



November 25, 2024

VIA ELECTRONIC SUBMISSION

Independent Regulatory Review Commission
 333 Market Street, 14th Floor
 Harrisburg, PA 17101
 Email: irrchelp@irrc.state.pa.us

Re: Regulation #14-555: Psychiatric Residential Treatment Facilities

To Whom It May Concern,

On behalf of Community Behavioral Health (CBH), we thank you for the opportunity to comment on the Pennsylvania Department of Human Services (PA DHS) proposed ***Regulation #14-555: Psychiatric Residential Treatment Facilities (PRTF)***.

Overall, we support the PRTF proposed regulation changes, which would strengthen statewide requirements for PRTF treatment modality frequency, quality, and clinical supervision. This is needed, given the increased acuity we are seeing among our PRTF member population.

We submit this comment, which provides an overview of CBH and our initiatives to improve the quality of PRTF services. It is followed by a description of why we support the proposed regulations and our concerns and questions about the regulations' implementation.

CBH Overview

CBH is Philadelphia's nonprofit behavioral health managed care organization (BH-MCO), operating as a 501(c)(3) organization contracted by the City of Philadelphia's **Department of Behavioral Health and Intellectual disAbility Services** (DBHIDS) to manage the administration of the Commonwealth of Pennsylvania's **Behavioral HealthChoices Program** - the state's health insurance program for mental health and substance use disorder (SUD) services for individuals covered by Medicaid.

In our role, CBH ensures access to whole-person care by maintaining a comprehensive network of over 220 independently operated healthcare providers who deliver a full continuum of behavioral health treatment to our members, including several PRTF service providers who treat our child and youth members needing this level of care. CBH also authorizes, covers, and coordinates payment for medically necessary behavioral health treatment services delivered to our Medicaid-eligible members.

When our child and youth members need PRTF care, we put their welfare first, taking every step necessary to protect their health, safety, and overall wellness throughout treatment and to support their re-integration into the community successfully when ready.

To ensure our members receive the best PRTF treatment possible, CBH has implemented several PRTF routine monitoring policies, practices, and other initiatives. Since 2019, we have implemented comprehensive PRTF quality monitoring plans that monitor in-network PRTF providers across 16 areas, including restraint use, medication prescribing, incident report volume, and more.



Community Behavioral Health

In 2019, CBH also issued its own **PRTF performance standards** to further enforce our treatment quality expectations. Our PRTF monitoring plans and performance standards are further complemented by our **rigorous credentialing standards**, which all PRTF providers must meet successfully before joining our network. Additionally, we conduct frequent PRTF site visits and hold regular quality meetings and data reviews, among many other PRTF quality monitoring practices.

CBH General PRTF Proposed Regulations Support

In alignment with our own PRTF quality monitoring practices and standards, CBH supports PA DHS's recommended changes in the proposed regulations to strengthen PRTF treatment quality and outcomes. We also appreciate the steps PA DHS took to gather multi-system stakeholder feedback throughout the regulations' development and its incorporation into the proposed regulations.

Within the proposed regulations, in particular, we support the increased expectations for treatment modality and frequency. We also support clearer standards on expectations for clinical supervision and masters-level clinician oversight during awake hours. The proposed greater staffing-to-patient ratios also support the increased acuity we are seeing in our PRTF population, which we believe will lead to safer environments for youth in treatment.

Furthermore, we appreciate the consideration of creating a secure PRTF option. We believe this will allow for the development of PRTF treatment programs that better meet the clinical needs of our most vulnerable youth, many of whom need to be sent out of state due to their acuity levels. CBH looks forward to partnering with PA DHS on the creation of these programs to complement our current PRTF care continuum.

BH-MCO Rate Concerns

As discussed in PA DHS's **regulatory analysis form** introducing the proposed PRTF regulations, we note the PA DHS Office of Mental Health and Substance Abuse Services' (OMHSAS) acknowledgment that it will increase BH-MCO's rates to support the higher care standards instituted by the new regulations.

The current rates CBH receives will **not** be able to support the changes the regulations will require; in addition, our providers are struggling to recruit and maintain quality staff at the current funding levels.

We also encourage OMHSAS to not only incorporate the added supervision and clinical time these regulations will require when calculating new rates but also to build in enough funding to support the creation of sustainable BH-MCO quality programs to ensure PRTFs compliance with the increased standards.

Overpayment Recovery Questions

Finally, under the proposed PRTF regulations § 5330.145. *Treatment Services* (pgs. 87-89), which outlines minimum numbers of hours for individual, group, and family therapies, CBH has the following questions:

- 1) In cases where the provider does not meet the required number of hours as stated in the regulation, other than those sessions with documented refusals to participate, would payments be subject to overpayment recovery?
- 2) If so, how would that be calculated?

We request that PA DHS please provide a clear response to our above questions to ensure we and other BH-MCOs understand when overpayments to PRTFs will be recovered and how they would be calculated in the aforementioned circumstances.

Conclusion

In conclusion, CBH supports the PA DHS proposed PRTF regulations overall. The regulations will help to strengthen PRTF treatment quality by increasing requirements for PRTF treatment modalities, clinical supervision, and staffing and by creating a needed secure PRTF option.

While we support the proposed regulations, we maintain concerns about BH-MCOs' ability to support their implementation without OMHSAS increasing our rates. These rate increases will also need to consider the expanded quality monitoring programs BH-MCOs will need to implement to ensure providers' adherence to the increased standards.

Additionally, we seek clarification from PA-DHS on when overpayment recovery will be required and how this will be calculated should providers not comply with § 5330.145. *Treatment Services* in certain circumstances.

We thank you for the opportunity to comment on the PRTF draft regulations and look forward to continuing to partner with PA DHS to ensure quality PRTF treatment for the communities we serve.

Respectfully,



Donna E.M. Bailey
Chief Executive Officer
Community Behavioral Health