

# **Intensive Behavioral Health Services (IBHS)**

## **Frequently Asked Questions**

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## **TRAINING AND TECHNICAL ASSISTANCE**

### **1. Will there be any upcoming forums to review the IBHS regulations and answer questions?**

The Department of Human Services (Department) has scheduled trainings through a WebEx on October 4, 2019 and November 20, 2019. Both trainings will be recorded and posted on the website here: <http://www.healthchoices.pa.gov/providers/about/behavioral/inbehavioralhs/index.htm>. The October 4<sup>th</sup> WebEx provides general information regarding the regulations as well as the process for licensure and enrollment in the Medical Assistance (MA) program. Following this WebEx, there will be regional forums across the Commonwealth to provide an opportunity to discuss the information presented on October 4<sup>th</sup> and address any remaining questions or concerns. The November 20<sup>th</sup> WebEx will provide a statewide summary of the issues discussed at the regional forums and address any additional implementation questions.

## **IBHS LICENSING AND IBHS PROVIDER ENROLLMENT**

### **1. How do a group of psychologists who provide BHRS obtain an IBHS license? Do the IBHS regulations apply to licensed psychologist?**

Licensed psychologists who provide services directly within the scope of their license do not need to obtain an additional license to provide IBHS or to receive payment for psychological services. For example, a psychologist who provides behavioral interventions within the scope of the psychologist's license does not need to obtain an IBHS license to continue to provide services to a child, youth or young adult. However, if the psychologist employs staff who provide IBHS such as behavioral health technician (BHT) services, behavior consultation services or mobile therapy service, the psychologist's agency would need to obtain an IBHS license (also known as a Certificate of Compliance). If a group of psychologists need to obtain a license to provide

IBHS because they are employing staff that provide IBHS, the psychologists should follow the same process as all other providers for obtaining a license as an IBHS provider.

**2. Will all agencies that provide Applied Behavior Analysis (ABA) services, including those who do not wish to serve clients with MA, be required to obtain an IBHS license?**

All providers of IBHS must be licensed. This includes providers who do not serve individuals with MA.

**3. Will an outpatient clinic or partial hospitalization program that uses ABA to provide treatment need to obtain an IBHS license?**

Outpatient clinics and partial hospitalization programs have their own regulations that must be followed. ABA interventions can be used as a treatment modality in both outpatient and partial programs and an IBHS license is not required.

**4. How will the IBHS regulations impact Multisystemic Therapy (MST) providers?**

MST is an IBHS. Providers of MST will need to obtain an IBHS license.

**5. If an agency has a base mental health license, i.e. family based mental health license, partial hospitalization program license or outpatient psychiatric clinic license, that is due for a renewal prior to the effective date of the IBHS regulations, when is the agency required to obtain an IBHS license?**

While the IBHS regulations are effective upon promulgation, providers have 90 days after the regulations are promulgated to comply with the regulations. If an agency's license expires after the IBHS regulations are promulgated, but before the provider must comply with the regulations, the provider agency can choose to go through the licensing process for their current license and then obtain an IBHS license once their current license expires or the agency can choose to obtain an IBHS license.

**6. How does a provider handle a change in address or in services to be delivered that occurs after the new regulation is promulgated?**

If a provider's services change an updated service description must be submitting to the licensing field office for approval. If a provider's address changes, a provider must notify the licensing field office and, if the provider is enrolled in Medical Assistance (MA), MA enrollment.

**7. Does an agency have the option to choose the licensure visit/base mental health license within the agency where the initial IBHS licensing visit will occur?**

No, the license that the BHRS program is currently attached to will be used to determine when the provider must obtain an IBHS license.

**8. Do providers who are already enrolled in the MA program need to enroll to provide IBHS?**

Once an agency is licensed to provide IBHS, the agency will need to enroll as an IBHS provider

**9. If a provider has multiple license and multiple locations is more than 1 service description needed?**

A provider is required to submit 1 service description for each IBHS license. However, a service description may cover multiple locations of the provider.

**10. Is an agency required to obtain a separate IBHS license for each county/region it serves and for each type of service it provides? For example, if an agency provides both individual and ABA services in 3 counties, will that agency need a total of 6 IBHS licenses?**

IBHS licenses are issued regionally. There are 4 regional field offices: Western Field Office, Northeast Field Office, Southeast Field Office, and Central Field Office. A provider is only required to get multiple licenses, if it provides services in multiple regions.

There are 3 service types outlined in the IBHS regulations: ABA services, individual services, and group services. A provider is not required to obtain a license for each service type it provides, and the provider will receive 1 IBHS license for all service types it provides. The provider's license will include the specialty types the provider is licensed to provide.

## **PROGRAM EXCEPTION**

### **1. How will services that were approved through the program exception process be addressed after the IBHS regulations are promulgated?**

Providers that provide IBHS that were previously approved through a program exception will need to comply with the IBHS regulations. It is expected that most services previously approved through a program exception would meet the standards established in the IBHS regulations. If an exception to the regulations is required, it may be requested through the waiver process included in section 5240.111.

### **2. Can a service that is provided in a school and have been approved through the program exception process continue to be provided in a school?**

Services can continue to be provided in schools as group services. Section 5240.98 addresses group services in school settings.

## **EFFECTIVE DATE**

### **1. When will the IBHS regulations be effective?**

The IBHS regulations are effective upon promulgation. Providers will be required to comply with the IBHS regulations 90 days after they are promulgated.

**2. Is the compliance date different based on when an IBHS license is obtained?**

Section 5240.3(b) requires all IBHS agencies to comply with the regulations 90 days after their promulgation regardless of when the IBHS agency obtains a license.

**PAYMENT**

**1. Section 1155.34(c) states “Payment will be made to a licensed IBHS agency for group services for up to 45 days after initiation of services, if there is a written order for services that complies with subsection (a)(1) and there is a treatment plan for the group services provided.” Are group services only permitted to be provided for 45 days? Why is the payment limited to only 45 days?**

Group services can be provided for more than 45 days. The 45-day limitation applies only when treatment needs to be delivered prior to the completion of the initial treatment plan (ITP). In such situations, payment will be made for 45 days as long as there is a treatment plan. If an ITP is not developed after 45 days, payment can no longer be made for group services.

**STAFF QUALIFICATIONS**

**1. Can a person who has a Pennsylvania behavior specialist license, graduate level certification in ABA from a National Commission for Certifying Agencies approved program and over 2 years of experience providing ABA services be a clinical director of an IBHS agency that provides ABA services?**

Yes, upon promulgation of the IBHS regulations this person may be a clinical director of an IBHS agency that provides ABA services. This person would need to obtain a certification as a board-certified behavior analyst (BCBA) or

other graduate-level certification in behavior analysis to continue to be the clinical director of an agency that provides ABA services after July 1, 2022.

**2. Are licensed professional counselors (LPC) still able to provide behavior consultation services to individuals with an autism spectrum disorder?**

An LPC can continue to provide behavior consultation services to children with autism spectrum disorder. An LPC who wants to provide ABA services through behavior analytic services must also have a certification as a BCBA. If the LPC wants to provide ABA services through behavior consultation-ABA services, the individual must have one of the following: (1) certification as a board-certified assistant behavior analyst (BCaBA), (2) a minimum of 1 year of full-time experience providing ABA services and a minimum of 12 credits in ABA, or (3) a minimum of 1 year of full-time experience providing ABA services under the supervision of a professional with a certification as a BCBA and a minimum of 40 hours of training related to ABA approved by the Department or provided by a continuing education provider approved by the Behavior Analyst Certification Board.

**3. Can a clinical director who does not have a certification as a BCBA, but has been providing ABA services for a long time continue to be a clinical director of an agency that provides ABA services?**

If the clinical director meets the interim qualifications to be a clinical director of an IBHS agency that provides ABA services included in section 5240.81(b), the clinical director can continue to be the clinical director of an IBHS agency that provides ABA services. The regulations allow individuals who meet the interim qualifications time to obtain the additional required training and qualifications. By July 1, 2022, the clinical director must have one of the licenses included in section 5240.81(c)(1) and be certified as a BCBA and have 2 years of experience in providing ABA services, or be a licensed psychologist with a minimum of 5 years of full-time experience providing clinical oversight of an ABA program and a minimum of 40 hours of training related to ABA, or

be licensed as a psychologist and have a graduate degree or graduate certificate in ABA.

**4. If an agency is not going to provide ABA services to clients, does the clinical director need the BCBA certification or ABA training?**

If an agency is not providing ABA services, the agency needs to comply with the staffing requirement for a clinical director for an agency that provides individual services included in section 5240.12(b).

**5. What if an agency believes a prospective employee is qualified to deliver a service but the individual does not have the qualifications required by the IBHS regulations to deliver the service? Will the IBHS regulations prevent the prospective employee from providing services?**

If a provider believes that an individual is qualified for a position or to provide a service and the individual does not have the qualifications specified in the IBHS regulations, the provider can submit a waiver request, which will be reviewed by the Department.

**6. Can an individual who is qualified to provide behavior consultation-ABA services or BHT-ABA services provide individual services if they are supervised by a clinical director of ABA services?**

Staff who provide individual services can be supervised by a clinical director of an ABA program if the clinical director meets the qualifications to be a clinical director of an individual services program.

**7. Can an individual with a BCBA certification be a clinical director of an agency that provides individual services?**

An individual who is certified as a BCBA can be a clinical director of an IBHS agency that provides individual services if the individual meets the qualifications in section 5240.12(b) for the clinical director of an IBHS agency that provides individual services.

**8. Can an individual serve as a clinical director of an IBHS agency that provides individual services, group services, and ABA services?**



An individual can serve as the clinical director of an IBHS agency that provides individual services, group services, and ABA services if the individual meets the qualifications described in both section 5240.12(b) and in section 5240.81(b) and is able to perform all the tasks described in section 5240.11(d).

**9. Can the 40 hours of ABA training required to provide ABA through behavior consultation services be met by completing a 40-hour RBT training program?**

Yes, if the RBT training program is provided by a continuing education provider that is approved by the Behavior Analyst Certification Board, which includes an authorized continuing education (ACE) provider.

**10. The IBHS regulations allow an individual to deliver BHT services or BHT-ABA services if the individual has a high school diploma and completed a 40-hour training covering the RBT Task List as evidenced by a certification that includes the name of the responsible trainer, who is certified as a BCBA or BCaBA. What is meant by certification?**

The required certification is issued by the individual responsible for the training that confirms that the 40-hour RBT training was completed. An example of the required certification can be found on page 4 of the RBT© 40-Hour Training Packet: Requirements Document at the following link [https://www.bacb.com/wp-content/uploads/RBT-40-Hour-Training-Packet\\_190522.pdf](https://www.bacb.com/wp-content/uploads/RBT-40-Hour-Training-Packet_190522.pdf).

**11. What is meant by “other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute”? Would this include individuals who completed their coursework to sit for the BCBA exam?**

Currently, the only graduate level certification in behavior analysis available is the BCBA certification. The Department included language about other graduate-level certifications as a placeholder should other accredited certifications for behavior analysis be developed. Individuals who have completed the coursework to sit for the BCBA exam do not yet have a graduate certification in behavior analysis.

**12. Does “licensed as a behavior specialist” include individuals who are currently licensed as a social worker, clinical social worker, professional counselor, or psychologist?**

“Licensed as a behavioral specialist” means that the individual has a behavior specialist license. It does not include any other license.

**STAFF TRAINING**

**1. Are agencies required to have individual staff training plans or would a training plan based on job position suffice?**

Agencies are required to have a training plan for each staff person that is based on each staff person’s educational level, experience, current job functions, and performance reviews.

**2. Will the Department be providing information on how to find the trainings needed to provide ABA services?**

OMHSAS will address some of the options for obtaining ABA training during its November training. OMHSAS will not be conducting trainings but is collaborating with the Office of Developmental Program and Pattan on ABA trainings.

## **STAFF SUPERVISION**

### **1. How often can an individual who provides BHT services or BHT-ABA services receive group supervision?**

Individuals who provide BHT services or BHT-ABA services who work at least 37.5 hours a week must receive 1 hour of supervision each week and individuals who provide BHT services or BHT-ABA services who work less than 37.5 hours a week must receive 1 hour of supervision 2 times a month. One hour of the supervision must be individual face-to-face supervision. The remaining supervision can be group supervision.

### **2. Can group supervision count as individual supervision? Could a clinical director of an IBHS agency that provides ABA services conduct group supervision twice a month for all individuals providing behavior analytic and behavior consultation-ABA services? Can individuals that provide behavior analytic or behavior consultation-ABA services conduct group supervision for their teams of individuals providing BHT-ABA services?**

Individual supervision must be face to face. Individuals who provide behavioral analytic services and behavioral-consultation-ABA services must receive at least 1 hour of individual supervision a month. If the individual who provides behavioral analytic services and behavioral-consultation-ABA services supervises an individual who provides assistant behavior consultation-ABA services or BHT-ABA services, the individual must receive an additional hour of individual supervision a month. Group supervision of teams of individuals providing BHT-ABA services is allowed, as long as each individual that provides BHT-ABA services receives 1 hour of individual face-to-face supervision each month.

## **WRITTEN ORDER**

### **1. Can a licensed psychologist utilize unlicensed staff to complete a written order for IBHS.**

Licensed individuals must follow the regulations that govern their license and should only sign off on tasks performed by an unlicensed individual if permitted by their licensing regulations.

### **2. Does a child that is referred to IBHS need to have a best practice evaluation completed prior to the child receiving IBHS? Is a best practice evaluation needed even though an assessment is required to be completed within 15 days of admission for services?**

The IBHS regulations require a written order to provide IBHS. A best practice evaluation does not need to be conducted but can be conducted if clinically indicated. A best practice evaluation must meet the regulatory requirements for a written order for individual services, ABA services, and group services. An assessment is required regardless of if a best practice evaluation has been completed. Unlike a best practice evaluation, the assessment takes place in home and community settings.

### **3. Who may prescribe IBHS and how must they be prescribed/recommended?**

IBHS must be prescribed through a written order based on a face-to-face interaction with the child, youth or young adult. The order may be 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 and the prescribing of behavioral health services, including IBHS.

## **ASSESSMENT**

**1. Why is the Department requiring that an assessment be updated if a child, youth or young adult has not made progress towards the goals identified in the ITP within 90 days? Updating the assessment will take clinical treatment time away from the child, youth or young adult and is not needed because the ITP will be updated.**

If a child, youth or young adult is not making progress towards the goals identified in the ITP, it is important that the child's, youth's or young adult's behavioral needs and skills be assessed. This is because an updated assessment is needed to gather the necessary clinical information to update the child's, youth's or young adult's ITP.

**2. Must an IBHS assessment be signed by a licensed psychologist?**

An assessment for IBHS and all subsequent updates must be signed and dated by the staff person who completed the assessment.

## **SERVICE PROVISION**

**1. Do the IBHS regulations exclude a school as a permissible place of service for IBHS or is the school considered a "community" setting?**

Individual services, ABA services, and group services can be provided in a school.

**2. Is IBHS available for children, youth, and young adults who have mental health disorders such as anxiety, depression, and attention deficit hyperactivity disorder or only for children, youth, and young adults with autism spectrum disorder?**

All IBHS are available to children, youth, and young adults if they are medically necessary regardless of the child's, youth's or young adult's behavioral health diagnosis.

## **TREATMENT PLAN AND INDIVIDUAL TREATMENT PLAN**

### **1. How does a treatment plan differ from an ITP?**

A treatment plan is utilized when a child, youth or young adult needs services while an assessment is being conducted. A treatment plan should be written to describe the services and interventions that are being provided. Once the assessment is completed and an ITP is written, the treatment plan should no longer be followed.

## **ABA REPORTING**

### **1. After the IBHS regulations are implemented, will the behavioral health managed care organizations (BH-MCOs) still be required to provide monthly reports to the Department on ABA requests and capacity to provide ABA capacity?**

Reporting on requests for ABA services and capacity to provide ABA services will continue to be required after the IBHS regulations are promulgated. The Department will provide further guidance to the BH-MCOs about the reports.

## **SERVICE DESCRIPTION**

### **1. What information must be included in an IBHS service description?**

The requirements for an IBHS service description are in section 5240.5. The field office has developed an IBHS service description checklist which is available online here:

<http://www.healthchoices.pa.gov/providers/about/behavioral/inbehavioralhs/index.htm>

**2. If I have a service description for BHRS that is currently being reviewed by the Children’s Bureau, will this meet the requirements for a service description for IBHS or will it only be valid for the remainder of time that BHRS is available?**

A service description for BHRS that is currently being reviewed by the Children’s Bureau will not meet the requirements for an IBHS service description. Approval of the service description will only be valid for BHRS.

\*\*\*This FAQ document will continue to be updated throughout the IBHS implementation process. Additional information on the IBHS regulations can be found in the preamble to the IBHS regulations.