

**CHAPTER 5240. INTENSIVE BEHAVIORAL HEALTH SERVICES**

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**Authority**

The provisions of this Chapter 5240 issued under section 1021 of the Human Services Code (62 P.S. § 1021), unless otherwise noted.

**Source**

The provisions of the Chapter 5240 adopted October 18, 2019, effective October 19, 2019, 49 Pa.B. 6088, unless otherwise noted.

**Cross References**

This chapter cited in 55 Pa. Code § 1155.21 (relating to participation requirements); 55 Pa. Code § 1155.22 (relating to ongoing responsibilities of providers); and 55 Pa. Code § 1155.31 (relating to general payment policy).

**GENERAL PROVISIONS****§ 5240.1. Scope.**

- (a) This chapter applies to entities that provide intensive behavioral health services (IBHS), as defined in this chapter, to children, youth or young adults and

sets forth the minimum requirements that shall be met for an agency to obtain a license to provide one or more IBHS.

(b) This chapter does not apply to individual licensed practitioners or group arrangements in which only licensed practitioners provide IBHS.

**§ 5240.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

*ABA—Applied behavior analysis*—The design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function including the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

*ASD—Autism spectrum disorder*—A pervasive neurodevelopmental disorder present from early childhood that involves maladaptive or restrictive behaviors, impairments in communication, and impairments in social interactions and relationships as described in the diagnostic criteria in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*.

*Aversive conditioning*—The application of startling, painful or noxious stimuli.

*BCaBA certification—Board-certified assistant behavior analyst certification*—An undergraduate-level certification by the Behavior Analyst Certification Board.

*BCAT certification—Board-certified autism technician certification*—A certification by the Behavioral Intervention Certification Council.

*BCBA certification—Board-certified behavior analyst certification*—A graduate-level certification by the Behavior Analyst Certification Board. BCBA refers to both master's (BCBA) and doctoral level credentials (BCBA-D).

*BHT—Behavioral health technician.*

*BHT-ABA—Behavioral health technician-applied behavior analysis.*

*Caregiver*—An individual with responsibility for the care and supervision of a child, youth or young adult.

*Chemical restraint*—The administration of a drug that has a temporary effect of restricting the child's, youth's or young adult's freedom of movement that is used to manage a child's, youth's or young adult's behavior and reduce a risk to the safety of the child, youth, young adult or others. Chemical restraint does not include standard treatment for the child's, youth's or young adult's medical or physical condition.

*Child*—A person under 14 years of age.

*Community like setting*—A setting that simulates a natural or normal setting for a child, youth or young adult.

*Department*—The Department of Human Services of the Commonwealth.

*EBT—Evidence-based therapy*—Behavioral health therapy that uses scientifically established behavioral health interventions and meets one of the following:

- (i) Categorized as effective by the Substance Abuse and Mental Health Services Administration in the Evidence-Based Practice Resource Center.
- (ii) Categorized as Model or Model Plus in the Blueprints for Healthy Youth Development registry.
- (iii) Categorized as well-established by the American Psychological Association's Society of Clinical Child and Adolescent Psychology.
- (iv) Rated as having positive effects by the Institute of Education Sciences' What Works Clearinghouse.

*Formal support*—An agency, organization or person that provides assistance or resources to a child, youth or young adult within the context of an official role.

*Full-time equivalent*—37.5 hours per week of staff time.

*Group services*—Therapeutic interventions provided primarily in a group format through psychotherapy; structured activities, including ABA services; and community integration activities that address a child's, youth's or young adult's identified treatment needs.

*IBHS—Intensive behavioral health services*—An array of therapeutic interventions and supports provided to a child, youth or young adult in the home, school or other community setting.

*IBHS agency*—An entity that provides one or more IBHS.

*ITP—Individual treatment plan*—A detailed written plan of treatment services specifically tailored to address a child's, youth's or young adult's therapeutic needs that contains the type, amount, frequency, setting and duration of services to be provided and the specific goals, objectives and interventions for the service.

*Individual services*—Intensive therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing, maintaining or maximizing functioning of a child, youth or young adult in the home, school or other community setting.

*Initiation of service*—The first day an individual service, ABA service or group service is provided. This includes the first day an assessment is conducted.

*Manual restraint*—A physical hands-on technique that restricts the movement or function of a child, youth or young adult, or a portion of a child's, youth's or young adult's body. A manual restraint does not include the use of hands-on assistance needed to enable a child, youth or young adult to achieve a goal or objective identified in an ITP.

*Mechanical restraint*—The use of a device attached or adjacent to a child's, youth's or young adult's body that restricts freedom of movement or normal

access to the child's, youth's or young adult's body which cannot easily be removed by the child, youth or young adult. A mechanical restraint does not include the use of a seat belt during movement or transportation or a device prescribed by a licensed medical professional.

*Mental health direct service*—Service that involves working directly with a child, youth or young adult to provide mental health treatment.

*Natural support*—An agency, organization or person that provides support to a child, youth or young adult in a personal or nonprofessional role.

*Pressure-point technique*—The application of pain for the purpose of achieving compliance. A pressure-point technique does not include a clinically-accepted bite release technique that is applied only to release a bite.

*RBT certification*—*Registered behavior technician certification*—A certification by the Behavior Analyst Certification Board.

*Restrictive procedure*—A practice that limits or restricts a child's, youth's or young adult's freedom of movement, activity or function.

*Seclusion*—The involuntary confinement of a child, youth or young adult alone in a room or an area from which the child, youth or young adult is physically prevented from leaving.

*Staff*—Any individual, including an independent contractor or consultant, who works for an IBHS agency.

*Systems of care principles*—Guiding philosophies that form the essential elements of a coordinated network of community-based services and supports that is organized to meet the challenges of children, youth and young adults with serious mental health needs and their families that is family-driven and youth-guided and includes interagency collaboration, individualized strengths-based care, cultural and linguistic competence, community-based services and accountability.

*Trauma*—The result of an event, series of events or set of circumstances that is experienced by a child, youth or young adult as physically or emotionally harmful or threatening and that has lasting effects on the child's, youth's or young adult's functioning and physical, social, emotional or spiritual well-being.

*Trauma-informed approach*—An approach that recognizes the widespread impact of trauma including the signs and symptoms of trauma and potential paths for recovery by integrating knowledge about trauma into policies, procedures and practices that avoids retraumatization.

*Treatment team*—Individuals involved in a child's, youth's or young adult's treatment. Members of the treatment team may include the child, youth, young adult, parents, legal guardians, caregivers, teachers, individuals who provide services and any individual chosen by the child, youth, young adult or parents or legal guardians of the child or youth to be part of the treatment team.

*Young adult*—A person 18 years of age or older but under 21 years of age.

*Youth*—A person 14 years of age or older but under 18 years of age.

**§ 5240.3. Provider eligibility.**

(a) Except for IBHS agencies described in subsections (c)—(e), an IBHS agency shall obtain a license from the Department prior to beginning operations.

(b) Regardless of when a license is obtained, an IBHS agency shall comply with this chapter as of January 17, 2020.

(c) An IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of October 19, 2019, shall obtain a license under this chapter when the license expires.

(d) An IBHS agency that is approved to provide ABA services shall obtain a license under this chapter within 180 days of October 19, 2019.

(e) An unlicensed IBHS agency that is currently approved to provide behavioral health rehabilitation services shall obtain a license under this chapter within 1 year of October 19, 2019.

(f) An IBHS agency shall meet the requirements in Chapter 20 (relating to licensure or approval of facilities and agencies).

**§ 5240.4. Organizational structure.**

(a) An IBHS agency shall have an administrative director, clinical director and staff.

(b) The organizational structure of the IBHS agency must be specified in an organizational chart, and the IBHS agency shall notify the Department within 30 days of a change in the organizational structure of the IBHS agency.

**§ 5240.5. Service description.**

(a) As part of the initial licensing application, the IBHS agency shall submit to the Department for review and approval a written description of services to be provided that includes the following:

- (1) Identification and description of each service offered by the IBHS agency.
- (2) Identification of the target population served by each service, including age range and presenting issues, which may include specific diagnoses.
- (3) The days and hours each service is available.
- (4) Identification of the counties where the IBHS agency provides each service.
- (5) Description of admission criteria.
- (6) Description of discharge criteria.
- (7) Description of exclusionary criteria.
- (8) Staffing ratios for each service offered by the IBHS agency.
- (9) Treatment modalities.
- (10) Locations where services are offered.

(11) Maximum number of children, youth or young adults served at the same time through group services at a community setting or a community like setting.

(b) Prior to the IBHS agency changing its services or if the information in the service description is otherwise no longer accurate, the IBHS agency shall submit an updated service description to the Department for review and approval.

**Cross References**

This section cited in 55 Pa. Code § 5240.23 (relating to service provision); and 55 Pa. Code § 5240.42 (relating to agency records).

**§ 5240.6. Restrictive procedures.**

(a) The following restrictive procedures are prohibited:

- (1) Seclusion.
- (2) Aversive conditioning.
- (3) Pressure-point technique.
- (4) Chemical restraint.
- (5) Mechanical restraint.
- (6) A restrictive procedure that is not the least restrictive procedure.
- (7) A restrictive procedure that does not maintain a child's, youth's or young adult's welfare and dignity.
- (8) A restrictive procedure that limits a child's, youth's or young adult's access to food, drink or toilet.

(b) An IBHS agency that uses restrictive procedures shall have written policies and procedures that identify the specific restrictive procedures that may be used and when such restrictive procedures may be used.

(c) A manual restraint shall only be used in an emergency situation to prevent self-injury or injury to others by a child, youth or young adult and only after:

- (1) Every attempt has been made to anticipate and de-escalate the behavior.
- (2) Less intrusive techniques and resources appropriate to the behavior have been tried and failed.

(d) A manual restraint may not:

- (1) Apply pressure or weight on a child's, youth's or young adult's respiratory system.
- (2) Use a prone position.

(e) The position of the manual restraint or the staff person applying a manual restraint shall be changed at least every 10 minutes during the application of the manual restraint.

(f) A trained individual who is not applying the manual restraint shall observe and document the physical and emotional condition of the child, youth or young adult at least every 10 minutes during the application of the manual restraint.

(g) A manual restraint shall be discontinued when the child, youth or young adult is no longer an imminent danger to self or others.

(h) Within 24 hours of using a manual restraint on a child, youth or young adult, an IBHS agency shall notify the treatment team.

(i) An IBHS agency shall document the use of a manual restraint in the child's, youth's or young adult's individual record in accordance with § 5240.41(a)(12) (relating to individual records).

(j) An IBHS agency that uses manual restraints shall have policies and procedures for the use of manual restraints that shall include the following:

(1) Appropriate use of the manual restraint, including prohibitions on the use of a manual restraint.

(2) Required use of less intrusive techniques and resources appropriate to the behavior prior to the use of a manual restraint.

(3) Immediate discontinuation of the manual restraint when the child, youth or young adult is no longer an imminent danger to self or others.

(4) The staff who may authorize the use of a manual restraint.

(5) How the use of a manual restraint will be monitored.

(k) An IBHS agency shall require yearly training that is approved by the Department for staff who administer a restrictive procedure that includes the following:

(1) De-escalation techniques and strategies.

(2) Proper use of the restrictive procedure, including what is appropriate for the age and weight of a child, youth or young adult.

(3) Demonstrated experience in the proper use of the restrictive procedure, including practice on other staff.

(4) A testing process to demonstrate the ability to properly apply the restrictive procedure.

(l) An IBHS agency shall keep a record of each staff person's training in the use of restrictive procedures in each staff person's personnel file in accordance with § 5240.42(b)(2) (relating to agency records).

(m) An IBHS agency that provides training to parents, legal guardians or caregivers on the use of restrictive procedures that are included in the child's, youth's or young adult's ITP shall use trainings approved by the Department and have policies and procedures that address training parents, legal guardians or caregivers on the use of restrictive procedures.

#### **Cross References**

This section cited in 55 Pa. Code § 5240.41 (relating to individual records); and 55 Pa. Code § 5240.73 (relating to training requirements for staff who provide individual services).

### **§ 5240.7. Coordination of services.**

(a) An IBHS agency shall have written agreements to coordinate services with other service providers, including the following:

- (1) Psychiatric inpatient facilities.
  - (2) Partial hospitalization programs.
  - (3) Psychiatric outpatient clinics.
  - (4) Crisis intervention programs.
  - (5) Mental health and intellectual or developmental disability case management programs.
- (b) An IBHS agency shall update the written agreements with other service providers at least every 5 years.
- (c) An IBHS agency shall have a list of community resources that provide behavioral health services that is available upon request by a parent, legal guardian, or caregiver of a child or a youth, or a youth or young adult receiving services that includes the following:
- (1) The name of the program or organization.
  - (2) Description of the services provided.
  - (3) Address and phone number of the program or organization.
- (d) An IBHS agency shall update the community resource list annually.
- (e) An IBHS agency shall have a written referral process for children, youth and young adults whose therapeutic needs cannot be served by the agency. The IBHS agency shall document in its records referrals made for a child, youth or young adult the IBHS agency could not serve.

**Cross References**

This section cited in 55 Pa. Code § 5240.42 (relating to agency records).

**STAFFING**

**§ 5240.11. Staff requirements.**

- (a) An IBHS agency shall have an administrative director and a clinical director.
- (b) An administrative director's responsibilities shall include the following:
- (1) The overall daily management of the agency.
  - (2) Ensuring that staff schedules meet the needs of the children, youth and young adults served and accommodate their parents', legal guardians' or caregivers' schedules.
  - (3) Ensuring compliance with staff qualifications and training requirements.
  - (4) Monitoring the IBHS agency's compliance with this chapter.
  - (5) Developing and monitoring the quality improvement plan for the IBHS agency.
  - (6) Supervising staff who do not provide IBHS.
- (c) An administrative director may also be a clinical director if the person meets the qualifications for both positions.
- (d) A clinical director's responsibilities shall include the following:

- (1) Ensuring that staff who provide IBHS are supervised in accordance with this chapter.
  - (2) Maintaining clinical oversight of IBHS provided.
  - (3) Ensuring staff who provide IBHS have access to supervisory staff during the hours that IBHS are provided, including evenings and weekends.
  - (4) Completing and documenting a clinical record review for quality of the IBHS provided and compliance with this chapter and documenting the outcomes of the review quarterly.
  - (5) Ensuring that training for staff is being provided as required by this chapter.
- (e) An IBHS agency shall employ a sufficient number of qualified staff to comply with the administrative oversight, clinical supervision and monitoring requirements of this chapter.
- (f) An IBHS agency shall employ a sufficient number of qualified staff to provide the maximum number of service hours identified in the written order and the ITP for each child, youth or young adult admitted to services.

#### Cross References

This section cited in 55 Pa. Code § 5240.91 (relating to staff requirements and qualifications for group services).

#### § 5240.12. Staff qualifications.

- (a) An administrative director of an IBHS agency shall meet one of the following:
- (1) The qualifications for a clinical director in subsection (b).
  - (2) Have a bachelor's degree in psychology, social work, counseling, education, human services, public administration, business administration or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.
- (b) A clinical director of an IBHS agency shall have a minimum of 1 year of full-time postgraduate experience in the provision of mental health direct services to children, youth or young adults and meet one of the following:
- (1) 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 or clinical social worker.
  - (2) Be licensed in this Commonwealth as a behavior specialist and have a graduate degree that required a clinical or mental health direct service practi-

cum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Be licensed in this Commonwealth as a social worker and have a graduate degree that required a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Be licensed in this Commonwealth as a professional with a scope of practice that includes overseeing the provision of IBHS and have a graduate degree that required a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(c) This section does not apply to ABA services.

#### Cross References

This section cited in 55 Pa. Code § 1155.31 (relating to general payment policy); 55 Pa. Code § 1155.32 (relating to payment conditions for individual services); 55 Pa. Code § 1155.34 (relating to payment conditions for group services); 55 Pa. Code § 1155.35 (relating to payment conditions for EBT delivered through individual services, ABA services or group services); 55 Pa. Code § 5240.22 (relating to individual treatment plan); and 55 Pa. Code § 5240.96 (relating to individual treatment plan).

#### § 5240.13. Staff training plan.

(a) An IBHS agency shall develop and implement a written plan to ensure initial and annual training requirements are met that includes the following:

- (1) A written individual training plan that is:
  - (i) Updated annually for each staff person.
  - (ii) Based upon the staff person's educational level, experience, current job functions and performance reviews.
  - (iii) Appropriate to the staff person's skill level.

- (2) An overall plan to ensure that staff receive training in accordance with this chapter and in a manner that is consistent with the policies and procedures of the IBHS agency.
- (3) An annual review and update of the IBHS agency training plan based on service outcomes and staff performance evaluations.
- (b) An IBHS agency shall keep documentation of completion of initial and annual training requirements in each staff person's personnel file in accordance with § 5240.42(b)(2) (relating to agency records).
- (c) An IBHS agency shall accept documentation of completion of initial or annual training requirements from a college, university, National training organization, training entity accepted by a professional licensing organization or the Department.
- (d) An IBHS agency may choose to not require a staff person to complete additional training if the staff person has completed the required initial or annual training while working for another IBHS agency.
- (e) An IBHS agency shall keep records of initial and annual trainings that it provides to staff that includes documentation of the following:
  - (1) The date, time and location of the training.
  - (2) The name of the person who conducted the training and the person's qualifications to conduct the specific training.
  - (3) The names of staff who participated in the training.
  - (4) The specific topics addressed during the training.
  - (5) A copy of materials distributed to participants.
  - (6) A copy of materials that were used during the training.
  - (7) Department approval of the training.

#### Cross References

This section cited in 55 Pa. Code § 5240.42 (relating to agency records); 55 Pa. Code § 5240.73 (relating to training requirements for staff who provide individual services); and 5 Pa. Code § 5240.83 (relating to training requirements for staff who provide ABA services).

### **§ 5240.14. Criminal history checks and child abuse certification.**

- (a) Criminal history checks and child abuse certification shall be completed in accordance with 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to protective services).
- (b) An IBHS agency shall have written policies and procedures to ensure that staff having contact with children or youth comply with 23 Pa.C.S. §§ 6301—6386 and 55 Pa. Code Chapter 3490, including mandated reporting and training requirements.

**SERVICE PLANNING AND DELIVERY**

**§ 5240.21. Assessment.**

(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.

(b) The assessment shall be completed in collaboration with the child, youth, young adult or parent, legal guardian or caregiver of the child or youth, as appropriate.

(c) The assessment shall be individualized and include the following:

(1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.

(2) The strengths and needs of the family system in relation to the child, youth or young adult.

(3) Existing and needed natural and formal supports.

(4) The specific services, skills, supports and resources the child, youth or young adult requires to address the child's, youth's or young adult's identified therapeutic needs.

(5) The specific supports and resources, if any, the parent, legal guardian or caregiver of the child, youth or young adult requires to assist in addressing the child's, youth's or young adult's identified therapeutic needs.

(6) Clinical information that includes the following:

(i) Treatment history.

(ii) Medical history.

(iii) Developmental history.

(iv) Family structure and history.

(v) Educational history.

(vi) Social history.

(vii) Trauma history.

(viii) Other relevant clinical information.

(7) The child's, youth's or young adult's level of developmental, cognitive, communicative, social and behavioral functioning across the home, school and other community settings.

(8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent, legal guardian or caregiver.

(d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.

(e) The assessment shall be reviewed and updated at least every 12 months or if one of the following occurs:

(1) A parent, legal guardian or caregiver of the child or youth requests an update.

- (2) The youth or young adult requests an update.
- (3) The child, youth or young adult experiences a change in living situation that results in a change of the child's, youth's or young adult's primary caregivers.
- (4) The child, youth or young adult has made sufficient progress to require an update.
- (5) The child, youth or young adult has not made significant progress towards the goals identified in the ITP within 90 days from the initiation of the services.
- (6) The child, youth or young adult experiences a crisis event.
- (7) A staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services provides a reason an update is needed.
- (f) The assessment and all updates shall be signed and dated by the staff person who completed the assessment.
- (g) This section does not apply to ABA services.
- (h) Subsection (a) does not apply to EBT or group services.

#### **Cross References**

This section cited in 55 Pa. Code § 1155.32 (relating to payment conditions for individual services); 55 Pa. Code § 5240.22 (relating to individual treatment plan); 55 Pa. Code § 5240.41 (relating to individual records); 55 Pa. Code § 5240.95 (relating to assessment); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

#### **§ 5240.22. Individual treatment plan.**

- (a) A written ITP shall be completed within 30 days after the initiation of a service and be based on the assessment completed in accordance with § 5240.21 (relating to assessment).
- (b) The ITP must include the recommendations from the licensed professional who completed the written order for IBHS in accordance with § 1155.32(a)(1) (relating to payment conditions for individual services).
- (c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.
- (d) The ITP must include the following:
  - (1) Service type and the number of hours of each service.
  - (2) Whether and how parent, legal guardian or caregiver participation is needed to achieve the identified goals and objectives.
  - (3) Safety plan to prevent a crisis, a crisis intervention plan and a transition plan.
  - (4) Specific goals, objectives and interventions to address the identified therapeutic needs with definable and measurable outcomes.
  - (5) Time frames to complete each goal.

- (6) Settings where services may be provided.
- (7) Number of hours of service at each setting.
- (e) The ITP shall be developed in collaboration with the child, youth, young adult or parent, legal guardian or caregiver of the child or youth, as appropriate.
- (f) The ITP shall be reviewed and updated at least every 6 months or if one of the following occurs:
  - (1) The child, youth or young adult has made sufficient progress to require that the ITP be updated.
  - (2) The child, youth or young adult has not made significant progress towards the goals identified in the ITP within 90 days from the initiation of the services.
  - (3) The youth or young adult requests an update.
  - (4) A parent, legal guardian or caregiver of the child or youth requests an update.
  - (5) The child, youth or young adult experiences a crisis event.
  - (6) The ITP is no longer clinically appropriate for the child, youth or young adult.
  - (7) A staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services provides a reason an update is needed.
  - (8) The child, youth or young adult experiences a change in living situation that results in a change of the child's, youth's or young adult's primary caregivers.
- (g) An ITP update must include the elements in subsection (d) and the following:
  - (1) A description of progress or lack of progress toward previously identified goals and objectives.
  - (2) A description of any new goals, objectives and interventions.
  - (3) A description of any changes made to previously identified goals, objectives or interventions.
  - (4) A description of new interventions to be used to reach previously identified goals and objectives.
- (h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or parent or legal guardian of the child or youth, and the staff person who completed the ITP.
- (i) The ITP and all updates shall be reviewed, signed and dated by an individual who meets the qualifications of a clinical director in § 5240.12 (relating to staff qualifications).
- (j) This section does not apply to ABA services or group services.

**Cross References**

This section cited in 55 Pa. Code § 1155.32 (relating to payment conditions for individual services); 55 Pa. Code § 5240.41 (relating to individual records); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

**§ 5240.23. Service provision.**

(a) IBHS shall be provided in accordance with the child's, youth's or young adult's ITP.

(b) Prior to the completion of the ITP, IBHS can be provided if there is a treatment plan for the individual services, ABA services or group services provided.

(c) IBHS shall be delivered in home or community-based, clinically appropriate settings as identified in the written order and ITP. Group services may also be delivered in a community like setting.

(d) IBHS shall be provided in accordance with the IBHS agency's approved service description under § 5240.5 (relating to service description).

**DISCHARGE****§ 5240.31. Discharge.**

(a) An IBHS agency may discharge a child, youth or young adult when one of the following occurs:

(1) The child, youth or young adult has completed the goals and objectives in the ITP and no new goals or objectives have been identified.

(2) The child, youth or young adult is not progressing towards the goals identified in the ITP within 180 days from the initiation of service and other clinical services are in place.

(3) The child, youth or young adult requires a more restrictive service to meet the child's, youth's or young adult's needs and other clinical services are in place.

(4) The parent or legal guardian of a child or youth who provided consent to receive services agrees services should be discontinued.

(5) The youth or young adult agrees services should be discontinued.

(6) The child, youth or young adult failed to attend scheduled IBHS for 45 consecutive days without any notification from the youth, young adult or the parent, legal guardian or caregiver of the child or youth. Prior to discharge, the IBHS agency made at least three attempts to contact the youth, young adult or the parent, legal guardian or caregiver to discuss past attendance, ways to facilitate attendance in the future and the potential discharge of the child, youth or young adult for lack of attendance.

(b) An IBHS agency shall provide the following information to the youth, young adult or parent, legal guardian or caregiver of the child upon discharge:

(1) If the child, youth or young adult has been referred to other services, contact information for each service.

- (2) Contact information for the local crisis intervention service.

**§ 5240.32. Discharge summary.**

(a) An individual qualified to provide behavior consultation services, mobile therapy services, behavior analytic services or behavior consultation—ABA services shall complete a discharge summary for the child, youth or young adult that includes the following:

- (1) Summary of the service outcomes.
  - (2) Reason for discharge.
  - (3) Referral for services other than IBHS if needed.
- (b) An IBHS agency shall ensure that the discharge summary is:
- (1) Completed within 45 days after the date of discharge.
  - (2) Provided to the youth, young adult or parent, legal guardian or caregiver of the child.

**Cross References**

This section cited in 55 Pa. Code § 5240.41 (relating to individual records).

**RECORDS**

**§ 5240.41. Individual records.**

(a) An IBHS agency shall maintain a record for each child, youth or young adult it serves that includes the following:

- (1) Identifying information.
- (2) A written order for IBHS in accordance with §§ 1155.32(a)(1), 1155.33(a)(1) or 1155.34(a)(1) (relating to payment conditions for individual services; payment conditions for ABA services; and payment conditions for group services).
- (3) An assessment and any updates to the assessment in accordance with §§ 5240.21, 5240.85, 5240.95 or 5240.102.
- (4) Presenting problems.
- (5) The ITP and any updates to the ITP in accordance with §§ 5240.22, 5240.86, 5240.96 or 5240.102.
- (6) A treatment plan if services are being provided prior to the completion of the ITP.
- (7) Documentation of any efforts to coordinate care with other services and community supports if needed.
- (8) Documentation of each service provided that includes the following:
  - (i) Date and time services were provided, duration of services and setting where services were provided.
  - (ii) Identification of the service provided to address a goal in the ITP.
  - (iii) Description of the outcome of the services provided.
  - (iv) Signature of the staff person providing the service.

- (9) If services are not provided in accordance with the ITP and written order, an explanation of the reason why services were not provided in accordance with the ITP and written order.
- (10) Consent to treatment and consent to release information forms.
- (11) Discharge summary in accordance with § 5240.32 (relating to discharge summary).
- (12) Documentation of any use of a manual restraint and a description of how the use was in accordance with § 5240.6 (relating to restrictive procedures), including the following:
- (i) The specific behavior addressed.
  - (ii) The less intrusive methods of intervention used to address the behavior prior to initiating the manual restraint used.
  - (iii) The specific manual restraint used.
  - (iv) The name and training of the staff person who used the manual restraint.
  - (v) The duration of the manual restraint.
  - (vi) The name of the trained individual who observed the child, youth or young adult during the application of the manual restraint.
  - (vii) The child's, youth's or young adult's condition following the manual restraint.
  - (viii) The date and time the manual restraint was used.
  - (ix) The date and time the treatment team was notified of the use of a manual restraint and the members of the treatment team who were notified.
- (b) The record must be:
- (1) Legible.
  - (2) Signed and dated by the staff person writing in the record.
  - (3) Reviewed for quality by the administrative director, clinical director or designated quality improvement staff within 6 months of the initial entry. After initial review, subsequent reviews may be limited to new additions to the record and must occur at least annually.
- (c) The record shall be maintained for a minimum of 4 years after the last date of service.

#### **Cross References**

This section cited in 55 Pa. Code § 1155.22 (relating to ongoing responsibilities of providers); 55 Pa. Code § 5240.6 (relating to restrictive procedures); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

#### **§ 5240.42. Agency records.**

- (a) An IBHS agency shall maintain records that contain the following for at least 4 years:
- (1) Inspection reports, certifications or licenses issued by State and local agencies.

- (2) A detailed agency service description in accordance with § 5240.5 (relating to service description).
  - (3) A written emergency plan that includes, at a minimum, a plan for natural disasters, inclement weather and medical emergencies.
  - (4) Human resources policies and procedures that address the following:
    - (i) Job descriptions for staff positions.
    - (ii) Staff work schedules and time sheets.
    - (iii) Criminal history checks, child abuse certifications and training on and compliance with the mandated reporting requirements in 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to protective services).
  - (5) Written agreements to coordinate services in accordance with § 5240.7 (relating to coordination of services).
  - (6) Daily schedules for group services if providing group services.
  - (7) Quality improvement plan in accordance with § 5240.61 (relating to quality improvement requirements).
- (b) An IBHS agency shall maintain staff personnel records that include the following for at least 4 years after the staff person is no longer employed by the agency:
- (1) Documentation of staff credentials or qualifications.
  - (2) Documentation of completion of required training for staff, including completion of continuing education credits required for professionally licensed staff in accordance with the applicable professional regulations.
  - (3) Criminal history checks and child abuse certifications.
  - (4) The staff person's individual training plan in accordance with § 5240.13 (relating to staff training plan).

#### Cross References

This section cited in 55 Pa. Code § 1155.22 (relating to ongoing responsibilities of providers); 55 Pa. Code § 5240.6 (relating to restrictive procedures); and 55 Pa. Code § 5240.13 (relating to staff training plan).

#### § 5240.43. Record retention and disposal.

An IBHS agency shall ensure that records that contain protected health information, both written and electronic, are secured, maintained and disposed of in accordance with applicable Federal and State privacy and confidentiality statutes and regulations.

### NONDISCRIMINATION

#### § 5240.51. Nondiscrimination.

An IBHS agency may not discriminate against staff or children, youth or young adults receiving services on the basis of race, color, creed, disability, religious

affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age, and shall comply with applicable Federal and State statutes and regulations.

### QUALITY IMPROVEMENT

#### § 5240.61. Quality improvement requirements.

(a) An IBHS agency shall establish and implement a written quality improvement plan that meets the following requirements:

(1) Provides for an annual review of the quality, timeliness and appropriateness of services that includes the following:

- (i) Review of individual records.
- (ii) Review of individual and family satisfaction information.
- (iii) Assessment of the outcomes of services delivered and if ITP goals have been completed.
- (iv) Evaluation of compliance with the agency's approved service description and licensure requirements in this chapter.

(2) Identifies the methodology for the review of agency and individual records that includes the following:

- (i) Method for establishing sample size of agency and individual records.
- (ii) Frequency of review of the agency and individual records to prepare for the annual quality review in subsection (a)(1).
- (iii) Staff's qualifications who perform the review.

(b) An IBHS agency shall prepare an annual quality report that includes the following:

- (1) Analysis of the findings of the annual quality review required under subsection (a)(1).
- (2) Identification of the actions to address annual review findings.

(c) An IBHS agency shall make annual quality reports available to the public upon request.

(d) An IBHS agency shall provide written notification that a copy of the annual quality report may be requested by a youth, young adult or parent, legal guardian or caregiver of a child, youth or young adult upon admission to services.

#### Cross References

This section cited in 55 Pa. Code § 5240.42 (relating to agency records).

### INDIVIDUAL SERVICES

#### § 5240.71. Staff qualifications for individual services.

(a) Except as set forth in subsection (b), individuals who provide individual services through behavior consultation services must meet one of the following:

- (1) Be licensed in this Commonwealth as a behavior specialist.

(2) Have a certification as a BCBA or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) Have a graduate degree in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Have a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults and a graduate degree in psychology, social work, education, or counseling from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(5) Completed a clinical or mental health direct service practicum and have a graduate degree in psychology, social work, education, counseling or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) Individuals who provide behavior consultation services to children diagnosed with ASD for the treatment of ASD shall 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.

(c) Individuals who provide individual services through mobile therapy services shall meet one of the following:

(1) Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist or clinical social worker.

(2) Be licensed in this Commonwealth as a social worker or a behavior specialist and have a graduate degree that required a clinical or mental health direct service practicum from a college or university accredited by an agency

recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Have a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults and a graduate degree with at least nine credits specific to clinical practice in psychology, social work or counseling from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Completed a clinical or mental health direct service practicum and have a graduate degree with a least nine credits specific to clinical practice in psychology, social work, education, counseling or a related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) By January 1, 2021, individuals who provide individual services through BHT services shall meet one of the following:

- (1) Have a certification as a BCaBA.
- (2) Have a certification as an RBT.
- (3) Have a certification as a BCAT.
- (4) Have a behavior health certification or behavior analysis certification from an organization that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.
- (5) 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.
- (6) Have a minimum of 2 years of experience in the provision of behavioral health services.

**Cross References**

This section cited in 55 Pa. Code § 5240.72 (relating to supervision of staff who provide individual services); 55 Pa. Code § 5240.91 (relating to staff requirements and qualifications for group services); and 55 Pa. Code § 5240.93 (relating to training requirements for staff who provide group 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:

- (i) The interventions being implemented.
- (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
- (iii) Consideration of adjustments needed to the ITP.
- (iv) The staff person's skill in implementing the interventions in the ITP.

(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.

(3) Thirty minutes of direct observation of services being provided every 6 months.

(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.

(2) If the individual has not previously provided BHT services, 6 hours of onsite supervision during the provision of services to a child, youth or young adult prior to providing services independently.

(3) One hour of direct observation of the provision of individual services to a child, youth or young adult during the implementation of the ITP every 4 months, unless the individual meets the qualifications to provide BHT services included in § 5240.71(d)(5) (relating to staff qualifications for individual services). If the individual meets the qualifications to provide BHT services included in § 5240.71(d)(5), the individual shall receive 1 hour of direct observation of the provision of individual services to a child, youth or young adult during the implementation of the ITP every 2 months.

(4) The supervision must include oversight of the following:

- (i) The interventions being implemented.

- (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
  - (iii) Consideration of adjustments needed to the ITP.
  - (iv) The staff person's skills in implementing the interventions in the ITP.
- (c) An individual may supervise a maximum of 12 full-time equivalent staff who provide individual services, but only nine of the full-time equivalent staff can provide BHT services.
- (d) Group supervision may be provided to no more than 12 staff who provide individual services, but only nine of the staff can provide BHT services.
- (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).
- (f) A supervisor shall maintain documentation about each supervision session in the supervised staff person's personnel file that includes the following:
- (1) The date of the supervision session.
  - (2) The location and modality of the session, such as in-person or through secure, real-time, two-way audio and video transmission.
  - (3) The format of the session, such as individual, group or onsite.
  - (4) The start and end time of the supervision session.
  - (5) A narrative summary of the points discussed during the session.
  - (6) The signature and signature date of the supervisor and the staff person receiving supervision.
- (g) A supervisor shall be available to consult with staff during the hours that individual services are being provided, including evenings and weekends.

**§ 5240.73. Training requirements for staff who provide individual services.**

- (a) An IBHS agency that provides individual services shall ensure that staff complete initial and annual training requirements.
- (b) An individual who provides behavior consultation services or mobile therapy services shall complete at least 16 hours of Department-approved training annually that is related to the individual's specific job functions and is in accordance with the individual training plan required under § 5240.13 (relating to staff training plan).
- (c) If the individual has not previously provided BHT services, the individual shall complete at least 30 hours of Department-approved training prior to providing services independently that includes the following topics:
- (1) Sections 6301—6386 of 23 Pa.C.S. (relating to Child Protective Services Law) and mandated reporting requirements.
  - (2) Crisis intervention skills, including risk management, de-escalation techniques and safety planning.

- (3) Behavior management skills and coaching.
  - (4) Child and adolescent development.
  - (5) Overview of serious emotional disturbance and other behavioral and psychosocial needs of the children, youth and young adults with whom the individual works.
  - (6) Professional ethics, conduct and confidentiality.
  - (7) First aid, universal precautions and safety.
  - (8) Psychotropic medications, including common side effects.
- (d) If an individual has not previously provided BHT services, the individual shall complete at least 24 hours of Department-approved training within the first 6 months of providing BHT services that includes the following topics:
- (1) Documentation skills.
  - (2) Systems of care principles.
  - (3) Overview of functional behavioral assessment.
  - (4) Ethnic, cultural and linguistic considerations of the community served.
  - (5) Strategies and interventions to engage children, youth or young adults and parents, legal guardians or caregivers in services, including family systems theory.
  - (6) Skills and techniques for working with families.
  - (7) Overview of community resources and child and youth-serving systems and processes.
  - (8) Cross-systems collaboration.
  - (9) Communication and conflict resolution skills.
  - (10) Basic individual education plan and special education information.
  - (11) Safe use of restrictive procedures in accordance with § 5240.6 (relating to restrictive procedures).
- (e) An individual who provides BHT services shall complete at least 20 hours of Department-approved training annually that is related to the individual's specific job functions and is in accordance with the individual training plan required under § 5240.13.
- (f) An individual who provides BHT services may substitute completed college coursework for required training topics in subsection (c) or (d) by providing an official transcript and other documentation to the IBHS agency that reflects that the coursework addressed a required training topic.
- (g) An individual who is certified may count hours of training required to maintain certification towards the training requirement in subsections (b)—(e).
- (h) An individual who is licensed in this Commonwealth may count hours of training required to maintain licensure towards the training requirements in subsections (b)—(e).

**Cross References**

This section cited in 55 Pa. Code § 5240.83 (relating to training requirements for staff who provide ABA services); and 55 Pa. Code § 5240.93 (relating to training requirements for staff who provide group services).

**§ 5240.74. Individual services initiation requirements.**

(a) An IBHS agency shall provide individual services to a child, youth or young adult in accordance with a written order under § 1155.32(a)(1) (relating to payment conditions for individual services).

(b) Prior to the initiation of individual services, the IBHS agency shall obtain written consent to receive the individual services identified in the written order from the youth, young adult or parent or legal guardian of a child or youth.

**§ 5240.75. Individual services provision.**

(a) Behavior consultation services consist of clinical direction of services to a child, youth or young adult; development and revision of the ITP; oversight of the implementation of the ITP and consultation with a child's, youth's or young adult's treatment team regarding the ITP.

(b) Mobile therapy services consist of individual therapy, family therapy, development and revision of the ITP, assistance with crisis stabilization and assistance with addressing problems the child, youth or young adult has encountered.

(c) BHT services consist of implementing the ITP.

(d) An individual who provides BHT services may not provide interventions requiring skills, experience, credentials or licensure that the individual does not possess.

**APPLIED BEHAVIOR ANALYSIS****§ 5240.81. Staff qualifications for ABA services.**

(a) An administrative director of an IBHS agency that provides ABA services shall meet one of the following:

(1) Have a bachelor's degree in ABA, psychology, social work, counseling, education, public administration, business administration or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(2) The qualifications for a clinical director in subsection (b).

(b) A clinical director of an IBHS agency that provides ABA services shall meet one of the following:

(1) 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 one of the following:

(i) A certification as a BCBA or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(ii) A graduate degree or graduate certificate in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of 1 year of full-time experience in providing ABA services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(2) As of October 19, 2019, be a licensed psychologist in this Commonwealth and have a minimum of 3 years of full-time experience in providing clinical oversight of an ABA program 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.

(c) By July 1, 2022, a clinical director of an IBHS agency that provides ABA services shall meet one of the following:

(1) 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 and have a certification as a BCBA 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 a minimum of 2 years of experience in providing ABA services.

(2) Be licensed in this Commonwealth as a psychologist and have 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 approved by the Department or provided by a continuing education provider approved by the Behavior Analyst Certification Board.

(3) Be licensed in this Commonwealth as a psychologist and have a graduate degree or graduate certificate in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or have an equivalent degree

from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) Individuals who provide ABA services through behavior analytic services shall 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 or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(e) Individuals who provide ABA services through behavior consultation—ABA services shall meet one of the following:

(1) 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 one of the following:

(i) A certification as a BCaBA or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(ii) A minimum of 1 year of full-time experience providing ABA services and a minimum of 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or the equivalent from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services.

(iii) A minimum of 1 year of full-time experience providing ABA services under the supervision of a professional with a certification as a BCBA 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 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.

(2) Be licensed in this Commonwealth as a psychologist and have a minimum of 1 year of full-time experience providing ABA services 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.

(f) Individuals who provide ABA services through assistant behavior consultation—ABA services shall meet one of the following:

(1) Have the qualifications for licensure as a behavior specialist under 49 Pa. Code § 18.524 (relating to criteria for licensure as behavior specialist) except the experience required under section 18.524(c).

(2) Have a certification as a BCaBA 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 from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Have a minimum of 6 months of experience in providing ABA services and a bachelor's degree in psychology, social work, counseling, education or related field and a minimum of 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation or the equivalent from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(g) By July 1, 2020, individuals who provide ABA services through BHT-ABA services shall meet one of the following:

(1) Have a certification as a BCaBA.

(2) Have a certification as an RBT.

(3) Have a certification as a BCAT.

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

(5) 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.

(6) Have a minimum of 2 years of experience in providing ABA services 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.

**Cross References**

This section cited in 55 Pa. Code § 1155.31 (relating to general payment policy); 55 Pa. Code § 1155.33 (relating to payment conditions for ABA services); 55 Pa. Code § 5240.82 (relating to supervision of staff who provide ABA services); 55 Pa. Code § 5240.86 (relating to individual treatment plan); 55 Pa. Code § 5240.91 (relating to staff requirements and qualifications for group services); 55 Pa. Code § 5240.93 (relating to training requirements for staff who provide group services); 55 Pa. Code § 5240.97 (relating to group services provision); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

**§ 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:

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

- (i) The interventions being implemented.
- (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
- (iii) Consideration of adjustments needed to the ITP.
- (iv) The staff person's skills in implementing the interventions in the ITP.

(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 serviced being provided.

(3) Thirty minutes of direct observation of services being provided every 6 months.

(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.

(2) 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.

(3) 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.

- (4) The supervision must include oversight of the following:
  - (i) The interventions being implemented.
  - (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
  - (iii) Consideration of adjustments needed to the ITP.
  - (iv) The staff person's skills in implementing the interventions in the ITP.

(c) 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 has a BCaBA or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall provide the following supervision to individuals who provide BHT-ABA services:

(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.

(2) 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.

(3) 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 meets the qualifications to provide BHT-ABA services included in § 5240.81(g)(5) (relating to staff qualifications for ABA services). If the individual meets the qualifications to provide BHT-ABA services included in § 5240.81(g)(5), the individual shall 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.

- (4) The supervision must include oversight of the following:
  - (i) The interventions being implemented.
  - (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
  - (iii) Consideration of adjustments needed to the ITP.
  - (iv) The staff person's skills in implementing the interventions in the ITP.

(d) Group supervision may be provided to no more than 12 staff who provide ABA services, but only nine of the staff can provide BHT-ABA services.

(e) An individual may supervise a maximum of 12 full-time equivalent staff who provide ABA services, but only nine of the full-time equivalent staff can provide BHT-ABA services.

(f) A supervisor shall be available to consult with staff during the hours that ABA services are being provided, including evenings and weekends.

(g) 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).

(h) A supervisor shall maintain documentation about each supervision session in the supervised staff person's personnel file that includes the following:

- (1) The date of the supervision session.
- (2) The location and modality of the session, such as in-person or through a secure real-time, two-way audio and video transmission.
- (3) The format of the session, such as individual, group or onsite.
- (4) The start and end time of the supervision session.
- (5) A narrative summary of the points discussed during the session.
- (6) The signature and signature date of the supervisor and the staff person receiving supervision.

#### Cross References

This section cited in 55 Pa. Code § 5240.97 (relating to group services provision); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

### § 5240.83. Training requirements for staff who provide ABA services.

(a) An IBHS agency that provides ABA services shall ensure that all staff complete initial and annual training requirements.

(b) An individual who provides behavior analytic services or behavior consultation—ABA services shall complete at least 16 hours of training annually that is approved by the Department or provided by a continuing education provider approved by the Behavior Analyst Certification Board that is related to the individual's specific job functions and is in accordance with the individual training plan required under § 5240.13 (relating to staff training plan).

(c) An individual who provides assistant behavior consultation—ABA services shall complete the following:

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

ior Analyst Certification Board that is related to the individual's specific job functions and is in accordance with the individual training plan required under § 5240.13.

(d) An individual who provides BHT-ABA services shall complete the following:

(1) Training in accordance with § 5240.73(c), (d) and (f) (relating to training requirements for staff who provide individual services).

(2) At least 20 hours of training annually related to ABA that is approved by the Department or provided by a continuing education provider approved by the Behavior Analyst Certification Board that is related to the individual's specific job functions and is in accordance with the individual training plan required under § 5240.13.

(e) An individual who is certified may count hours of training required to maintain certification towards the training requirement in subsections (b)—(d).

(f) An individual who is licensed in this Commonwealth may count hours of training required to maintain licensure towards the training requirements in subsections (b)—(d).

**Cross References**

This section cited in 55 Pa. Code § 5240.93 (relating to training requirements for staff who provide group services); 55 Pa. Code § 5240.97 (relating to group services provision); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

**§ 5240.84. ABA services initiation requirements.**

(a) An IBHS agency shall provide ABA services to a child, youth or young adult in accordance with a written order under § 1155.33(a)(1) (relating to payment conditions for ABA services).

(b) Prior to the initiation of ABA services, the IBHS agency shall obtain written consent to receive the ABA services identified in the written order from the youth, young adult or parent or legal guardian of a child or youth.

**Cross References**

This section cited in 55 Pa. Code § 5240.97 (relating to group services provision); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

**§ 5240.85. Assessment.**

(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.

(b) The assessment shall be completed in collaboration with the child, youth, young adult or parent, legal guardian or caregiver of the child or youth, as appropriate.

(c) The assessment shall be individualized and include the following:

- (1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.
- (2) The strengths and needs of the family system in relation to the child, youth or young adult.
- (3) Existing and needed natural and formal supports.
- (4) Clinical information that includes the following:
  - (i) Survey data gathered from a parent, legal guardian or caregiver.
  - (ii) Treatment history.
  - (iii) Medical history.
  - (iv) Developmental history.
  - (v) Family structure and history.
  - (vi) Educational history.
  - (vii) Social history.
  - (viii) Trauma history.
  - (ix) Adaptive skills assessment.
  - (x) Other relevant clinical information.
- (5) Completion of standardized behavioral assessment tools as needed.
- (6) Compilation of observational data to identify developmental, cognitive, communicative, behavioral and adaptive functioning across the home, school and other community settings.
- (7) Identification and analysis of skill deficits, targeted behaviors or both, in measurable terms to address needs.
- (8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent, legal guardian or caregiver.
- (d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.
- (e) The assessment shall be reviewed and updated at least every 12 months or if one of the following occurs:
  - (1) A parent, legal guardian or caregiver of the child or youth requests an update.
  - (2) The youth or young adult requests an update.
  - (3) The child, youth or young adult experiences a change in living situation that results in a change of the child's, youth's or young adult's primary caregivers.
  - (4) The child, youth or young adult has made sufficient progress to require an updated assessment.
  - (5) The child, youth or young adult has not made significant progress towards the goals identified in the ITP within 90 days from the initiation of the services.
  - (6) The child, youth or young adult experiences a crisis event.

(7) A staff person, primary care physician, other treating clinician, case manager or other professional involved the child's, youth's or young adult's services provides a reason an update is needed.

(f) The assessment and all updates shall be signed and dated by the staff person who completed the assessment.

#### Cross References

This section cited in 55 Pa. Code § 1155.33 (relating to payment conditions for ABA services); 55 Pa. Code § 5240.41 (relating to individual records); 55 Pa. Code § 5240.86 (relating to individual treatment plan); 55 Pa. Code § 5240.97 (relating to group services provision); 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

#### § 5240.86. Individual treatment plan.

(a) A written ITP shall be completed by an individual qualified to provide behavior analytic services or behavior consultation—ABA services within 45 days after the initiation of ABA services and be based on the assessment completed in accordance with § 5240.85 (relating to assessment).

(b) The ITP must include the recommendations from the licensed professional who completed the written order for ABA services in accordance with § 1155.33(a)(1) (relating to payment conditions for ABA services).

(c) The ITP must be strength-based with individualized goals and objectives to address the identified skill deficits, targeted behaviors or both for the child, youth or young adult to function at home, school or in the community.

(d) The ITP must include the following:

(1) Service type and number of hours of each service.

(2) Specific measurable long, intermediate and short-term goals and objectives to address socially significant behaviors, skill deficits or both.

(3) Delineation of the frequency of baseline behaviors, the treatment planned to address behaviors, skill deficits or both, and the frequency at which the child's, youth's or young adult's progress in achieving each goal is measured.

(4) Time frames to complete each goal.

(5) Whether and how parent, legal guardian or caregiver training, support and participation is needed to achieve the identified goals and objectives.

(6) ABA interventions that are tailored to achieving the child's, youth's or young adult's goals and objectives.

(7) Settings where services may be provided.

(8) Number of hours of service at each setting.

(9) Safety plan to prevent a crisis, a crisis intervention plan and a transition plan.

(e) The ITP shall be developed in collaboration with the child, youth, young adult or parent, legal guardian or caregiver of the child or youth, as appropriate.

(f) The ITP shall be reviewed and updated at least every 6 months or if one of the following occurs:

(1) The child, youth or young adult has made sufficient progress to require that the ITP be updated.

(2) The child, youth or young adult has not made significant progress towards the goals identified in the ITP within 90 days from the initiation of ABA services.

(3) The youth or young adult requests an update.

(4) A parent, legal guardian or caregiver of the child or youth requests an update.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) A staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services provides a reason an update is needed.

(8) The child, youth or young adult experiences a change in living situation that results in a change of the child's, youth's or young adult's primary caregivers.

(g) An ITP update must include the elements in subsection (d) and the following:

(1) A description of progress or lack of progress toward previously identified goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to previously identified goals, objectives or interventions.

(4) A description of any new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or parent or legal guardian of a child or youth, and the staff person who completed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by an individual who meets the qualifications of a clinical director in § 5240.81 (relating to staff qualifications for ABA services).

#### **Cross References**

This section cited in 55 Pa. Code § 1155.33 (relating to payment conditions for ABA services); 55 Pa. Code § 5240.41 (relating to individual records); 55 Pa. Code § 5240.97 (relating to group services provision); 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

**§ 5240.87. ABA services provision.**

(a) Behavior analytic services and behavior consultation—ABA services consist of clinical direction of services to a child, youth or young adult; development and revision of the ITP; oversight of the implementation of the ITP and consultation with a child's, youth's or young adult's treatment team regarding the ITP.

(b) In addition to the services listed in subsection (a), behavior analytic services include functional analysis.

(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.

(d) BHT-ABA services consist of implementing the ITP.

(e) An individual who provides assistant behavior consultation—ABA services and BHT-ABA services may not provide interventions requiring skills, experience, credentials or licensure that the individual does not possess.

**Cross References**

This section cited in 55 Pa. Code § 5240.97 (relating to group services provision); and 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings).

**GROUP SERVICES**

**§ 5240.91. Staff requirements and qualifications for group services.**

(a) In addition to the staff required under § 5240.11 (relating to staff requirements), an IBHS agency that provides group services shall have a graduate-level professional who meets one of the following qualifications:

(1) The qualifications to provide behavior consultation services in § 5240.71(a) (relating to staff qualifications for individual services).

(2) The qualifications to provide mobile therapy services in § 5240.71(c).

(3) The qualifications to provide behavior analytic services in § 5240.81(d) (relating to staff qualifications for ABA services).

(4) The qualifications to provide behavior consultation—ABA services in § 5240.81(e).

(b) Group services may also be provided by an individual who meets one of the following:

(1) The qualifications to provide BHT services in § 5240.71(d).

(2) The qualifications to provide BHT-ABA services in § 5240.81(g).

(c) An IBHS agency that provides group services that include specialized therapies such as music, dance and movement, play or occupational therapies shall use clinical staff to provide the specialized therapies who meet one of the following:

(1) Are Nationally certified or licensed in this Commonwealth in the specific therapy.

(2) Are graduate-level professionals with a minimum of 12 graduate-level credit hours in the specialized therapy and a minimum of 1 year of supervised experience in the use of the specialized therapy technique.

**§ 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:

- (i) The specific interventions being implemented.
- (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
- (iii) Consideration of adjustments needed to the ITP.
- (iv) The staff person's skills in implementing the interventions in the ITP.

(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 each month.

(2) The supervision must include oversight of the following:

- (i) The interventions being implemented.
- (ii) The child's, youth's or young adult's progress towards the goals of the ITP.
- (iii) Consideration of adjustments needed to the ITP.
- (iv) The staff person's skills in implementing the interventions in the ITP.

(c) Group supervision may be provided to no more than 12 staff who provide group services, but only nine of the staff can be qualified to provide BHT services or BHT-ABA services.

(d) An individual may supervise a maximum of 12 full-time equivalent staff that provide group services, but only nine of the full-time equivalent staff can be qualified to provide BHT services or BHT-ABA services.

(e) A supervisor shall be available to consult with staff during the hours that group services are provided, including evenings and weekends.

(f) 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).

(g) A supervisor shall maintain documentation about each supervision session in the supervised staff person's personnel file that includes the following:

- (1) The date of the supervision session.
- (2) The location and modality of the session, such as in-person or through secure real-time, two-way audio and video transmission.
- (3) The format of the session, such as individual, group or onsite.
- (4) The start and end time of the supervision session.
- (5) A narrative summary of the points discussed during the session.
- (6) The signature and signature date of the supervisor and the staff person receiving the supervision.

**§ 5240.93. Training requirements for staff who provide group services.**

(a) An IBHS agency that provides group services shall ensure that staff complete initial and annual training requirements.

(b) A graduate-level professional who is qualified to provide behavior consultation services in accordance with § 5240.71(a) (relating to staff qualifications for individual services) shall complete the annual training requirements included in § 5240.73(b), (g) and (h) (relating to training requirements for staff who provide individual services).

(c) A graduate-level professional who is qualified to provide mobile therapy services in accordance with § 5240.71(c) shall complete the training required by § 5240.73(b), (g) and (h).

(d) A graduate-level professional who is qualified to provide behavior analytic services or behavior consultation—ABA services in accordance with § 5240.81(d) or (e) (relating to staff qualifications for ABA services) shall complete the training required by § 5240.83(b), (e) and (f) (relating to training requirements for staff who provide ABA services).

(e) An individual who meets the qualifications to provide BHT services in accordance with § 5240.71(d) shall complete the training required by § 5240.73(c)—(h).

(f) An individual who meets the qualifications to provide BHT-ABA services in accordance with § 5240.81(g) shall complete the training required by § 5240.83(d)—(f).

**§ 5240.94. Group services initiation requirements.**

(a) An IBHS agency shall provide group services to a child, youth or young adult in accordance with a written order under § 1155.34(a)(1) (relating to payment conditions for group services).

(b) Prior to the initiation of group services, the IBHS agency shall obtain written consent to receive the group services identified in the written order from the youth, young adult or parent or legal guardian of a child or youth.

**§ 5240.95. Assessment.**

(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.

(b) The assessment shall be reviewed and updated in accordance with § 5240.21(e) and (f).

**Cross References**

This section cited in 55 Pa. Code § 1155.34 (relating to payment conditions for group services); 55 Pa. Code § 5240.41 (relating to individual records); 55 Pa. Code § 5240.96 (relating to individual treatment plan); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

**§ 5240.96. Individual treatment plan.**

(a) A written ITP shall be completed by a graduate-level professional within 30 days after the initiation of group services and be based on the assessment completed in accordance with § 5240.95 (relating to assessment).

(b) The ITP must include the recommendations from the licensed professional who completed the written order for group services in accordance with §§ 1155.32(a)(1) and 1155.34(a)(1) (relating to payment conditions for individual services; and payment conditions for group services).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.

(d) The ITP must include the following:

(1) Specific goals and objectives to address the identified therapeutic needs with definable and measurable outcomes.

(2) Whether and how parent, legal guardian or caregiver participation is needed to achieve the identified goals and objectives.

(3) Structured therapeutic activities, community integration activities and individual interventions to address identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.

(4) Time frames to complete each goal.

(5) Settings where group services may be provided.

(6) Number of hours that group services will be provided to the child, youth or young adult.

(e) The ITP shall be developed in collaboration with the child, youth, young adult or parent, legal guardian or caregiver of the child or youth as appropriate.

(f) The ITP shall be reviewed and updated at least every 6 months or if one of the following occurs:

(1) The child, youth or young adult has made sufficient progress to require that the ITP be updated.

(2) The child, youth or young adult has not made significant progress towards the goals identified in the ITP within 90 days from the initiation of the services.

(3) The youth or young adult requests an update.

(4) A parent, legal guardian or caregiver of the child or youth requests an update.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) A staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services provides a reason an update is needed.

(8) The child, youth or young adult experiences a change in living situation that results in a change of the child's, youth's or young adult's primary caregivers.

(g) An ITP update must include the elements in subsection (d) and the following:

(1) A description of progress or lack of progress toward previously identified goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to previously identified goals, objective or interventions.

(4) A description of new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult or parent or legal guardian of the child or youth, and the staff person who completed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by an individual who meets the qualifications of a clinical director in § 5240.12 (relating to staff qualifications).

#### **Cross References**

This section cited in 55 Pa. Code § 1155.34 (relating to payment conditions for group services); 55 Pa. Code § 5240.41 (relating to individual records); 55 Pa. Code § 5240.98 (relating to requirements for group services in school settings); and 55 Pa. Code § 5240.102 (relating to assessment and individual treatment plan).

**§ 5240.97. Group services provision.**

(a) A graduate-level professional may provide individual, group and family psychotherapy; design of psychoeducational group activities; clinical direction of services to a child, youth or young adult; create and revise the ITP; oversee implementation of the ITP and consult with the child's, youth's or young adult's treatment team regarding the ITP.

(b) An individual who meets the qualifications to provide BHT services or BHT-ABA services may assist with conducting group psychotherapy, facilitate psychoeducational group activities and implement the child's, youth's or young adult's ITP.

(c) Group services shall be structured to address the goals and objectives identified in the child's, youth's or young adult's ITP.

(d) Group services can be provided in a school, community setting or community like setting.

(e) An IBHS agency that provides group services and ABA services shall also comply with §§ 5240.81—5240.87 (relating to applied behavior analysis).

(f) A graduate-level professional shall be present while group services are being provided.

**§ 5240.98. Requirements for group services in school settings.**

A licensed IBHS agency that provides group services and identified a school as a location where services will be provided in its approved service description shall meet the following requirements:

(1) Have a written agreement with the authorized representative for each school location in which it provides group services that includes the following:

(i) Identification of the IBHS agency's and the school's lead contacts and their contact information.

(ii) Delineation of roles and responsibilities of the school and the IBHS agency staff.

(iii) Description of how the school and IBHS agency staff will collaborate during the provision of group services in the school.

(iv) A requirement for a meeting at least every 6 months between IBHS agency staff and school administration to review performance, collaboration issues and the written agreement.

(v) Crisis management protocols.

(vi) Procedures for school staff to refer students for group services.

(vii) Identification of the space and equipment allocated for use by IBHS agency staff.

(viii) Process for revising or updating the written agreement.

(2) IBHS agency and school staff involved with the child, youth or young adult receiving group services shall meet at least every 6 months to discuss the student's behavioral health services and progress related to school performance.

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(i) A youth, young adult or parent or legal guardian of the child or youth shall be invited to participate in the meeting.

(ii) Other professionals as requested by a youth, young adult or parent or legal guardian of the child or youth shall be invited to participate in the meeting.

(3) An IBHS agency shall document the outcome of the meeting and include the following:

(i) Attendance.

(ii) Date of meeting.

(iii) Summary of the discussion.

(iv) Recommendations for a change in group service participation if discussed.

(v) Reason a meeting was not convened as required.

(4) An IBHS agency providing group services in school settings shall keep the child's, youth's or young adult's records in accordance with § 5240.41 (relating to individual records).

(5) An ITP for group services provided in school settings shall be developed in accordance with § 5240.96 (relating to individual treatment plan) and must include the following:

(i) Continuity of services when school is not in session.

(ii) Interventions that specifically address the child's, youth's or young adult's functioning in school.

(iii) Input from the teachers and guidance counselors directly involved with the child, youth or young adult receiving group services.

(6) An IBHS agency that provides group services and ABA services and provides the services in school settings shall comply with §§ 5240.81—5240.87 (relating to applied behavior analysis).

### **EVIDENCE-BASED THERAPY**

#### **§ 5240.101. EBT initiation requirements.**

(a) An IBHS agency shall use individual services, ABA services or group services to provide EBT to a child, youth or young adult in accordance with a written order under § 1155.35(a)(1) (relating to payment conditions for EBT delivered through individual services, ABA services or group services).

(b) Prior to the initiation of EBT, the IBHS agency shall obtain written consent to receive the EBT identified in the written order from the youth, young adult or parent or legal guardian of a child or youth.

#### **§ 5240.102. Assessment and individual treatment plan.**

(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.

(b) The assessment shall be reviewed and updated in accordance with §§ 5240.21(e) and (f), 5240.85(e) and (f) or 5240.95(b).

(c) A written ITP shall be completed, reviewed and updated in accordance with §§ 5240.22, 5240.86 or 5240.96 (relating to individual treatment plan).

#### Cross References

This section cited in 55 Pa. Code § 1155.35 (relating to payment conditions for EBT delivered through individual services, ABA services or group services); and 55 Pa. Code § 5240.41 (relating to individual records)

### § 5240.103. Requirements for EBT delivered through individual services, ABA services or group services.

(a) An IBHS agency or the individual providing the EBT shall have a certification or licensure from the National certification organization or entity that developed or owns the EBT.

(b) An IBHS agency shall ensure that EBT is provided by staff that meet the qualifications and receive supervision as set forth in the EBT.

(c) An IBHS agency that is using an EBT shall have written policies and procedures to measure the following:

(1) Adherence to the implementation of the specific EBT.

(2) Outcomes of the EBT that incorporate review standards associated with the EBT.

(d) An IBHS agency using an EBT shall continuously monitor the fidelity to the EBT.

(e) An IBHS agency shall ensure that procedures related to and decisions about continuing services and discharge are made in accordance with the specific EBT.

(f) An IBHS agency that does not meet the standards of the EBT it provides shall:

(1) Have a corrective action plan that is approved by the National certification organization or the Department.

(2) Track the corrective action plan to ensure that the plan has been implemented.

(3) Complete the corrective action plan to meet the standards of the EBT within the time frame identified in the corrective action plan.

#### WAIVERS

### § 5240.111. Waivers.

(a) An IBHS agency may submit a written request to the Department for a waiver of a specific requirement in this chapter.

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(b) The Department may grant a waiver unconditionally or subject to conditions that shall be met. The Department may revoke a waiver if conditions required by the waiver are not met.

(c) A waiver request will be granted only in exceptional circumstances and if the following are met:

- (1) The waiver does not jeopardize the health and safety of the children, youth or young adults served by the IBHS agency.
- (2) The waiver will not adversely affect the quality of services provided by the IBHS agency.
- (3) The intent of the requirement to be waived will still be met.
- (4) Children, youth or young adults will benefit from the waiver of the requirement.
- (5) The waiver does not violate a Federal or State statute or regulation.

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