

14-546-104

SEP 17 2018

3209

**Champa, Heidi**

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**From:** Pride, Tara  
**Sent:** Monday, September 17, 2018 9:09 AM  
**To:** PW, IBHS  
**Subject:** FW: Response to IRRC #3209  
**Attachments:** Additional Response to IRRC Number 3209 sk 083118 signed.pdf



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**From:** Steven Kossor [mailto:sakossor@ibc-pa.org]  
**Sent:** Friday, August 31, 2018 3:54 PM  
**To:** Pride, Tara <tpride@pa.gov>  
**Cc:** Samuel Knapp <sam@papsy.org>  
**Subject:** Response to IRRC #3209

Please accept the attached additional response to the proposed IBHS regulations. I fully support the response of the PA Psychological Association submitted yesterday but I noticed something on page 5 that brought to mind a grievous injustice that has been perpetrated for several years by at least two Behavioral Health Managed Care Organizations. The proposed IBHS regulations could stop that abuse; I hope DHS accepts its responsibility for having allowed it, and stops it.

Steve

TO: Tara Pride

3209

DATE: 8/31/2018

FROM: Steve Kossor

RE: IRRC Number 3209 Proposed Rulemaking: Intensive Behavioral Health Services (IBHS)

In the response of the Pennsylvania Psychological Association (Baturin and Knapp, 8/30/18) to the Proposed Intensive Behavioral Health Services; Regulation No. 14-546 published August 4, 2018 in the *Pennsylvania Bulletin*, the statement below appears on page 5. I have had repeated experience with this issue and thought it would be helpful to make an additional contribution to the public response to the proposed IBHS regulations (IRRC #3209).

In the past, there were reports that the Department of Public Welfare refused to reimburse professionals for services to the parents or caregivers, even when they were done as an essential component of an evidence-based program. We want to ensure that no such penalties for delivering evidence-informed treatments will occur in the future. Often consultations are part of the total intervention done on behalf of a child. It makes little sense for the Department to require evidence-based services, and then refuse to reimburse for certain components of those evidence-based services.

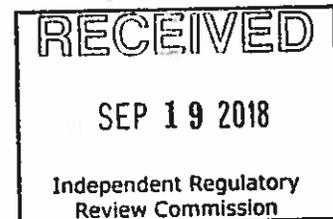
In my experience, the Department of Human Services (DHS, and the Department of Public Welfare before that) has always, and is currently, paying for "non face-to-face" consultations by BSC providers (writing treatment plans in an office, telephone consultations with parents and other caretakers, meetings with parents and other caretakers to monitor and assess the progress of the child receiving BHRS treatment) when claims are delivered directly to DHS through the ACCESS billing system. In accordance with MA Bulletin 01-94-01 which introduced Behavior Specialist Consultant (BSC) services in 1994 (and which has not been amended since then insofar as "billable" BSC services are concerned), any "monitoring or assessing of progress" is billable as BSC time, whether or not it is delivered face-to-face with a child, parent or other caretaker.

Despite this decades-old written standard, some BH-MCOs (two come immediately to mind but there may be others) have been and are still today refusing to pay BSC providers for any "non-face-to-face" service delivery by BSCs. This raises the essential issue that Behavioral Health Managed Care Organizations (BH-MCOs) have been allowed by DHS to "write their own BHRS regulations and enforce them at will" with increasing ferocity over the years. When I brought formal complaints about this kind of BH-MCO over-reaching to the attention of DHS authorities, official representatives of the DHS said "That's between you and the MCO, it's not our problem because we don't regulate insurance companies." This rank abandonment of responsibility for overseeing Medicaid Managed Care Organizations has to be stopped; the new IBHS regulations could stop it, and should. According to Federal and State law, any Organization that controls the payment of Medicaid funds is supposed to be subject to control and oversight by the "State Medicaid Agency" and in Pennsylvania that is the Department of Human Services, certainly not the Insurance Department. The DHS should build in to the IBHS regulations an internal means for addressing complaints about BH-MCO administration of the IBHS system, and not be permitted to push that responsibility onto any other agency or entity.

Respectfully submitted,

Steven  
Kossor

Digitally signed by  
Steven Kossor  
Date: 2018.08.31  
15:47:17 -04'00'



Steve Kossor  
Licensed Psychologist, Certified School Psychologist  
Founder & Executive Director, The Institute for Behavior Change  
Director, The Network for Behavior Change  
Executive Director, The Children's Behavioral Health Center

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