (ii) Based upon the staff person's educational level, experience, current job functions and performance reviews.
- (iii) Appropriate to the staff person's skill level.

(2) An overall plan to ensure that staff receive training in accordance with this chapter to provide IBHS in a manner that is consistent with the policies and procedures of the agency.

(3) An annual review and update of the IBHS agency training plan based on service outcomes and staff performance evaluations.

(b) An IBHS agency shall keep documentation of the completed initial and annual training requirements in each staff person's personnel file in accordance with

§ 5240.42(b)(2) (relating to agency records).

(c) An IBHS agency shall accept documentation of the completion of initial or annual training requirements from a college, university, national training organization, training entity accepted by a professional licensing organization or the Department.

(d) An IBHS agency may choose to not require a staff person to complete additional training if the staff person has completed the required initial or annual training while working for another IBHS agency.

(e) An IBHS agency shall keep records of all initial and annual trainings that it provides to staff that includes documentation of the following:

- (1) The date, time and location of the training.
- (2) The name of the person who conducted the training and the person's qualifications to conduct the specific training.
- (3) The names of IBHS agency staff who participated in the training.
- (4) The specific topics addressed at the training.
- (5) A copy of any written materials distributed to participants.
- (6) A copy of any written materials that were used during the training.
- (7) Department approval of the training.

§ 5240.14. Criminal history checks and child abuse certification.

(a) Criminal history checks and child abuse certification shall be completed in accordance with 23 Pa.C.S. §§ 6301—6386 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

Commented [SB37]: Include ACT 168.

(b) An IBHS agency shall have policies and procedures to ensure that staff having contact with children or youth comply with the Child Protective Services Law's requirements including mandatory reporter and training requirements. SERVICE PLANNING AND DELIVERY

§ 5240.21. Assessment.

(a) A comprehensive face-to-face assessment shall be completed by a behavior specialist or mobile therapist for each child, youth or young adult within 15 days of the initiation of IBHS and prior to developing the ITP.

(b) The assessment shall be completed in collaboration with the youth, young adult, or parent or caregiver of the child or youth, and child as appropriate.

(c) The assessment shall be individualized and include at least the following:

(1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.

(2) The strengths and needs of the family system in relation to the child, youth or young adult.

(3) Existing and needed natural and formal supports.

(4) The specific services, skills, supports and resources the child, youth or young adult requires to address the child's, youth's or young adult's identified therapeutic needs.

(5) The specific supports and resources, if any, the parent or caregiver of the child, youth or young adult requires to assist in addressing the child's, youth's or young adult's identified therapeutic needs.

(6) Clinical information that includes:

(i) Treatment history.

(ii) Medical history.

(iii) Developmental history.

(iv) Family structure and history.

(v) Educational history.

(vi) Social history.

(vii) Trauma history.

(viii) Other relevant clinical information.

(7) The child's, youth's or young adult's level of developmental, cognitive, communicative, social and behavioral functioning across the home, school and other community settings.

(8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent or caregiver.

(d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.

(4) The assessment shall be reviewed and updated at least every six months and if one of the following occurs:

- (1) A parent or caregiver of a child or youth requests an update.
- (2) A young adult or youth requests an update.
- (3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.
- (4) The child, youth or young adult completes an ITP goal.
- (5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.
- (6) The child, youth, young adult or the family experiences a crisis event.
- (7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(f) The assessment and all updates shall be signed and dated by the IBHS agency staff person that completes the assessment and the supervisor of the staff person that completed the assessment.

(g) This section does not apply to ABA services.

(h) Subsection (a) does not apply to EBT or group services.

§ 5240.22. Individual treatment plan.

(a) A written ITP shall be developed within 30 days after the initiation of a service and be based on the assessment completed in accordance with § 5240.21 (relating to assessment).

(4) The

ITP shall include the recommendations from the licensed professional who completed the written order for the IBHS in accordance with SI 155.32(a) (relating to payment conditions for individual services).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the childt youth or young adult to function at home, school or in the community.

(d) The ITP shall include the following:

(1) Service type and the number of hours of each service.

(2) Whether and how parent or caregiver participation is needed to achieve the identified goals and objectives.

(3) Safety plan to prevent a crisis, a crisis intervention plan and a transition plan.

(4) Specific goals, objectives and interventions to address the identified therapeutic needs with definable and measurable outcomes.

(5) Type of staff providing the services.

(6) Time frames to complete each goal.

(7) Settings where services may be provided.

(8) Number of hours of service at each setting.

(e) The ITP shall be developed in collaboration with the youth, young adult or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every six months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of the services identified in the ITP.

- (3) A youth or young adult requests a change.
- (4) A parent or caregiver of a child or youth requests a change.
- (5) The child, youth or young adult experiences a crisis event.
- (6) The ITP is no longer clinically appropriate for the child, youth or young adult.
- (7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(g) An ITP update shall include the elements described in subsection (d) and the following:

- (1) A description of progress or lack of progress toward the goals and objectives.
- (2) A description of any new goals, objectives and interventions.
- (3) A description of any changes made to the goals, objectives or interventions.
- (4) A description of the new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or at least one parent or caregiver of a child or youth and the IBHS staff person who developed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by the supervisor of the staff person who developed the ITP.

(j) This section does not apply to:

- (1) ABA services.
- (2) Group services.

§ 5240.23. Service provision.

(a) IBHS shall be provided in accordance with each child's, youth's or young adult's ITP.

(b) IBHS shall be delivered in community-based, clinically appropriate settings as identified in the written order and ITP.

(c) IBHS shall be provided in accordance with the IBHS agency's approved service description under § 5240.5 (relating to service description).

DISCHARGE

§ 5240.31. Discharge.

Commented [SB38]: Include ACT 147.

(a) An IBHS agency may discharge a child, youth or young adult when one of the following occurs:

(1) The child, youth or young adult has completed the goals and objectives in the ITP and no new goals or objectives have been identified.

(2) The child, youth or young adult is not progressing towards the identified goals as described in the ITP after 180 days from the initiation of the IBHS and other clinical services are in place to provide continuity of care.

(3) The child, youth or young adult requires a more restrictive service to meet the child's, youth's or young adult's needs.

(4) The parent or caregiver of a child or youth who provided consent to receive services requests to discontinue services.

(5) The youth or young adult requests to discontinue services.

(b) An IBHS agency shall provide the following information to the youth, young adult or at least one parent or caregiver of the child upon discharge:

(1) If the child, youth or young adults has been referred to other services, contact information for each service.

(2) Contact information for the local crisis intervention service.

(c) An IBHS agency may continue to serve a child, youth or young adult after the child, youth or young adult is discharged for a period of up to 90 days if the youth, young adult, or parent or caregiver of the child or youth requests reinjitation of services within 60 days after the child, youth or young adult has been discharged from services when:

(1) The condition of the child, youth or young adult has regressed and impacts the child's, youth's or young adult's ability to maintain functioning at home, school or in the community.

(2) The written order meets the requirements in § 1155.32(a)(2H4) (relating to payment conditions for individual services) or § 1155.33(a)(2)-(4) (relating to payment conditions for ABA).

§ 5240.32, Discharge summary.

(a) An IBHS agency shall complete a discharge summary for each child, youth or young adult that includes the following:

- (1) Summary of the service outcomes.
- (2) Reason for discharge.
- (3) Referral for services other than IBHS if needed.
- (4) Documentation of at least two telephone contacts within the first 30 days after discharge to monitor the status of maintaining treatment progress.

Commented [DL39]: Who makes the calls and what is the purpose? What is the intention?

Commented [KW40]: Who at the agency needs to make these telephone contacts and is this a billable service?

(b) An IBHS agency shall ensure that the discharge summary is:

- (1) Completed within 45 days after the date of discharge.
- (2) Reviewed and signed by the IBHS agency's clinical director.
- (3) Provided to the youth, young adult, or at least one parent or caregiver of

the child.

RECORDS

§ 5240.41. Individual records.

(a) An IBHS agency shall maintain a record for each child, youth or young adult served which includes the following:

(1) Identifying information.

(2) A written order for IBHS in accordance with SI 155.32(a) (relating to payment conditions for individual services) or § 1155.33(a) (relating to payment conditions for ABA).

(3) An assessment in accordance with 5240.21, 5240.85, 5240.92 or 5240.105.

(4) Presenting problems.

(5) The ITP and any updates in accordance with SS 5240.22, 5240.86, 5240.92 or

5240.106.

(6) Documentation of any efforts to coordinate care with other services and community supports if needed.

(7) Documentation of each service provided that includes the following:

(i) Date and time services were provided, duration of services, and setting where services were provided.

(ii) Identification of the service provided to address a goal in the ITP.

(jii) Description of the outcome of the services provided.

(iv) Signature of the staff person providing the service.

(8) If services are not provided in accordance with the ITP and written order, an explanation of the reason why services were not provided in accordance with the ITP and written order.

(9) Consent to treatment and consent to release information forms.

(10) Discharge summary in accordance with § 5240.32 (relating to discharge summary).

(11) Documentation of any use of a manual restraint procedure and a description of how the use of the manual restraint procedure was in accordance with S 5240.6

(relating to restrictive procedures) and used to prevent self-injury or to prevent injury to others by a child, youth or young adult, including the following:

(i) The specific behavior addressed.

(ii) The less intrusive methods of intervention used to address the behavior prior to initiating the manual restraint procedure used.

(iii) The specific manual restraint procedure used.

(iv) The name of the staff person who used the manual restraint procedure.

(v) The duration of the manual restraint procedure.

(vi) The name of the staff person who observed the child, youth or young adult during the application of the manual restraint procedure.

(vii) The child's, youth's or young adult's condition following the manual restraint procedure.

(viii) The date and time the manual restraint procedure was used.

(b) The record shall be maintained as follows:

(1) Legible.

(2) Signed and dated by the staff member writing in the record.

(3) Reviewed for quality at least every six months by the administrative director, clinical director or designated quality improvement staff. After initial

review, subsequent reviews may be limited to new additions to the record since the prior review.

(c) The record shall be maintained for a minimum of ten years after the last date of service.

§ 5240.42. Agency records.

(a) An IBHS agency shall maintain records that contain the following:

(1) Inspection reports, certifications or licenses issued by State and local agencies.

(2) A detailed agency service description in accordance with § 5240.5 (relating to service description).

(3) A written emergency plan that includes at a minimum a plan for natural disasters, inclement weather and medical emergencies.

(4) Human resources policies and procedures that address the following:

(i) Job descriptions for staff positions.

(ii) Staff work schedules and time sheets.

(iii) Criminal history checks, child abuse certifications and training on and compliance with the Child Protective Services Law's (23 Pa.C.S. 6301—6386) mandated reporter requirements.

(5) Written agreements to coordinate services in accordance with § 5240.7 (relating to coordination of services).

(6) Daily schedules for group sessions, if providing group services.

(7) Quality improvement plans in accordance with § 5240.61 (relating to quality improvement requirements).

(b) An IBHS agency shall maintain staff personnel records that include at least the following:

- (1) Documentation of staffs credentials or qualifications.
- (2) Documentation of completion of required training for all staff, including completion of continuing education credits required for professionally licensed staff to maintain licensure in accordance with the applicable professional regulations.
- (3) All criminal history checks and child abuse certifications.
- (4) The staffs individual training plan in accordance with S 5240.13 (relating to staff training plan).

§ 5240.43. Record retention and disposal.

An IBHS agency shall ensure that all records that contain protected behavioral health information, both written and electronic, are secured, maintained, and disposed of in accordance with all applicable Federal and State privacy and confidentiality statutes and regulations.

NONDISCRIMINATION

§ 5240.51. Nondiscrimination.

An IBHS agency may not discriminate against staff or children, youth or young adults receiving services on the basis of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age and shall comply with all applicable Federat and State statutes and regulations.

Commented [DL41]: Does the moral belief clause apply here?

QUALITY IMPROVEMENT

§ 5240.61. Quality improvement requirements.

(a) An IBHS agency shall establish and implement a written quality improvement plan that meets the following requirements:

Commented [DL42]: Are there standardized outcome measures?

(1) Provides for an annual review of the quality, timeliness and appropriateness of services that includes the following:

(i) Individual record reviews.

(ii) Review of individual and family satisfaction information.

(jji) Assessment of the outcomes of services delivered and if tTP goals have been completed.

(iv) An evaluation of compliance with the agency's service description and licensure requirements.

(2) Identifies the type of review and the methodology for the review that includes at least the following:

(i) Method for establishing sample size.

(ii) Frequency of review.

(iii) Staff's qualifications to perform the review.

(b) An IBHS agency shall prepare a report that includes the following:

(1) Documentation and analysis of the findings of the annual review required under subsection (a).

(2) Identification of the actions to address annual review findings.

(c) An IBHS agency shall make annual quality reports available to the public upon request.

(d) An IBHS agency shall provide written notification that a copy of the annual quality report may be requested by the youth, young adult, or parent or caregiver of a child, youth or young adult upon admission to services.

INDIVIDUAL SERVICES

§ 5240.71. Staff qualifications.

(a) Except as set forth in subsection (b), a behavior specialist who provides individual services shall meet one of the following:

(1) Be licensed in Pennsylvania as a behavior specialist.

(2) Have a current certification as a BCBA from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

Commented [DL43]: Recommend a timeframe of 18 months-2 years to obtain.

(3) Have a graduate degree in psychology, applied behavioral analysis, social work, education, counseling or related field that includes a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) Behavior specialists who provide individual services to children diagnosed with ASD for the treatment of ASD shall meet the qualifications for a behavior specialist analyst in § 5240.81 (c) (relating to staff qualifications).

Commented [DL44]: We recommend the removal of "for the treatment of ASD"

(c) A mobile therapist who provides individual services shall meet one of the following:

(1) Be licensed in Pennsylvania as a psychologist, professional counselor, marriage and family therapist or clinical social worker.

(2) Be licensed in Pennsylvania as a social worker with a graduate degree that required a clinical or mental health direct service practicum.

(3) Have a graduate degree in psychology, social work, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) A BHT who provides individual services shall have or obtain within 18 months of being hired by an IBHS agency as a BHT or two years after the effective date of these regulations, whichever is later, a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute or a current BHT certification from the Pennsylvania Certification Board. If the BHT does not have the required certification, the BHT can provide individual services for 18 months after being hired by an IBHS agency as a BHT or for two years after the effective date of these regulations, whichever is later, if the BHT meets one of the following:

(1) Have a bachelor's degree in psychology, social work, counseling, sociology, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

Commented [DL45]: Who is creating the training? We recommend no implementation until training & certification programs are complete and available. What is the timeframe for completion?

(2) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Have an associate's degree or at least 60 credits towards a bachelor's degree and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Have a Pennsylvania license as a registered nurse and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

§ 5240.72. Supervision.

(a) Supervision shall be provided by an IBHS supervisor to all staff that provide individual services. Supervision shall include at least the following:

(1) One hour of supervision of behavior specialists and mobile therapists two times a month.

(2) One individual face-to-face session a month for each IBHS staff person.

(3) Thirty minutes of direct observation of services being provided by each IBHS staff person every three months.

(4) Case reviews for each IBHS staff person each month that includes:

(i) The interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skill in implementing the ITP interventions.

(b) In addition to the requirements in subsections (a)(2)-(4), an IBHS supervisor shall provide a BHT with the following supervision:

(1) Six hours of on-site supervision during the provision of services to a child, youth or young adult prior to providing services independently.

(2) On-site supervision during the provision of services to a child, youth or young adult at least quarterly for a minimum of 30 minutes.

(3) One hour of supervision each week if the BHT works at least 37.5 hours per week or one hour of supervision two times a month if the BHT works less than 37.5 hours a week.

(c) An IBHS supervisor shall meet one of the following:

(1) Be licensed in Pennsylvania as a psychologist, professional counselor, marriage and family therapist or clinical social worker.

(2) Be licensed in Pennsylvania as a certified registered nurse practitioner and have a mental health certification.

(3) Be licensed in Pennsylvania as a social worker with a graduate degree that required a clinical or mental health direct service practicum.

(4) Have a graduate degree in psychology, applied behavioral analysis, social work, education or a related field that includes a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education

Accreditation and a minimum of one year of full-time experience in providing mental health direct services to children, youth or young adults.

(5) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of one year of full-time experience providing mental health direct services to children, youth or young adults. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) An IBHS supervisor may supervise a maximum of nine full-time equivalent BHT staff.

(e) Group supervision may be provided to no more than nine mobile therapists, behavior specialists and BHTs in each session.

(f) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191 , 110 Stat. 1936).

(g) An IBHS supervisor shall maintain documentation which includes at least the following of all supervision sessions as part of each staffs personnel file:

(1) The date of the supervision session.

(2) The location and modality of the session, such as in-person or through secure audio or video medium.

(3) The format of the session, such as individual, group or on-site.

(4) The start and end time of the supervision session.

(5) A narrative summary of the points discussed during the session.

(6) The dated signature of the supervisor and the staff person receiving supervision. (h) An IBHS supervisor shall be available to consult with staff during all hours that individual services are being provided, including evenings and weekends.

(i) The clinical director may provide supervision if the IBHS agency employs nine or less full-time equivalent staff that provide individual services and have no staff that meet the qualifications of an IBHS supervisor.

§ 5240.73. Staff training requirements.

(a) An IBHS agency that provides individual services shall ensure that all staff complete initial and annual training requirements.

(b) A behavior specialist who is licensed in Pennsylvania or who does not have a current professional license shall complete at least 16 hours of Department-approved

training annually that is related to the behavior specialist's specific job functions and is in accordance with the behavior specialist's individual training plan as required under S 5240.13 (relating to staff training plan).

(c) A mobile therapist who is not licensed in Pennsylvania as a psychologist, professional counselor, marriage and family therapist, clinical social worker or social worker shall complete at least 16 hours of Department-approved training annually that is related to the mobile therapist's specific job functions and is in accordance with the mobile therapist's individual training plan as required under § 5240.13.

(d) A BHT shall complete at least 30 hours of Department-approved training before independently providing services to a child, youth or young adult that includes the following topics:

- (1) The Child Protective Services Law (23 Pa.C.S. SS 6301—6386) and mandated reporting requirements.
- (2) Crisis intervention skills, including risk management, de-escalation techniques and safety planning.
- (3) Behavior management skills and coaching.
- (4) Child and adolescent development.
- (5) Overview of serious emotional disturbance and other behavioral and psychosocial needs of the individuals with whom the BHT works.
- (6) Professional ethics, conduct and confidentiality.
- (7) First aid, universal precautions and safety.
- (8) Psychotropic medications, including common side effects.

(e) Within the first six months of employment as a BHT, the BHT shall complete at least 24 hours of Department-approved training that includes the following topics:

- (1) Documentation skills.
- (2) Systems of care principles.
- (3) Overview of functional behavioral assessment.
- (4) Ethnic, cultural and linguistic considerations of the community served.
- (5) Strategies and interventions to engage children, youth or young adults and parents or caregivers in services, including family systems theory.
- (6) Skills and techniques for working with families.
- (7) Overview of community resources and child and youth-serving systems and processes.
- (8) Cross-systems collaboration.
- (9) Communication and conflict resolution skills.
- (10) Basic individual education plan and special education information.
- (11) Safe use of restrictive procedures in accordance with § 5240.6 (relating to restrictive procedures).

(f) A BHT who has a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute may count hours of training required for certification towards the training requirements in subsections (d) and (e).

(g) A BHT who is certified as a BHT through the Pennsylvania Certification Board is deemed to have completed and is exempt from the training requirements in subsections

(d) and (e).

(h) A BHT may substitute completed college coursework for any of the required training topics in subsections (d) or (e) by providing an official transcript and if needed other documentation to the IBHS agency that reflects that the coursework addressed a required training topic.

(i) A BHT shall complete at least 20 hours of Department-approved training annually that is related to the BHT's specific job functions and is in accordance with the BHT's individual training plan required under § 5240.13.

Commented [DL46]: We recommend 18 months-2 years to complete this.

(j) A BHT who has a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute may count hours of continuing training required to maintain the BHT's certification towards the continuing training requirement in subsection (i).

§ 5240.74. Individual services initiation requirements.

(a) An IBHS agency shall provide individual services to a child, youth or young adult in accordance with a written order pursuant to S 1155.32(a) (relating to payment conditions for individual services).

(b) Prior to the initiation of individual services, the IBHS agency shall obtain written consent to receive the individual services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

§ 5240.75. Individual services provision.

(a) A behavior specialist shall provide only the following services:

- (1) Assessment of behavioral needs.
- (2) Design and direction of the implementation of behavioral interventions in the ITP.

(3) Identification of behavioral goals in measurable terms and selection of appropriate interventions for inclusion in the ITP.

(4) Review, analysis and interpretation of data to determine any changes to goals and objectives included in the tTP.

(5) Consultation to mobile therapists or BHTs on behavioral management protocols.

(6) Review of clinical outcomes for the behavioral interventions being implemented in the treatment plan with the youth, young adult, or parent or caregiver of the child to determine effectiveness of the individual services on a monthly basis.

(b) A mobile therapist shall provide only the following services:

(1) Individual therapy.

(2) Family therapy.

(3) Assessment of the strengths and therapeutic needs of the child, youth or young adult and family or caregiver.

(4) ITP development.

(5) Assistance with crisis stabilization.

(6) Assistance with addressing problems the child, youth or young adult has encountered,

(c) A BHT shall provide only the following services as part of implementing the ITP:

(1) Support of problem solving skill development.

(2) Instruction on how to understand, direct, interpret, manage and control feelings and emotional responses to situations.

(3) Assistance to the parent or caregiver to address the therapeutic needs of the child, youth or young adult.

(4) Psychoeducational services related to mental health, including but not limited to the development of improved decision making skills to manage behavior.

(5) Assistance with the development of social skills and socially acceptable behaviors.

(6) Instruction on stress reduction techniques.

(7) Collection of data.

(8) Behavioral stabilization and interventions to support services provided by a behavior specialist or mobile therapist.

(9) Referrals to other necessary services and supports.

(d) A BHT may not provide interventions requiring skills, experience, credentials or licensure that the BHT does not possess.

(e) A BHT may not develop or revise the ITP goals, objectives or interventions.

APPLIED BEHAVIORAL ANALYSIS

§ 5240.81. Staff qualifications.

(a) An administrative director of an IBHS agency that provides ABA services shall have one of the following:

(1) A graduate degree in applied behavioral analysis, psychology, social work, counseling, education, public administration, business administration or related field from a college or university accredited by an agency recognized by the United States

Department of Education or the Council for Higher Education Accreditation.

(2) An equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general

equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) A clinical director of an IBHS agency that provides ABA services shall be licensed in Pennsylvania as a psychiatrist, psychologist, certified registered nurse practitioner, professional counselor, marriage and family therapist, clinical social worker, behavior specialist, social worker or as a professional who within the scope of the licensed professional's practice may provide or supervise the provision of ABA. If the clinical director is licensed as a certified registered nurse practitioner, the clinical director must have a mental health certification. If the clinical director is licensed as a social worker, the clinical director must have a graduate degree that required a clinical or mental health direct service practicum. A clinical director shall also have one of the following:

(1) A current certification as a BCBA from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(2) A graduate degree or graduate certificate in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of one year of full-time experience in the provision of ABA, provided that the clinical director obtains a BCBA certification from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute within three years of the date the individual starts working as a clinical director for any IBHS agency.

(3) An equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of one year of full-time

experience in the provision of ABA, provided that the clinical director obtains a BCBA certification from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute within three years of the date the individual starts working as a clinical director for any IBHS agency. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(c) A behavior specialist analyst who provides ABA services shall have a Pennsylvania license as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker or behavior specialist and have one of the following:

(1) A current certification as a BCBA from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(2) A current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) A current certification as a behavior specialist analyst with a competency in ABA from the Pennsylvania Certification Board.

(4) A minimum of 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and one year of full-time experience in the provision of ABA.

(5) A minimum of one year of full-time experience in the provision of ABA under the supervision of a professional with a certification as a BCBA from the Behavior Analyst Certification Board or other graduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(d) An ABSA who provides ABA services shall meet one of the following:

(1) Have all of the qualifications for licensure as a behavior specialist under 49 Pa. Code S 18.524 (relating to criteria for licensure as a behavior specialist) except the experience required under subsection (c).

(2) Have a bachelor's degree in psychology, social work, counseling, education or related field from a college or university accredited by an agency recognized by the

United States Department of Education or the Council for Higher Education

Accreditation and a current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Have a bachelor's degree in psychology, social work, counseling, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education

Accreditation and at least 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and six months of experience in providing ABA.

(5) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and at least 12 credits in ABA from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and six months of experience in providing ABA. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(e) A BHT-ABA who provides ABA services shall have or obtain within 18 months of being hired by an IBHS agency as a BHT-ABA or two years after the effective date of these regulations, whichever is later, a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute or a current BHT certification with a competency in ABA from the Pennsylvania Certification Board. If the BHT-ABA does not have the required certification, the BHT-ABA can provide ABA services for 18 months after being hired by an IBHS agency as a BHT-ABA or for two years after the effective date of these regulations, whichever is later, if the BHT-ABA meets one of the following:

(1) Have a bachelor's degree in psychology, sociology, social work, nursing, counseling, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

(2) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Have an associate's degree or at least 60 credits towards a bachelor's degree with 12 credits in providing ABA and a minimum of one year of full-time experience in the provision of ABA.

§ 5240.82. Supervision.

(a) The ABA clinical director shall provide supervision to all behavior specialist analysts that includes at least the following:

(1) One hour of supervision two times a month.

(2) One individual face-to-face session each month.

(3) Case reviews each month that includes:

(i) The specific ABA interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA.

(b) A behavior specialist analyst shall provide supervision to all ABSA staff that includes at least the following:

(1) One hour of supervision each week if the ABSA works at least 37.5 hours per week or one hour of supervision two times a month if the ABSA works less than 37.5 hours a week.

(2) One individual face-to-face session a month.

(3) Six hours of on-site supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.

(4) Thirty minutes of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP goals every three months.

(5) Case reviews each month that includes:

(i) The specific ABA interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA. (c) A behavior specialist analyst or an ABSA who has a current BCaBA from the Behavior Analyst Certification Board or other undergraduate level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall provide supervision to all BHT-ABA staff that includes at least the following:

(1) One hour of supervision each week if the BHT-ABA works at least 37.5 hours per week or one hour of supervision two times a month if the BHT-ABA works less than

37.5 hour a week.

(2) One individual face-to-face session a month.

(3) Six hours of on-site supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.

(4) One hour of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP goals every three months.

(5) Case reviews each month that includes:

(i) The specific ABA interventions being implemented.

(ii) ITP Implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA. (d) The clinical director may provide supervision if an IBHS agency that provides ABA employs nine or less full-time equivalent ABSA and BHT-ABA staff.

(e) Group supervision may be provided to no more than nine behavior specialist analysts, ABSAs and BHT-ABAs in each session.

(f) A behavior specialist analyst or an ABSA who meets the qualification to provide supervision in subsection (c) may supervise a maximum of nine full-time equivalent BHT-ABA staff.

(g) A supervisor shall be available to consult with staff during all hours that ABA services are being provided, including evenings and weekends.

Commented [DL47]: Recommend insert "collaboration".

(h) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191 , 110 Stat. 1936).

(i) A supervisor shall maintain documentation which includes at least the following of all supervision sessions as part of each staffs personnel file:

- (1) The date of the supervision session.
- (2) The location and modality of the session, such as in-person or through a secure audio or video medium.
- (3) The format of the session, such as individual, group or on-site.
- (4) The start and end time of the supervision session.
- (5) A narrative summary of the points discussed during the session.
- (6) The dated signature of the supervisor and the staff person receiving supervision, § 5240.83. Staff training requirements.

(a) An IBHS agency that provides ABA services shall ensure that all staff complete initial and annual training requirements.

(b) A behavior specialist analyst who is licensed in Pennsylvania as a specialist shall complete the following:

(1) At least 45 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult. ABA training completed prior to obtaining licensure as a behavior specialist may be counted towards the 45 hours of training related to ABA.

(2) At least 16 hours of training annually that is approved by the Behavior Analyst

Certification Board or the Department that is related to the behavior specialist analyst's specific job functions and is in accordance with the behavior specialist analyst's individual training plan as required under § 5240.13 (relating to staff training plan).

(c) An ABSA who does not have a certification as a BCBA or BCaBA from the Behavior Analyst Certification Board, a certification as a BCAT from the Behavioral Intervention Certification Council or another graduate or undergraduate certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall complete the following:

(1) At least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.

(2) At least 20 hours of training annually that is approved by the Behavior Analyst

Certification Board or the Department that is related to the ABSA's specific job functions and is in accordance with the ABSA's individual training plan as required under

s 5240.13.

(d) A BHT-ABA who does not have a certification as a BCaBA or RBT from the Behavioral Analyst Certification Board, a certification as a BCAT from the Behavioral

Intervention Certification Council, BHT certification from the Pennsylvania Certification Board or another undergraduate certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall complete the following:

(1) Training in accordance with § 5240.73(d), (e) and (h) (relating to staff training requirements).

(2) At least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.

(3) At least 20 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department that is related to the BHT-ABA's specific job functions and is in accordance with the individual training plan as required under s 5240.13.

§ 5240.84. ABA initiation requirements.

(a) An IBHS agency shall provide ABA services to a child, youth or young adult in accordance with a written order pursuant to § 1 155.33(a) (relating to payment conditions for ABA).

(b) Prior to the initiation of ABA services, the IBHS agency shall obtain written consent to receive the ABA services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

§ 5240.85. Assessment.

(a) A comprehensive face-to-face **assessment** shall be completed by a specialist analyst for each child, youth or young adult prior to developing the ITP.

Commented [DL48]: Please define the assessment and minimum requirements.

(b) The assessment shall be completed in collaboration with the youth, young adult, or parent or caregiver of the child or youth, and child as appropriate.

(c) The assessment shall be individualized and include at least the following:

(1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.

(2) The strengths and needs of the family system in relation to the child, youth or young adult.

(3) Existing and needed natural and formal supports.

(4) Clinical information that includes:

(i) Survey data gathered from a parent or caregiver.

(ii) Treatment history.

(iii) Medical history.

(iv) Developmental history.

(v) Family structure and history.

(vi) Educational history.

(vii) Social history.

(viii) Trauma history.

(ix) Adaptive skills assessment.

(x) Other relevant clinical information.

(5) Completion of standardized behavioral assessment tools as needed.

(6) Compilation of observational data to identify developmental, cognitive, communicative, behavioral and adaptive functioning across the home, school and other community settings.

(7) Identification and analysis of skill deficits or targeted behaviors, or both in measurable terms to address needs.

(8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent or caregiver.

(d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.

(e) The assessment shall be reviewed and updated at least annually and when one of the following occurs:

(1) A parent or caregiver of a child or youth requests an update.

(2) A youth or young adult requests an update.

(3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(4) The child, youth or young adult completes an ITP goal.

(5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of the ABA services identified in the ITP.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) The behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved the child's, youth's or young adult's services determines an update is needed.

(f) The assessment and all updates shall be signed and dated by the specialist analyst that completes the assessment and the ABA clinical director.

§ 5240.86. Individual treatment plan.

(a) A written ITP shall be developed by the behavior specialist analyst within 30 days after the initiation of ABA services and be based on the assessment completed in accordance with § 5240.85 (relating to assessment).

(b) The ITP shall include the recommendations from the licensed professional who completed the written order for ABA services in accordance with § 1155.33(a) (relating to payment conditions for ABA).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified skill deficits or target behaviors, or both for the child, youth or young adult to function at home, school or in the community.

(d) The ITP shall include the following:

(1) Service type and number of hours for each service.

(2) Specific measurable long, intermediate and short-term goals and objectives to address socially significant behaviors or skill deficits, or both.

(3) Delineation of the frequency of baseline behaviors, the treatment planned to address behaviors or skill deficits, or both, and the frequency at which the child's, youth's or young adult's progress in achieving each goal is measured.

(4) Time frames to complete each goal.

(5) Whether and how parent or caregiver training, support and participation is needed to achieve the identified goals and objectives.

(6) ABA interventions that are tailored to achieving the child's, youth's or young adult's goals and objectives.

(7) Type of staff providing the services.

(8) Settings where services may be provided.

(9) Number of hours of service at each setting.

(e) The JTP shall be developed in collaboration with the youth, young adult or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every six months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of ABA services identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult

(7) A behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(g) An ITP update shall include the elements described in subsection (d) and the following:

(1) A description of progress or lack of progress toward the goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to goals, objectives or interventions.

(4) A description of any new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or at least one parent or caregiver of a child or youth and the behavior specialist analyst who developed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by the ABA clinical director.

§ 5240.87. ABA services provision.

(a) A behavior specialist analyst utilizes behavioral interventions and environmental modifications to reduce or eliminate problem behaviors or skill deficits to achieve a positive change in the targeted behavior or skill deficit. A behavior specialist analyst shall provide only the following services:

Commented [DL49]: We recommend full alignment with the board requirements for BCBA and RBT.

(1) Assessment of skill deficits and behavioral needs.

(2) ITP goals and objectives development to address the identified skill deficits and targeted behaviors.

(3) Selection and design of the appropriate behavioral interventions for the implementation of ABA services.

(4) Review, analysis and interpretation of data to determine any changes to selected behavioral interventions that may be needed to achieve identified goals and objectives.

(5) Supervision of staff providing ABA to the child, youth or young adult.

(6) Implementation of the ITP to assist the child, youth or young adult in achieving the goals of the ITP.

Commented [DL50]: What billing codes are to be used – ABA or Group?

(d) An

ABSA assists a behavior specialist and provides face-to-face behavioral stabilization and behavioral interventions. An ABSA shall provide only the following services:

- (1) Assistance to the behavior specialist analyst with the development of goals and objectives to address the skill deficits and targeted behaviors and the selection of appropriate behavioral interventions.
- (2) Data collection.
- (3) Review, analysis and interpretation of data to determine any changes to selected behavioral interventions under the supervision of a behavior specialist analyst.
- (4) Implementation of the ITP to assist the child, youth or young adult in achieving the goals of the ITP.
- (5) Training for the BHT-ABA or family in the implementation of behavioral interventions.

(c) A BHT-ABA implements the ITP by providing face-to-face behavioral stabilization and support interventions, which includes only the following services:

- (1) Collection of data under the direction of a behavior specialist analyst.
- (2) Model interventions needed to assist the parent or caregiver to address the child's, youth's or young adult's goals and objectives specified in the ITP.
- (3) Instruction on how the child, youth or young adult can direct, manage and control targeted behaviors.
- (4) Assistance with the development of socially acceptable behaviors.
- (5) Problem solving skill development to address skill deficits.
- (6) Referrals to other necessary services and supports.

(d) An

ABSA and BHT-ABA may not provide interventions requiring skills, experience, credentials or licensure that the ABSA or BHT-ABA does not possess.

EVIDENCE-BASED THERAPY

§ 5240.91. EBT initiation requirements.

(a) An IBHS agency shall provide EBT to a child, youth or young adult in accordance with a written order pursuant to § 1155.34(a) (relating to payment conditions for EBT.

(b) Prior to the initiation of EBT service, the IBHS agency shall obtain written consent to receive the EBT services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

§ 5240.92. Assessment and individual treatment plan.

(a) A comprehensive face-to-face assessment shall be completed by a staff person with the qualifications required by the EBT for each child, youth or young adult within 15 days of the initiation of the service in accordance with § 5240.21 and (d) (relating to assessment) and prior to developing the ITP.

(b) The assessment shall be reviewed and updated in accordance with § 5240.21 (e) and (f).

(c) A written ITP shall be developed, reviewed and updated in accordance with § 5240.22 (relating to individual treatment plan).

§ 5240.93. EBT require

(a) An IBHS agency shall have a certification or license from the national certification organization or entity that developed or owns the EBT if required to provide the EBT.

(b) An IBHS agency shall ensure that EBT is provided by staff that meet the qualifications and receive supervision as set forth in the EBT.

Commented [DL51]: Recommend guidance to use the most appropriate EBP when ABA may not be the most applicable treatment for other behavioral health disorders.

(d) An

IBHS agency that is using an EBT shall have written policies and procedures to measure:

- (1) The adherence to the implementation of the specific EBT.
- (2) The outcomes of the EBT that incorporate review standards associated with the EBT.

(d) An IBHS agency using an EBT shall continuously monitor the fidelity to the EBT.

(e) An IBHS agency shall ensure that procedures related to and decisions about continuing services and discharge are made in accordance with the specific EBT.

(f) An IBHS agency that does not meet the standards of the EBT that is provided shall:

- (1) Have a corrective action plan that is approved by the national certification organization or the Department.

- (2) Track the corrective action plan to ensure that the plan has been implemented.

- (3) Complete the corrective action plan to meet the standards of the EBT within the time frame identified in the corrective action plan.

GROUP SERVICES

§ 5240.101 Staff requirements and qualifications.

(a) In addition to the staff required under § 5240.11 (relating to staff requirements), an IBHS agency that provides group services shall have a mental health professional. (b) A mental health professional shall meet the qualifications for a mobile therapist in § 5240.71 (c) (relating to staff qualifications).

(c) A mental health worker who provides group services shall have one of the following:

(1) A bachelor's degree in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapy from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or equivalency.

(2) A graduate degree in a recognized clinical discipline from a college or university accredited by an agency recognized by the United States Department of Education or Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or equivalency.

(d) A BHT who provides group services shall meet the qualifications in § 5240.71 (d).

(e) An IBHS agency that provides group services which include specialized therapies such as music, dance and movement, play or occupational therapies shall use clinical staff to provide the specialized therapies that meet one of the following:

(i) Nationally certified in the specific therapy.

(2) Mental health professionals with at least 12 graduate-level credit hours in the specialized therapy and at least one year of supervised experience in the use of the specialized therapy technique.

(3) Mental health professionals supervised by a nationally credentialed activities therapist.

S 5240.102. Supervision.

(a) Supervision shall be provided to all staff that provide group services and include at least the following:

(1) The clinical director shall provide one hour of face-to-face supervision to each mental health professional at least two times a month.

(2) A mental health professional shall provide one hour of supervision each week for each mental health worker that works at least 37.5 hours per week and one hour of supervision two times a month for each mental health worker that works less than 37.5 hours a week.

(3) A mental health professional shall provide one hour of supervision each week for each BHT that works at least 37.5 hours per week, one hour of supervision two times a month for each BHT that works less than 37.5 hours a week, and six hours of on-site supervision during the provision of group services to a child, youth or young adult prior to the BHT providing services independently.

(4) One individual face-to-face session each month for each IBHS staff person that provides group services.

(5) Group supervision may be provided to no more than nine IBHS staff that provide group services in each session.

(6) Case reviews for each IBHS staff person each month that includes:

(i) The interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to ITP goals.

(iv) Staff person's skills in implementing the tTP interventions.

(b) A mental health professional may supervise a maximum of nine full-time equivalent

IBHS staff providing group services,

(c) A mental health professional shall be available to consult with staff during all hours that group services are provided, including evenings and weekends.

(d) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191 , 110 Stat. 1936).

(e) A mental health professional shall maintain documentation which includes at least the following of all supervision sessions as part of each staff person's personnel file:

- (1) The date of the supervision session.
- (2) The location and modality of the session, such as in-person or through secure audio or video medium.
- (3) The format of the session, such as individual, group or on-site.
- (4) The start and end time of the supervision session.
- (5) A narrative summary of the points discussed during the session.
- (6) The dated signature of the supervisor and the staff person receiving the supervision.

§ 5240.103. Staff training requirements.

(a) An IBHS agency that provides group services shall ensure that all staff complete initial and annual training requirements.

(b) A mental health professional that is not licensed in Pennsylvania as a psychologist, professional counselor, marriage and family therapist, clinical social worker or social worker shall complete at least 16 hours of Department-approved training annually that is related to the mental health professional's specific job

functions and is in accordance with the mental health professional's individual training plan as required under § 5240.13 (relating to staff training plan).

(c) A mental health worker shall complete at least 20 hours of Department-approved training annually that is related to the mental health worker's specific job functions and is in accordance with the mental health worker's individual training plan as required under § 5240.13,

(d) A BHT shall complete training in accordance with § 5240.73(d)-(j) (relating to staff training requirements) and the individual training plan as required under 5240.13.

§ 5240.104. Group services initiation requirements.

(a) An IBHS agency shall provide group services to a child, youth or young adult in accordance with a written order pursuant to S 1155.35(a) (relating to payment conditions for group services).

(b) Prior to the initiation of group services, the IBHS agency shall obtain written consent to receive the group services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

§ 5240.105. Assessment.

(a) A comprehensive face-to-face assessment shall be completed by a mental health professional for each child, youth or young adult within five days of the initiation of group services in accordance with S 5240.21 and (f) (relating to assessment) and prior to developing the ITP.

(b) The assessment shall be reviewed and updated in accordance with S 5240.21 (e) and (f).

§ 5240.106. Individual treatment plan.

(a) A written ITP shall be developed by the mental health professional within ten days after the initiation of group services and be based on the assessment completed in accordance with § 5240.105 (relating to assessment).

(b) The ITP shall include the recommendations from the licensed professional who completed the written order for group services in accordance with § 1155.32(a) (relating to payment conditions for individual services) and § 1155.35(a) (relating to payment conditions for group services).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.

(d) The ITP shall include the following:

(1) Specific goals and objectives to address the identified therapeutic needs with definable and measurable outcomes.

(2) Whether and how parent or caregiver participation is needed to achieve the identified goals and objectives.

(3) Structured therapeutic activities, community integration activities and individual interventions to address identified therapeutic needs for the child, youth or young adult to function in the home, school or community.

(4) Type of staff providing the services.

(5) Time frames to complete each goal.

(6) Settings where group services may be provided.

(7) Number of hours that group services will be provided to the child, youth or young adult.

(e) The ITP shall be developed in collaboration with the youth, young adult or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every six months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 45 days from the initiation of the services identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(g) An ITP update shall include the elements described in (d) and the following:

(1) A description of progress or lack of progress towards the goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to the goals, objective or interventions.

(4) A description of new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or at least one parent or caregiver of a child or youth and the mental health professional who developed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by the IBHS clinical director.

§ 5240.107. Group services provision.

(a) A mental health professional shall provide only the following services:

- (1) Individual psychotherapy**
- (2) Group psychotherapy**
- (3) Family psychotherapy**
- (4) Design of psychoeducational group activities.**
- (5) Assessment of the strengths and therapeutic needs of the child, youth or young adult.**
- (6) ITP development.**

(b) A mental health worker shall provide only the following services:

- (1) Assistance in conducting group psychotherapy.**
- (2) Facilitation of psychoeducational group activities.**
- (3) Implementation of the ITP to assist the child, youth or young adult achieve a goal.**
- (4) Support of the child, youth or young adult with the development of appropriate behaviors and interpersonal relationships in the community.**
- (5) Help for the child, youth or young adult to develop coping skills to aid in the development of age appropriate interpersonal relationships with peers.**

(c) A BHT shall provide only the following services:

- (1) Assistance with the facilitation of psychoeducational group activities.**
- (2) Instruction on how to manage and control emotional responses in group settings.**

(3) Behavioral stabilization and interventions that support the child, youth or young adult in community settings.

(4) Problem solving skills modeling.

(d) Group services shall be structured to address the goals and objectives identified in each child's, youth's or young adult's ITP.

(e) Group services shall be provided in a school or other community setting and may be provided in an IBHS agency site if approved in the service description in accordance with 5240.5(a)(12) (relating to service description).

(f) An IBHS agency that provides group services and ABA services shall also comply with 5240.81-.87.

(g) An IBHS agency that provides group services and EBT shall also comply with 5240.91-.93.

§ 5240.108. Requirements for group services in school settings.

A licensed IBHS agency that provides group services and identified a school as a location where services will be provided in its approved service description shall also meet the following requirements.

(a) Have a written agreement with the authorized representative for each school location in which it provides group services that includes at least the following:

(1) Identification of the IBHS agency's and the school's lead contacts and their contact information.

(2) Delineation of roles and responsibilities of the school staff and the IBHS agency staff.

Commented [DL52]: Who is the authorized representative of the school? Provide an example of a written agreement.

(3) Assurances of the collaborative relationship between school staff and IBHS agency staff.

(4) A requirement for quarterly meetings between IBHS staff and school administration to review performance, collaboration issues and the written agreement.

(5) Crisis management protocols.

(6) Procedures for school staff to refer students for group services.

(7) Identification of the space and equipment allocated for use by IBHS agency staff.

(8) Process for revising or updating the written agreement.

(b) IBHS agency staff and the school staff involved with the child, youth or young adult receiving group services shall meet on a quarterly basis to discuss the student's behavioral health services and progress related to school performance.

(1) A youth, young adult, or parent or caregiver of the child or youth shall be invited to participate in the quarterly meeting.

(2) Other professionals as requested by a youth, young adult, or parent or caregiver of the child or youth shall be invited to participate in the quarterly meeting.

(c) An IBHS agency shall document the outcome of the quarterly meeting and include the following:

(1) Attendance.

(2) Date of meeting.

(3) Summary of the discussion.

(4) Recommendations for any change in group service participation, if discussed.

(5) Reason a meeting was not convened as required.

(d) An IBHS agency providing group services shall keep the child's, youth's or young adult's records in accordance with S 5240.41 (relating to individual records). (e) An ITP for group services provided in school settings shall be developed in accordance with § 5240.106 (relating to individual treatment plan) and include the following:

(1) Continuity of services when school is not in session.

(2) Interventions that specifically address the child's, youth's or young adult's functioning in school.

(3) Input from the teachers and guidance counselor directly involved with the child, youth or young adult receiving group services.

(f) An IBHS agency that provides group services and ABA services and provides the services in school settings shall also comply with § 5240.81-.87 (relating to ABA requirements).

(g) An IBHS agency that provides group services and EBT and provides the services in school settings shall also comply with § 5240.91-.93 (relating to EBT requirements).

WAIVERS

§ 5240.111. Waivers

(a) An IBHS agency may submit a written request to the Department for a waiver of a specific requirement in this chapter.

(b) The Department may grant a waiver unconditionally or subject to conditions that must be met. The Department may revoke a waiver if conditions required by the waiver are not met.

(c) A waiver request will be granted only in exceptional circumstances and if the following are met:

Commented [KW53]: What role does the County Behavioral Health Program have when a provider is requesting a waiver from the Department?

(1) The waiver does not jeopardize the health and safety of the children, youths or young adults served by the IBHS agency.

(2) The waiver will not adversely affect the quality of services provided by the IBHS agency.

(3) The intent of the requirement to be waived will still be met.

(4) Children, youth or young adults will benefit from the waiver of the requirement.

(5) The waiver does not violate any Federal or State statute or other regulation.

TRANSMITTAL

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SHEET FOR REGULATIONS SUBJECT TO

REGULATORY REVIEW ACT

I.D. NUMBER: 14-546

SUBJECT: Intensive Behavioral Health Services

**AGENCY: DEPARTMENT OF HUMAN SERVICES
Office of Mental Health and Substance Abuse Services**

TYPE OF REGULATION

Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Re-Delivery of Disapproved Regulation

a. With Revisions

b. Without Revisions

EIIVEO

JUL 18 2018

**Independent Regulatory
Review Commission**