



PROVIDER ALERT

Alert # 1 – 2007 –01-18 – HCAL, HCYAB, HCCH, HCNE, HCNC

Prescriber Responsibilities if Using Assistants for BP Evaluations

(Updated 1/1/07)

Community Care required in a prior alert (Alert # 17 – 2004 – 11 –04 – HCAL, HCCH, HCYA, HCBerks) that the mental status examination must be done face-to-face by the licensed prescriber for all Best Practice evaluations and re-evaluations. This alert is a modification of the 11-4-07 alert.

In some parts of the Commonwealth there is very limited access to licensed psychologists and non-licensed providers sometimes complete evaluations without any face-to-face evaluation by the licensed psychologist. Community Care will allow this practice to continue. However, we encourage licensed prescribers to continue to participate in all Best Practice evaluations and re-evaluations unless access issues make that option impossible.

Please note that, if doctoral or master's level clinicians who are non-prescribers are conducting parts of or the entire BP evaluation, these individuals must be designated by and directly supervised by the licensed prescriber. Please refer to Chapter 41 of the PA Code for Psychologists by the State Board of Psychology.

Community Care advocates that prescribers review the case w/the doctoral or master's level clinicians who are conducting parts of or the entire evaluation to assure that all of the following are completed and documented as such in the child's final report:

1. The symptoms are clearly defined, i.e., history, nature, frequency, and severity.
2. The prescriber's comments on and interpretation of the standardized measure is included in the evaluation.
3. Results from the current administration of the standardized measure are compared to results from previous administrations and compared/discussed in the evaluation or re-evaluation.
4. The prescriber concurs with the diagnosis.
5. The prescriber assures that the recommendations for BHRS meet Appendix T Medical Necessity Criteria.
6. The prescriber has input on and assures that the recommendations include other service systems and natural/community supports.
7. The prescriber assures that the evaluation has been completed in the Best Practice format (or preferred prescriber format if required).
8. The doctoral or masters level clinician involved in conducting the evaluation and the prescriber sign off on the evaluation. The prescriber must be clearly identified.
9. The case consultation between the prescriber and doctoral or master's level clinician is documented in the child's chart.

Attachments to this alert include the prior alert and references from the PA Board of Psychology regulations and newsletter.



PROVIDER ALERT

Alert # 17 – 2004 – 11 –04 – HCAL, HCCH, HCYA, HCBerks

Clarification of requirements for Best Practice/ Life Domain Evaluations and doctoral level BSC services

Due to recent requests for clarification from providers, Community Care is issuing this provider alert to clarify requirements for completion of Best Practice Evaluations as well as the requirements for billing for Ph.D. level BSC services. Please note that effective on this immediately, the following BHRS procedures/services may be delivered and billed by individuals with qualifications and training as specified below.

With respect to the Psychological Evaluations for initial or ongoing BHRS requests, the licensed practitioner (psychologist, psychiatrist, or developmental pediatrician) must personally participate in a face-to-face evaluation/interview/ mental status examination of the client. However, other staff members who are designated by and directly supervised by the licensed practitioner may complete additional intake, data collection, or assessment procedures necessary for this evaluation. The required expertise of these licensed clinicians is further clarified in the Medical Assistance Bulletin 01-94-01.

Procedure Code Requirement

H0032 HP	Behavioral Specialist Consultant-Ph.D. 1. Licensed doctoral level psychologist 2. Licensed master’s level psychologist
H0032 HO	Behavioral Specialist Consultant- Masters Level 1. Unlicensed Doctoral level MH clinician* 2. Licensed or Unlicensed master’s level MH clinician* (e.g. MSW, LSW, LPC) Except Masters level licensed psychologists who can bill for Ph.D. level BSC
90801 HA preparation	Initial Psychological Evaluation- Best Practice/Life Model Domain with report 1. Licensed master’s level or doctoral level psychologist 2. Psychiatrist 3. Developmental pediatrician
90801 EP	Psychological Evaluation- Best Practice/Life Domain Model with report preparation 1. Licensed master’s level or doctoral level psychologist 2. Psychiatrist 3. Developmental pediatrician

*with documented training in the field of behavioral modification techniques or supervision by a licensed psychologist

Information for Updated Alert:

From Chapter 41, PA Code for Psychologists by the State Board of Psychology

§ 41.58. Standards for the employment and supervision of unlicensed persons with graduate training in psychology.

(a) *Statutory authority and purpose.* Under section 3(12) of the act (63 P. S. § 1203(12)), psychologists licensed by the Board may employ “professional employee with *graduate training in psychology**,” who “shall perform their duties under the full direction, control and supervision of a licensed psychologist.” Section 41.58 sets standards for the employment and supervision of unlicensed persons who come within the statutory language. Section 41.58 does not apply to persons completing the experience requirement for licensure, to employees who are licensed and regulated by other Boards in the Bureau, or to employees of psychologists practicing in settings exempted from the licensure requirement under section 3(4), (6), (8) and (10) of the act.

From § 41.1. Definitions: **Graduate training in psychology*—Under section 3(12) of the act (63 P. S. § 1203(12)), the completion of 15 graduate semester hours in any of the areas described in subparagraphs (viii)—(x) of the definition for “doctoral degree in psychology.”

(b) *Responsibilities of employing psychologists and supervising psychologists.* The employing psychologist shall ensure that the employee has satisfied the education requirement set out in the definition of “graduate training in psychology” in § 41.1 (relating to definitions) and shall bear full professional responsibility for the welfare of every client/patient served by the employee. The employing psychologist shall supervise the employee as set out in subsection (c) or shall assign the supervisory function to another licensed psychologist affiliated with the employment setting. A supervising psychologist shall be qualified to render competently every psychological service which the employee undertakes, except that clearly defined areas of the employee’s supervision may be delegated to other professionals affiliated with the employment setting whose competence in the delegated areas has been demonstrated by previous education, training and experience. Although the employing psychologist shall continue to bear the ultimate responsibility for services rendered by the employee, a psychologist who supervises an unlicensed person under this section shall be individually responsible for activities of that person performed under the psychologist’s supervision or pursuant to the psychologist’s delegation.

(c) *Supervision requirements.* The Board recognizes that variations in the training of unlicensed employees will require individually tailored supervision. The following are the minimum supervisory requirements acceptable to the Board:

(1) The supervisor shall ensure that the employee possesses skills commensurate with the work assigned.

(2) The supervisor shall plan all service delivery procedures in consultation with the employee. The supervisor shall acquire knowledge of clients/patients, through face-to-face contact when necessary, sufficient to carry out this duty effectively.

(3) The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards. These standards require regular face-to-face consultation with the employee, either individually or in a group. In particular, the supervisor shall acquaint the employee with the Code of Ethics found in § 41.61 (relating to Code of Ethics) and shall, under that section, be accountable for ethical violations by the employee.

(4) The supervisor shall be available for emergency consultation and intervention.

(5) The supervisor shall maintain an ongoing record detailing the activities in which the employee is engaged, the level of competence in each, and the outcome of all procedures.

(6) The supervisor shall ensure that the employee signs all reports, records and other communications prepared by the employee for distribution or maintenance within the employment setting. Written communications prepared by the employee for distribution outside the employment setting shall be signed by the employee and countersigned as “reviewed and approved by” the supervisor.

(7) The supervisor shall ensure that the employee’s supervised status is made known to clients/patients and that the employee’s title clearly indicates this status. The supervisor shall provide clients/patients with specific information regarding the employee’s qualifications and functions.

(8) The supervisor shall inform clients/patients of the employee about the possibility of periodic meetings with the supervisor at their or the supervisor’s request.

(9) The supervisor shall simultaneously supervise no more than three full-time or their equivalent in part-time employees. Designation of full-time and part-time shall be made in accordance with the employer’s own personnel policy.

(d) *Billing and public announcements.* The employing psychologist shall disclose the unlicensed, supervised status of the employee when billing for psychological services of the employee and in public announcements of services and fees involving the employee.

(e) *Noncompliance.* Noncompliance with this section will be considered unprofessional conduct and will subject the noncomplying psychologist to disciplinary action under section 8(b) of the act (63 P. S. § 1208(b)).

Authority

The provisions of this § 41.58 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.58 adopted June 12, 1992, effective June 13, 1992, 22 Pa.B. 2982.

Notes of Decisions

Confidentiality

The privilege accorded psychotherapist-client communications is subject to qualification after the client's death where: (1) there is an ongoing criminal investigation; (2) the client is not the alleged offender; (3) the criminal investigation concerns the client's death; (4) the inquiry is in the context of a grand jury proceeding; and, (5) the evidence sought is relevant to the Commonwealth's case against a third party. *In re Subpoena No. 22*, 709 A.2d 385 (Pa. Super. 1998).

Cross References

This section cited in 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy).

The following 2 sections are from the PA State Board of Psychology Newsletter (Winter 2002):

Supervision of Others

Psychologists may have assistants other than those providing psychological services specified in board regulations such as those performing educational activities often performed by aids to regular and special education teachers or TSS workers in wrap-around programs. Consultants may, but usually do not, have such assistants but the agency employing them often do.

References:

Kazdin, A. E. (Ed.) (2000). *Encyclopedia of Psychology*. Washington, DC: American Psychological Association.

Thomas, A. & Grimes, J. (Eds.) (1995). *Best practices in school psychology III*. Washington, DC: National Association of School Psychologists.

EPSDT, Supervision and Record Keeping

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Question : I am a type 41 psychologist provider for the Early Periodic Screening Diagnostic and Treatment (EPSDT) services, commonly known as Wrap Around services. I would like to know how many people I can supervise. Do I have to supervise all of the Behavior Specialist Consultants (BSC), Mobile Therapists (MT), and Therapeutic Support Staff (TSS)? Or, can I supervise a BSC who then in turn supervises the TSS worker? Or, do I have to supervise the TSS worker directly? Finally, am I responsible for the client if I do not see the client, or am I liable if a TSS worker violates some ethical principle?

Answer: Section 3(12) of the Professional Psychologists Practice Act (63 P.S. Section 1203 (12)) permits a licensed psychologist to supervise “professional employees, with graduate training in psychology”, provided that such employees “perform their duties under the full direction, control, and supervision of a licensed psychologist, pursuant to the regulations of the board.” Section 41.1 defines graduate training in psychology as “the completion of 15 graduate semester hours...” Therefore, a type 41 provider can only hire employees who meet this requirement to be a BSC or a MT.

The Board has determined that the work of a TSS as it is currently being provided is not the practice of psychology. The TSS typically implements the plan or the behavioral program for the child without providing a psychological service. TSS works under the direct supervision of the BSC, MT or Psychologist, under the direct supervision of the BSC, MT or psychologist.

Section 41.58 of this Chapter states the “standards for the employment and supervision of unlicensed persons who come within the statutory language.” In the pertinent part, subsection 41.58(c)(9) (relating to supervision requirements), states that “[t]he supervisor shall simultaneously supervise no more than three full-time or their equivalent in part-time employees. Designation of full-time and part-time shall be made in accordance with the employer’s own personnel policy.” Therefore, it seems the psychologist could only hire and supervise up to the equivalent of three full-time employees. However, it is possible that if a psychologist were to hire up to the equivalent of three full-time BSC’s or MT’s who meet the educational requirement, it is possible that they could, in turn, supervise any number of TSS workers. In this scenario, the psychologist would only be supervising the BSC or MT and not the TSS. The TSS would be directly supervised by the BSC or MT. It is possible in this example, which resembles a pyramid, that the psychologist could hire an unlimited number of TSS workers provided they are not all being supervised by the psychologist. Since the TSS workers are not doing work of a psychologist, and they are unlicensed, there are no educational requirements imposed by the Psychology Board for hiring the unlicensed TSS (but may be required or regulated by DPW). Section 41.58 (c) (1-8) outlines the requirements a supervisor shall maintain. A copy of 41.58 (c) can be found on page 9 of this Newsletter.

In summary, a type 41 psychologist can supervise no more than three full-time employees. But in this pyramid example, it is possible that the psychologist could hire the equivalent of three BSC/MT's who, in turn, supervise the TSS. Section

41.58(b) states “[a]lthough the employing psychologist shall continue to bear the ultimate responsibility for services rendered by the employee, a psychologist who supervises an unlicensed person under this section shall be individually responsible for activities of that person performed under the psychologist’s supervision or pursuant to the psychologist’s delegation.” Therefore, the psychologist has the ultimate and vicarious liability for all the people he/she supervises or directed under his delegation or under his license.

From the PA State Board of Psychology Newsletter (Spring 1999)
Standards for Employment and Supervision of Unlicensed Persons with Graduate Training in Psychology Who Provide Therapeutic Staff Support Services (TSS)

During its June 25, 1998 meeting, the board adopted the following policy on standards for the employment and supervision of unlicensed persons with graduate training in psychology who provide Early Periodic Screening Diagnosis and Treatment (EPSDT) services consisting of therapeutic staff support services:

For purposes of EPSDT services, a psychologist shall be permitted to supervise, in addition to the “three full-time or their equivalent in part time employees” as set forth in § 41.58(c)(9) of the board’s regulations, up to 9 full-time equivalents of unlicensed persons with graduate training in psychology who provide therapeutic staff support (TSS) services as those services are defined in the Department of Public Welfare’s Medical Assistance Bulletin. Supervision of TSS employees shall include at least quarterly face-to-face meetings with the TSS worker, the family and the child involved. The quarterly face-to-face meetings may be conducted at regular treatment meetings. The psychologist shall be ultimately responsible for the welfare of all services offered to clients under the psychologist’s supervision. Unlicensed persons with graduate training in psychology who provide mobile therapy services and behavioral specialist consultant services as those services are described in the Department of Public Welfare’s Medical Assistance Bulletin, shall be included in the “three full-time or their equivalent of part-time employees” limitation imposed by §41.58(c)(9) of the board’s regulations. In recognition that EPSDT services are relatively new in nature the policy expands by interpretation the board’s current regulation at §41.58(c)(9). The board may refine the standards by regulation when additional data becomes available on the optimal number of supervisees that a psychologist can manage.