

Provider Notice

To: All IBHS Providers and Prescribers
From: PerformCare
Date: 11/02/2022
Subject: IBHS 22-106 Temporary OMHSAS Regulation Suspensions Ended 10/31/2022

This Provider Notice serves to remind providers that the suspension of various regulations approved by the PA legislature under Act 30 expired 10/31/2022, including the suspension of IBHS regulations.

Providers must follow all IBHS regulations unless a provider has an approved OMHSAS waiver of a regulatory requirement. Specifically, effective 11/1/2022, IBHS assessment authorizations will reflect the regulatory timeframes as outlined in 55 PA. Code CHS. §1155 and §5240 as follows:

- (30) days for Individual IBHS
 - Providers have (15) days to complete the assessment/(30) days to complete the ITP
- (45) days for ABA IBHS
 - Providers have (30) days to complete the assessment/(45) days to complete the ITP)

Additionally, the suspension of regulations allowing verbal consent instead of signatures also expired 10/31/2022 and the following IBHS regulatory signature requirements on the assessment and ITP will be enforced starting 11/1/2022 and required as part of a complete Individual/ABA/Group IBHS request:

- Assessment
 - Signed and dated by the staff person completing the assessment
- ITP
 - Signed and dated by the youth (14+), young adult (14+), or parent or legal guardian of the child or youth (If the Member is under 14)
 - Signed and dated by the staff person who completed the ITP
 - Signed and dated by the individual who meets the qualifications of a clinical director



Upon the expiration of the suspension of regulations, telehealth can be used for IBHS per OMHSAS bulletin 22-02. However, telehealth delivered via audio-only is not permitted in any instance where IBHS regulations require face-to-face service delivery.

Where IBHS regulations require face to face services, audio visual telehealth may be used if the delivery of audio-visual telehealth is clinically appropriate as described in OMHSAS Telehealth Bulletin 22-02. A list of all such IBHS regulations is attached.

The clinical appropriateness of any IBHS service delivered via audio only telehealth must also meet the standards and requirements in OMHSAS 22-02.

Effective 11/1/22, IBHS Group Services must be provided in the school, community or community like setting unless a provider has an approved waiver.

Supervision, including direct observation, is permitted via audio visual telehealth per §5240.72, §5240.82 and §5240.92.

Thank you for your ongoing collaboration and commitment to our members. Please reach out to your Account Executive with any questions.

cc: Lisa Hanzel, PerformCare
Scott Suhring, Capital Area Behavioral Health Collaborative
Missy Reisinger, Tuscarora Managed Care Alliance
PerformCare Account Executives

Attachment

Face to Face requirements in IBHS

§ 1155.32. (1) 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:

(2) A face-to-face assessment has been completed by an individual qualified to provide behavior consultation services or mobile therapy services within 15 days of the initiation of individual services and prior to completing the ITP in accordance with § 5240.21 (relating to assessment) or a face-to-face assessment has been reviewed and updated within 12 months of the previous face-to-face assessment

§ 1155.33. (1) 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:

§ 1155.34. Payment conditions for group services. (2) A face-to-face assessment has been completed by a graduate-level professional within 15 days of the initiation of group services and prior to completing the ITP in accordance with § 5240.95 (relating to assessment) or a face-to-face assessment has been reviewed and updated within 12 months of the previous face-to-face assessment.

§ 1155.35. Payment conditions for EBT delivered through individual services, ABA services or group services. (a) (2) A face-to-face assessment has been completed by an individual with the qualifications required by the EBT within 15 days of the initiation of the services and prior to completing the ITP in accordance with § 5240.102 (relating to assessment and individual treatment plan) or a face-to-face assessment has been reviewed and updated within 12 months of the previous face-to-face assessment.

§ 5240.21. (a) Within 15 days of the initiation of services and prior to completing an ITP, a face-to-face assessment shall be completed for the child, youth or young adult by an individual qualified to provide behavior consultation services or mobile therapy services.

§ 5240.72. Supervision of staff who provide individual services.

(a) An individual who meets the qualifications of a clinical director shall provide the following supervision to individuals who provide behavior consultation services and mobile therapy services:

(1) One hour of individual face-to-face supervision per month that includes oversight of the following:

(2) If the individual who provides behavior consultation services or mobile therapy services supervises an individual who provides BHT services, the individual shall receive an additional hour of face-to-face supervision per month that includes a discussion of the BHT services being provided.

(b) An individual who meets the qualifications of a clinical director or is qualified to provide behavior consultation services or mobile therapy services shall provide the following supervision to individuals who provide BHT services:

(1) One hour of supervision each week if the individual who provides BHT services works at least 37.5 hours per week or 1 hour of supervision two times a month if the individual who provides BHT services works less than 37.5 hours a week. An individual who provides BHT services must receive 1 hour of individual face-to-face supervision each month.

§ 5240.72 4 (e) 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).

§ 5240.82. Supervision of staff who provide ABA services.

(a) An individual who meets the qualifications of a clinical director shall provide the following supervision to individuals who provide behavior analytic services and behavior consultation—ABA services:

(2) If the individual who provides behavior analytic services or behavior consultation—ABA services supervises an individual who provides assistant behavior consultation—ABA services or BHT-ABA services, the individual shall receive an additional hour of face-to-face supervision per month that includes a discussion of the assistant behavior consultation—ABA services or BHT-ABA services being provided.

(b) An individual who meets the qualifications of a clinical director or is qualified to provide behavior analytic services or behavior consultation—ABA services shall provide the following supervision to individuals who provide assistant behavior consultation—ABA services:

(1) One hour of supervision two times a month. The supervision must be face-to-face and include only the individual being supervised and the supervisor.

(c)(1) One hour of supervision each week if the individual who provides BHT-ABA services works at least 37.5 hours per week or 1 hour of supervision two times a month if the individual who provides BHT-ABA services works less than 37.5 hours a week. An individual who provides BHT-ABA services must receive 1 hour of individual face-to-face supervision each month

§ 5240.85 (a) Within 30 days of the initiation of ABA services and prior to completing the ITP, a face-to-face assessment shall be completed for the child, youth or young adult by an individual qualified to provide behavior analytic services or behavior consultation—ABA services.

§ 5240.87(c) Assistant behavior consultation—ABA services consist of assisting an individual who provides behavior analytic services or behavior consultation—ABA services and providing face-to-face behavioral interventions.

§ 5240.92. Supervision of staff who provide group services.

(a) An individual who meets the qualifications of a clinical director shall provide the following supervision to a graduate-level professional:

(1) One hour of individual face-to-face supervision per month that includes oversight of the following:

(2) If the graduate-level professional supervises an individual who is qualified to provide BHT services or BHT-ABA services, the graduate-level professional shall receive an additional hour of face-to-face supervision per month that includes a discussion of the BHT or BHT-ABA services being provided.

(b) A graduate-level professional shall provide the following supervision to individuals who are qualified to provide BHT services or BHT-ABA services:

(1) One hour of supervision each week if the individual works at least 37.5 hours per week or 1 hour of supervision two times a month if the individual works less than 37.5 hours a week. The individual must receive 1 hour of individual face-to-face supervision

§ 5240.95. (a) A face-to-face assessment shall be completed by a graduate-level professional for a child, youth or young adult within 15 days of the initiation of group services in accordance with § 5240.21(b)—(d) and (f) (relating to assessment) and prior to completing the ITP.

§ 5240.102. (a) A face-to-face assessment shall be completed by staff with the qualifications required by the EBT for a child, youth or young adult within 15 days of the initiation of the service in accordance with §§ 5240.21(b)—(d) and (f), 5240.85(b)—(d) and (f) or 5240.95(a) (relating to assessment) and prior to completing the ITP.