



pennsylvania

DEPARTMENT OF HUMAN SERVICES

OFFICE OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

MEMO

TO: HealthChoices Contractors

FROM: Valerie Vicari, Acting Deputy Secretary, Office of Mental Health and Substance Abuse Services

RE: Applied Behavior Analysis

DATE: May 16, 2019

As you know, the Office of Mental Health and Substance Abuse Services intends to issue regulations that set minimum licensing standards and requirements for Medical Assistance (MA) payment for agencies that deliver intensive behavioral health services (IBHS) to children, youth and young adults under 21 years of age with mental, emotional and behavioral health needs. The proposed regulations were published in the Pennsylvania Bulletin. See 48 Pa. B. 4762 (August 4, 2018). The regulations will replace the requirements for behavioral health rehabilitation services (BHRS) previously set forth in bulletins issued by the Department.

IBHS includes applied behavior analysis (ABA) services. The Department has revised the staffing requirements for IBHS agencies that provide ABA services and the qualification, training and supervision requirements set forth in the proposed regulations for individuals who provide ABA services. Although the regulations are still being reviewed, including review by the Independent Regulatory Review Commission, I am providing you the attached information about the staffing, qualification, training and supervision requirements prior to the promulgation of the regulations because they are different than the current requirements for ABA services that are provided through BHRS.

In addition to addressing the qualification, training and supervision requirements for individuals who provide ABA services, the attachment also includes qualifications for a clinical director and an administrative director of an IBHS agency that provides ABA services.

Managed care organizations will need to have capacity to provide ABA services to eligible children, youth and young adults, using qualified staff who have received the required training and supervision, once the regulations are in effect.

With the promulgation of the regulations, ABA services will be available through the following services:

- Behavior analytic services
- Behavior consultation-ABA services
- Assistant behavior consultation-ABA services
- Behavioral health technician–applied behavior analysis (BHT-ABA) services

We will provide additional information and technical support regarding the requirements for IBHS agencies, including information about services other than ABA services, both before and after the promulgation of the regulations.

Please share this memo with your behavioral health managed care organizations by May 17, 2019.

Sincerely,



Valerie J. Vicari
Acting Deputy Secretary

Staff Qualifications

An IBHS agency that provides ABA services must have an administrative director and a clinical director that meets the below qualifications.

Administrative Director Qualifications

The administrative director must meet one of the following:

- Have a bachelor's degree in ABA, psychology, social work, counseling, education, public administration, business administration or related field.

OR

- Have one of the qualifications for a clinical director listed below.

Clinical Director Qualifications

The clinical director must meet one of the following:

- Be licensed in this Commonwealth as a physician practicing psychiatry, psychologist, professional counselor, marriage and family therapist, certified registered nurse practitioner with a mental health certification, clinical social worker, social worker, behavior specialist or other professional with a scope of practice that includes overseeing the provision of ABA services and have a certification as a Board-Certified Behavior Analyst (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.

OR

- Be licensed in this Commonwealth as a physician practicing psychiatry, psychologist, professional counselor, marriage and family therapist, certified registered nurse practitioner with a mental health certification, clinical social

worker, social worker, behavior specialist or other professional with a scope of practice that includes overseeing the provision of ABA services, have a graduate degree or graduate certificate in ABA, and have a minimum of 1 year of full-time experience in providing ABA services.

OR

- As of the date the IBHS regulations are promulgated, be a licensed psychologist in this Commonwealth, have a minimum of 3 years of full-time experience in providing clinical oversight of an ABA program, and have a minimum of 40 hours of training related to ABA provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department.

As of July 1, 2022, the clinical director must meet one of the following:

- Be licensed in this Commonwealth as a physician practicing psychiatry, psychologist, certified registered nurse practitioner, professional counselor, marriage and family therapist, clinical social worker, behavior specialist, social worker or other professional with a scope of practice that includes overseeing the provision of ABA services, have 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, and have a minimum of at least 2 years of experience in providing ABA services.
- Be a licensed psychologist in this Commonwealth, have a minimum of 5 years of full-time experience providing clinical oversight of an ABA program, and have a minimum of 40 hours of training related to ABA provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department.
- Be licensed in this Commonwealth as a psychologist and have a graduate degree or graduate certificate in ABA.

Staff that provide ABA services must meet the below qualifications.

Qualifications to Provide Behavior Analytic Services

Individuals who provide behavior analytic services must be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker, behavior specialist, certified registered nurse practitioner or a professional with a scope of practice that includes overseeing the provision of ABA services and have 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.

Qualifications to Provide Behavior Consultation-ABA Services

Individuals who provide behavior consultation-ABA services must meet one of the following:

- Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker, behavior specialist, certified registered nurse practitioner or a professional with a scope of practice that includes overseeing the provision of ABA services and have a certification as a Board-Certified Assistant Behavior Analyst (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.

OR

- Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker, behavior specialist, certified registered nurse practitioner or a professional with a scope of practice that includes overseeing the provision of ABA services, have 1 year of full-time experience providing ABA services, and have a minimum of 12 credits in ABA.

OR

- Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker, behavior specialist, certified registered nurse practitioner or a professional with a scope of practice that includes overseeing the provision of ABA services and have a minimum of 1 year of full-time experience providing ABA services 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.

OR

- Be licensed in this Commonwealth as a psychologist, have a minimum of 1 year of full-time experience providing ABA services and have a minimum of 40 hours of training related to ABA provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department.

Qualifications to Provide Assistant Behavior Consultation-ABA Services

Individuals who provide assistant behavior consultation-ABA services must meet one of the following:

- Have the qualifications for licensure as a behavior specialist under 49 Pa. Code § 18.524, except the experience required under subsection (c).

OR

- Have a 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 and a bachelor's degree in psychology, social work, counseling, education or related field.

OR

- Have 6 months of experience in providing ABA services, a bachelor's degree in psychology, social work, counseling, education or related field, and at least 12 credits in ABA.

Qualifications to Provide Behavioral Health Technician-Applied Behavior Analysis (BHT-ABA) Services

Individuals who provide BHT-ABA services must meet one of the following by July 1, 2020:

- Have a certification as a BCaBA from the Behavior Analyst Certification Board.

OR

- Have a certification as a Registered Behavior Technician (RBT) from the Behavior Analyst Certification Board.

OR

- Have a certification as a Board-Certified Autism Technician (BCAT) from the Institute for Behavioral Training.

OR

- Have a behavior analysis certification from an organization that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

OR

- Have a high school diploma or the equivalent of a high school diploma and have 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.

OR

- Have a minimum of 2 years of experience in providing ABA services and a minimum of 40 hours of training related to ABA provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department.

Supervision

An IBHS agency that provides ABA services must provide the supervision listed below to individuals who provide ABA services.

An individual who meets the qualifications of a clinical director must provide the following supervision to individuals who provide behavior analytic services and behavior consultation-ABA services:

- One hour of individual face-to-face supervision per month that includes oversight of the following:
 - The interventions being implemented.
 - The child's, youth's or young adult's progress towards the goals of the individual treatment plan (ITP).
 - Consideration of adjustments needed to the ITP.
 - The staff person's skills in implementing the interventions in the ITP.
- 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 must 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.
- Thirty minutes of direct observation of services being provided every 6 months.

An individual who meets the qualifications of a clinical director or is qualified to provide behavior analytic services or behavior consultation-ABA services must provide the following supervision to individuals who provide assistant behavior consultation-ABA services:

- 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.
- If the individual has not previously provided assistant behavior consultation-ABA services, 3 hours of onsite supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.
- Thirty minutes of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP every 6 months.
- The supervision provided each month must include oversight of the following:
 - The interventions being implemented.
 - The child's, youth's or young adult's progress towards the goals of the ITP.
 - Consideration of adjustments needed to the ITP.
 - The staff person's skills in implementing the interventions in the ITP.

An individual who meets the qualifications of a clinical director or is qualified to provide behavior analytic services or behavior consultation-ABA services or an individual who is qualified to provide assistant behavior consultation-ABA services and is certified as a BCaBA must provide the following supervision to individuals who provide behavior BHT-ABA services:

- One hour of supervision per week if the individual who provides BHT-ABA services works at least 37.5 hours per week or 1 hour of supervision two times per month if the individual who provides BHT-ABA services works less than 37.5 hours per week. The supervision must be face-to-face and include only the individual being supervised and the supervisor.
- If the individual has not previously provided BHT-ABA services, 6 hours of onsite supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.
- One hour of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP every 4 months, unless the individual has a high school diploma or the equivalent of a high school diploma and has completed a 40-hour training covering the RBT Task List. If the

individual has a high school diploma or the equivalent of a high school diploma and has completed a 40-hour training covering the RBT Task List, the individual must receive 1 hour of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP every 2 months.

- The supervision provided each month must include oversight of the following:
 - The interventions being implemented.
 - The child's, youth's or young adult's progress towards the goals of the ITP.
 - Consideration of adjustments needed to the ITP.
 - The staff person's skills in implementing the interventions in the ITP.

Staff Training Requirements

An IBHS agency that provides ABA services must ensure that staff complete the initial and annual training requirements listed below.

An individual who provides behavior analytic services or behavior consultation-ABA services must complete the following:

- If the individual is licensed in this Commonwealth as a behavior specialist and has not previously provided ABA services, at least 45 hours of training related to ABA that is provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.
- At least 16 hours of training annually that is provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department that is related to the individual's specific job functions.

An individual who provides assistant behavior consultation-ABA services must complete the following:

- If the individual does not have a certification as a BCBA, BCaBA, BCAT 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, at least 20 hours of training related to ABA that is provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.

- At least 20 hours of training annually that is provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department that is related to the individual's specific job functions.

An individual who provides BHT-ABA services must complete the following:

- An individual who has not previously provided BHT-ABA services must 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:
 - The Child Protective Services Law and mandated reporting requirements.
 - Crisis intervention skills, including risk management, de-escalation techniques and safety planning.
 - Behavior management skills and coaching.
 - Child and adolescent development.
 - Overview of serious emotional disturbance and other behavioral and psychosocial needs of the children, youth and young adults with whom the individual works.
 - Professional ethics, conduct and confidentiality.
 - First aid, universal precautions and safety.
 - Psychotropic medications, including common side effects.
- An individual who has not previously provided BHT-ABA services, must complete at least 24 hours of Department-approved training within the first 6 months of providing BHT-ABA services that includes the following topics:
 - Documentation skills.
 - Systems of care principles.
 - Overview of functional behavioral assessment.
 - Ethnic, cultural and linguistic considerations of the community served.
 - Strategies and interventions to engage children, youth or young adults and parents, legal guardians or caregivers in services, including family systems theory.

- Skills and techniques for working with families.
- Overview of community resources and child and youth-serving systems and processes.
- Cross-systems collaboration.
- Communication and conflict resolution skills.
- Basic individual education plan and special education information.
- Safe use of restrictive procedures.
- At least 20 hours of training annually related to ABA that is provided by a continuing education provider approved by the Behavior Analyst Certification Board or the Department that is related to the individual's specific job functions.