

Guidance on Environmental Modifications to Support Behaviorally Health Challenged Members

This guidance is provided to help with determining the need for behavioral health reviews for members seeking environmental modifications that support them with their challenging behavioral health needs. If an environmental modification is proposed as a result of an identified behavioral health need, the modification requires submission of a behavioral health review by a behavioral intervention specialist or psychologist.

Modifications for behavioral health needs must balance the member's safety needs with any proposed or potential limitations or restrictions on their behavior, movement, and/or environment. The least restrictive measures available that support the member's safety and independence should be chosen.

Modifications for behavioral health needs can be necessary as a result of a member's behavioral challenges including, but not limited to self-injurious or aggressive behavior, impulsivity, and elopement behaviors.

Examples of modifications that may promote a safer environment for members with behavioral health challenges may include:

- Window protections -- replacement of glass with Plexiglass/Acrylic or other shatterproof material such as Lexan/Polycarbonate or Tempered Glass/Laminated
- reinforcement of walls,
- durable finishes,
- open-door signal devices,
- fencing, and
- shatter-proof shower doors

Limitations and Exclusions

An environmental modification (EMod) to support a person with behavioral health challenges must meet the following conditions:

- The member's behavioral health needs can't be addressed safely with less restrictive measures/modifications that can be reasonably put in place
- The proposed modification is not to be used as a substitution for parental supervision or for convenience only. Adequate supervision of the child/youth must be provided with or without the modification at all times

- Fencing as an environmental modification under the Children's Waiver is defined as an enclosed safe outdoor area where the health and safety of the person would be compromised without this safeguard
- Justification for fencing as an EMod must include a documented history of elopement from one's residence which causes a safety concern
- Fences related to standard building codes (such as those required for backyard ponds or pools) are not funded under this Waiver
- Fencing will have a maximum of 200 linear feet and height of 5 feet unless local codes prohibit this in which case a 6-foot maximum is allowable. Construction grade wood stockade materials with a dog-eared top are permitted. One 4-foot-wide maximum gate is allowed. Safety latches included. Chain link is not permitted as fencing material.

Behavioral Health Review Requirements and Use

If an environmental modification is determined, in whole or in part, by an identified behavioral health need or challenge of the member, a behavioral health review by a behavioral intervention specialist or psychologist is required to be submitted to support the request. This behavioral health review must include a clinical evaluation with recommendations to address the behavior up to and including the installation of fences, alarms, durable materials, or other types of physical supports.

The behavioral health review should provide evidence that the member's behavior is so challenging that an environmental modification is necessary to ensure the health, safety, and/or well-being of the member. This behavioral health review must include clinical evaluations that demonstrate that the behavior displayed by the individual is so severe that it requires the environmental modification to help ensure their health and safety. The behavioral health review needs to include other strategies that have been tried to address the behavior(s) identified and strategies that will continue along with the installation of the environmental modification. In some cases, the threat to health and safety is so imminent and severe that alternative strategies may not have been tried. If so, this too should be noted in the behavioral health review.

The behavioral health review should provide:

- a history of member's behavior(s) as they relate to need for the requested EMod,
- triggers or reasons for behavior to occur, if currently known;
- prior strategies to address the behavior and the results of their use,
- frequency or duration of the behavior,
- safety and/or health risks or consequences to the member currently with and without the requested modification

Behavioral Intervention Specialists

A behavioral health review should be provided by a behavior intervention specialist or psychologist. Behavior Intervention Specialists are defined as specialists who have training or experience in assessment techniques and the development of behavior support plans.

Psychologists and other behavioral intervention specialists provide behavioral health reviews based on their awareness and observation of the child/youth and the child/youth's behavior in their home environment, not in a school or clinical setting. A request for an environmental modification under this category must include a behavioral health review and recommendations from a Psychologist/Behavior Intervention Specialist that is working with the family in the home to address the behavior, along with the recommendation of the installation of the modification.

Finding a Behavioral Intervention Specialist for Behavioral Health Review

A child or youth that has significant behavioral health challenges is likely to experience these challenges in various environments. As a result, the child or youth may already have a behavioral intervention specialist or psychologist working with them at their school, in Child and Family Treatment and Support Services (CFTSS), or with other support services. A behavioral intervention specialist or psychologist who is already involved in developing and/or implementing a behavioral plan to support the child and their family is an ideal person to provide the behavioral health review for an environmental modification.

School districts often employ behavioral intervention specialists, applied behavior analysts, school psychologists, or other behaviorally trained licensed professionals who may be able to provide the clinical evaluations and behavioral recommendations necessary for a behavioral health review. School behavioral health professionals, including school psychologists and behavior intervention specialists, are often engaged in providing functional behavioral assessments (FBA) and behavioral implementation plans (BIP) to support children and youth who have been identified for special education supports at school. These mental health professionals may also be aware of other behavioral health professionals in their community who could assist in providing these reports if they are unable to do so themselves.

When looking for behavioral health providers with Applied Behavior Analysis (ABA) or behavioral training beyond the school district, other resources may include local behavioral health providers in mental health clinics and ARCs. Local mental health clinics and the forty-two ARC Chapters in New York State are resources for finding the behaviorally trained professionals needed to provide the behavioral health review or to suggest alternate resources for finding appropriate behavioral health professionals in the community to develop the review.

In the event that a child/youth is not already engaged with a behavioral intervention specialist, there may be a need to pay for a behavioral health professional to provide the required behavioral health review for an environmental modification. A behavioral health review may be paid for as a part of the environmental modification process just as in the case of securing a pre-project evaluation or clinical justification.

Behavioral Health Review Report Submission

The behavioral health review must be provided with every environmental modification request that is driven in whole or in part by a behavioral health challenge of the member. The behavioral health review in the request will be reviewed by the local department of social services (LDSS) for children and youth with Fee for Service (FFS) Medicaid as part of the environmental modification request. Once the LDSS has approved the member's request, the LDSS will submit the request with the supporting documentation to NYS DOH for review.

For all child/youth Managed Medicaid Care Plan (MMCP) members, the MMCP will review the submitted behavioral health review submitted as part of the complete initial application for environmental modification request with a behavioral health component. If the application is approved by the MMCP, the Plan will direct the member and CM as to the next steps for the project.