

14-546-86 3209

**Champa, Heidi**

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**From:** Susan Hurd <shurd@cbhsinc.com>  
**Sent:** Tuesday, September 04, 2018 3:45 PM  
**To:** PW, IBHS  
**Subject:** IBHS Regulation Comments  
**Attachments:** Regulation Comments - BHPA 2018-09.doc



Dear Ms. Pride,

Please accept the attached comments on behalf of the Behavioral Health Providers Assoc. of NE PA.

*Susan Hurd*

Chief Operating Officer

Children's Behavioral  
Health Services, Inc.  
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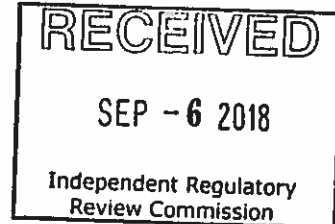


3209



September 4, 2018

Bureau of Policy, Planning and Program Development  
Commonwealth Towers  
11th Floor, P.O. Box 2675  
303 Walnut Street  
Harrisburg, PA 17105



RE: Comments on Proposed Rulemaking

Dear Ms. Pride:

In the Regulatory Analysis Form for IRRC #3209, the Department of Human Services states that the proposed regulations will benefit children, youth, young adults and providers. However, there are several requirements that will have a negative impact on behavioral health services in Pennsylvania and reduce the amount of services available. Without these supports to children, youth and young adults with mental, emotional and behavioral health needs, there is a greater potential for out-of-home placement and admission to more restrictive settings like residential treatment facilities.

The proposed regulations will not benefit the children, youth and young adults with Autism who currently receive BHRS as the new regulations require minimum staff qualifications that will greatly reduce the number of individuals that will be able to continue to provide services to children. Specifically, the qualifications for behavior specialists and behavior technicians (formerly TSS) that include behavior analysis certifications, intended to expand the employment options will instead reduce agencies ability to retain or hire qualified staff. Providers are already experiencing a shortage of direct support professionals in the mental health/behavioral health fields. By adopting these standards, Pennsylvania would not meet the EPSDT mandate as it would set the standards for credentials so high that insufficient numbers of qualified individuals would exist to treat children with Autism.

In addition, Applied Behavioral Analysis (ABA) should not be the only treatment approach available to children with Autism Spectrum Disorder. For decades, children have been treated successfully through BHRS utilizing training and techniques that pre-date ABA. The Sonny O. settlement should not eliminate all other treatment interventions. As stated by Martin C. Carlson, Magistrate Judge, "... the settlement does not mandate ABA therapy, it just provides access to that therapy." Families should continue to have the ability to choose the services that they feel are appropriate for their children. In IBHS, there should be a choice between Individual Services and Applied Behavioral Analysis Services for children with Autism. This can be accomplished by eliminating the qualification under **INDIVIDUAL SERVICES § 5240.71. Staff qualifications. (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). As with any other diagnosis, there should be an array of treatment options available.

The proposed regulations will not benefit the current providers of BHRS through the reduction of the paperwork required to initiate services for individuals to be served or the transfer of staff training requirements when working for more than one agency or changing employment. The increased amount of non-billable administrative costs and staff acquisition costs will far outweigh the slight benefit from either. Some of the increased costs include:

- Management and development of *individualized* trainings specific to staff *hire dates*
- Increased credentials and staffing of an Administrative Director and Clinical Supervisor
- Increased credentials for Behavior Specialist Analysts and Behavior Health Technicians
- Increased supervision requirements and documentation
- Quality reviews of records every 6 months, an annual review, an annual public quality report, and other written policies and procedures.
- Development and maintenance of a community resource list
- Development of a written referral process and referral tracking

As providers of BHRS for decades in Northeast Pennsylvania, we have seen children, youth and young adults with mental, emotional and behavioral health needs prosper and succeed through the quality services provided by the professionals employed by our agencies. The proposed rulemaking to codify the minimum licensing standards and program requirements that will replace the PA Bulletins will help to eliminate confusion and continue a high standard of quality for all providers. Our recommendations for the proposed IBHS regulations would include:

- Eliminate the qualification under **INDIVIDUAL SERVICES § 5240.71. Staff qualifications. (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)***. This would allow non-ABA services to be provided to children, youth and young adults.
- Eliminate the requirement that an Administrative Director have a graduate degree.
- Eliminate the requirement that staff trainings be specific to a staff person's hire date and instead require trainings to be individualized on an annual basis.
- Allow supervision of staff as a billable requirement for Behavior Specialists who provide Individual Services (not just Behavior Specialist Analysts).
- Clarify the Admissions Process with the proposed requirement of having a written order and assessment as opposed to the current Best Practice Evaluation - Life Domain Format for Psychiatric/Psychological Evaluations: Initial and Continued Care
- Develop a service description template for each IBHS to streamline the admission process.
- A significant rate increase in the reimbursement for behavioral health services provided to children, youth and young adults with mental, emotional and behavioral health needs to include a cost of living adjustment.

Respectfully submitted,

Susan Hurd, President and C.O.O.  
Behavioral Health Providers Association of Northeast PA  
Children's Behavioral Health Services, Inc.

Ryan Baran, Service Director  
Step By Step, Inc.

Kimberly Morrow-Gonzalez, BHRS Program Director  
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Erin Pohutsky, Executive Director of Client Services  
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