

February 22, 2024

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20515

Dear Leader Schumer and Leader McConnell:

On behalf of the more than 300 national, state, and local undersigned organizations representing child welfare and health experts, administrators, advocacy organizations, service providers, community-based organizations, managed care organizations, public agencies, individuals with lived experience, and other stakeholders committed to strengthening and supporting the well-being of youth and families, we urge you to act now to close inequities in Medicaid access for youth in foster care. **As our communities across the nation continue to struggle with the youth mental health crisis, it is critical that children and adolescents who rely on Medicaid have access to a full continuum of high-quality services that provide the right care at the right time to meet their individualized, holistic needs. For this reason, we write to express our strong support for the *Ensuring Medicaid Continuity for Children in Foster Care Act of 2023 (S. 3196)* and urgently request this bill be moved forward.**

We share your goals to keep families together, minimize placement in out-of-home care, and improve access to trauma-informed behavioral health services for youth in foster care. These goals were ratified in the landmark Family First Prevention Services Act (FFPSA), passed in 2018. When FFPSA defined Qualified Residential Treatment Programs (QRTPs), Congress explicitly recognized the importance of high-quality residential treatment for children in foster care with assessed need. However, according to the Centers for Medicare and Medicaid Services, QRTPs over 16 beds are subject to the Institution for Mental Diseases (IMD) exclusion. Because Medicaid is critical to funding the clinical services that QRTPs are mandated to provide, IMD concerns have had a chilling effect on QRTP implementation and kept young people from getting the high-quality care they deserve. At least 18 states are not implementing QRTPs and the protections they provide to youth.

S. 3196 provides a narrowly tailored opportunity for states to amend their state plans and draw down federal Medicaid to meet the holistic needs of youth in any QRTP, but only if the state complies with all QRTP requirements, including built-in guardrails and judicial oversight to protect against unnecessary or prolonged care. Room and board in QRTPs are not Medicaid reimbursable, so exempting QRTPs from the IMD exclusion will not incentivize creation of new or larger QRTPs. Instead, it will incentivize states to make important investments in QRTP implementation, including quality elements like accreditation, clinical and nursing staff, provision of trauma-informed care, and mandated family-based aftercare. QRTP placement must also be approved by an independent assessor who confirms that behavioral health needs cannot be met at home. So, the issue for youth is not community-based services versus residential services.

The issue on the ground is access to qualified residential treatment programs versus children languishing in non-therapeutic shelters, hotels, child welfare offices, emergency departments, or more restrictive hospitalization or inpatient psychiatric programs. With insufficient QRTP implementation, youth with behavioral health needs are being sent to facilities far from home to access care.¹ Moreover, since Congress recently removed the limitation on Medicaid federal financial participation for youth who are incarcerated pending disposition of charges,² states are already creating “treatment beds” within public juvenile detention centers. It should not be easier to access federal Medicaid for youth in detention than it is for foster youth in highly regulated behavioral health settings. Each of these alternatives are more costly and disruptive to a child’s growth and support network than placement in a QRTP.

The current application of the IMD exclusion to QRTPs is disrupting the continuum of care and having disparate impact on youth in foster care with the greatest behavioral health needs. Congress has acted multiple times to exempt young people and other vulnerable populations from the IMD exclusion. By the same token, we urge you to move the *Ensuring Medicaid Continuity for Children in Foster Care Act* forward. Our nation’s children in foster care can’t wait.

We appreciate the bipartisan efforts Congressional leaders are making to improve access to mental and behavioral health services, including time and attention to this important issue. We look forward to continued partnership on this and other efforts to improve support for children and families. If you have any questions or need more information, please contact Lisette Burton, Chief Policy & Practice Advisor at Lburton@togetherthevoice.org.

Sincerely,

National Organizations

Accreditation Guru, Inc.
American Foundation for Suicide Prevention
Association for Behavioral Health and Wellness
Association of Children's Residential & Community services (ACRC)
Board of Child Care
Boys Town
CARF International
Chaddock Attachment and Trauma Services
Child Welfare League of America
Childhelp, Inc.
Embark Behavioral Health
National Alliance on Mental Illness (NAMI)
National Association for Behavioral Healthcare

¹ “Nineteen responding states (48%) reported placing youth in out-of-state QRTPs primarily due to youth’s treatment needs and a lack of in-state QRTP capacity.” American Academy of Pediatrics & Chapin Hall at the University of Chicago. (2023). *Family First implementation: A one-year review of state progress in reforming congregate care*. (p. 8) <https://www.chapinhall.org/research/family-first-implementation-of-congregate-care-reforms-where-are-we-one-year-later/>.

² Enacted as part of [Public Law No: 117-328](#) (2022). (pg. 1485-1486, Sec. 5122).

National Association for Children's Behavioral Health
National Association for Regulatory Administration (NARA)
National Association of Counties (NACo)
National Association of County Human Services Administrators
National Council for Mental Wellbeing
National Indian Child Welfare Association
National Network for Youth, Inc.
National Organization of State Associations for Children (NOSAC)
Nexus Family Healing
Omni Community Health
One Hope United
Presbyterian Children's Homes and Services
Pressley Ridge
Residential Child Care Project/Cornell University
Social Current
Starr Commonwealth
StepStone Family & Youth Services
Teaching Family Association
Youth Advocacy & Policy Lab, Harvard Law School
Youth Era
Youth Villages

State Organizations

Arizona

Arizona Council of Human Service Providers
Childhelp
Youth Development Institute

California

Alliance for Children's Rights
Association of Community Human Service Agencies
Boys Republic
California Alliance of Child and Family Services
California Family Life Center
Casa de Amparo
Casa Pacifica Centers for Children & Families
Childhelp, Inc.
Children's Bureau of Southern California
Children's Home of Stockton
Children's Receiving Home of Sacramento
County Welfare Directors Association of California
Edgewood Center for Children and Families
Family Extension Foster Care & Adoption
FosterHope Sacramento
Fred Finch Youth & Family Services
Gadda Hendrix Consulting, LLC

Hanley Construction, Inc.
Hanna Center
Haven of Hope, Inc.
Helpline Youth Counseling, Inc.
Hillsides
Kamali'i Foster Family Agency, Inc.
Koinonia Family Services
Los Angeles County Department of Children and Family Services
Mary's Path
Mountain Valley Child and Family Service
Pacific Clinics
Plan-It Life, Inc.
Progress Ranch Treatment Services
Rancho San Antonio Boys Home Inc.
Sacramento Children's Home
San Diego Center for Children
South Coast Children's Society, DBA South Coast Community Services
St. Anne's Family Services
Stars Behavioral Health Group
Sycamores
The Heart Matters Foster Family Agency
The Village Family Services
The Whole Child
Unity Care
Vista Del Mar Child and Family Services

Colorado

Colorado Association of Family & Children's Agencies (CAFCA)
Laradon

Delaware

Pressley Ridge

District of Columbia

Board of Child Care
Boys Town DC

Florida

4 Sisters Solutions
A Kids Place of Tampa Bay, Inc
Boys Town Central Florida
Boys Town North Florida
Boys Town South Florida
Brevard Family Partnership
Children's Home Society of Florida
Children's Network of Hillsborough, LLC

Citrus Health Network, Inc
Communities Connected for Kids
Florida Coalition for Children
Florida Mental Health Advocacy Coalition
Florida Sheriffs Youth Ranches, Inc.
Florida United Methodist Children's Home, Inc.
Hands of Mercy Everywhere
IMPOWER
One Hope United
Safe Children Coalition
St. Augustine Youth Services

Georgia

Together Georgia

Idaho

Northwest Children's Home

Illinois

Allendale Association
Alternative Schools Network - Added Chance
Arden Shore Child and Family Services
Association House of Chicago
Bethany for Children & Friends
Bridgeview Community Mental Health Center
Caritas Family Solutions
Catholic Children's Home
Hephzibah Children's Association
Human Resources Development Institute (HRDI)
Illinois Collaboration on Youth
Kemmerer Village Foundation
Kemmerer Village, Inc
Kids Above All
Kmetko and Associates, Ltd.
Lakeside Community Committee
Lawrence Hall
Lessie Bates Davis Neighborhood House, Inc.
Let It Be Us
Maryville Academy
McHenry County Mental Health Board
Nexus Family Healing
One Hope United
The Baby Fold
The Center for Youth and Family Solutions
The Outreach House
Thresholds

UCP Seguin of Greater Chicago
Youth Opportunity United (Y.O.U.)
Youth Outlook

Indiana

Bashor Children's Home
Gibault Inc..

Iowa

American Home Finding Association
Bethany for Children & Families
Boys Town Iowa
Children & Families of Iowa
Coalition for Family & Children's Services in Iowa.
Crittenton Center
Ellipsis
Family Resources
Four Oaks Family and Children's Services
Midwest Christian Services
Tanager
Youth Shelter Care of North Central Iowa, Inc.

Kansas

Children's Alliance of Kansas
Cornerstones of Care
FosterAdopt Connect

Kentucky

Boys & Girls Haven
Children's Alliance of Kentucky
DCCCH Center for Children and Families
Gateway Children's Services
Holly Hill Child & Family Solutions
Home of the Innocents
Kentucky Mental Health Coalition
Kentucky Methodist Homes
Key Assets Kentucky, Inc.
Mental Health America of Kentucky
NAMI Kentucky
NAMI Lexington
National Association of Social Workers - Kentucky Chapter
Omni Community Health
Purchase Youth Village
St. Joseph Children's Home
St. Joseph Peace Mission for Children, Inc.
Sunrise Children's Services

Transformations: Hope for Today's Families, LLC

Louisiana

Boys Town Louisiana
Youth Oasis

Maryland

Board of Child Care
Catholic Charities of Baltimore
Maryland Association of Resources for Families & Youth (MARFY)
Nexus-Woodbourne Family Healing
Pressley Ridge

Massachusetts

Children's League of Massachusetts
Hillcrest Educational Centers, Inc.
Home for Little Wanderers
Justice Resource Institute
Plummer Youth Promise

Michigan

Christ Child House
D.A. Blodgett - St. John's
Federation of Youth Services
Fostering Futures
Michigan Federation for Children and Families
MCHS Family of Services
Teaching Family Homes of Upper Michigan
Wellspring Lutheran Services
West Michigan Partnership for Children

Minnesota

Allina Health
AspireMN
Catholic Charities of the Archdiocese of St. Paul and Minneapolis
Change Inc.
Children's Minnesota
Fairview Health Services
Family Alternatives
Hennepin Healthcare System
Nexus Family Healing
North Homes Children and Family Services
Northwood Children Services
Northwood Children's Services
PrairieCare

Reclaim!
St. David's Center
Therapeutic Services Agency
Valley Lake Boys Home

Mississippi

Canopy Children's Solutions
Hope Village for Children, Inc.
Methodist Children's Homes of Mississippi
Mississippi Association of Child Care Agencies (MACCA)

Missouri

Cornerstones of Care
FosterAdopt Connect
One Hope United
Ozark Center
Missouri Coalition for Children

Nebraska

Boys Town National Research Hospital

Nevada

Boys Town Nevada

New Hampshire

The Home for Little Wanderers

New Jersey

Bonnie Brae
New Jersey Alliance for Children, Youth & Families (NJACYF)

New York

Child and Family Services of Erie County
Children's Home Wyoming Conf.
Children's Home of Jefferson County
Council of Child and Family Caring Agencies (COFCCA)
Elmcrest Children's Center
Green Chimneys Children's Services
Hillside
Home for Little Wanderers
Hope For Youth
LaSalle School
Little Flower Children & Family Services of NY
Martin De Porres Youth and Family Services
Mountain Lake Academy

New Directions Youth and Family Services, Inc
New York Public Welfare Association
New York State Association of Counties
New York State Coalition for Children's Behavioral Health
Northern Rivers Family of Services
NYS Coalition of 853 Schools
Rising Ground, Inc.
SCO Family of Servicecs
St. Anne Institute
St. Catherine's Center for Children
The Children's Home of Kingston
The House of the Good Shepherd
Vanderheyden
William George Agency for Children's Services

North Carolina

Benchmarks
North Carolina DHHS

North Dakota

Nexus Family Healing

Ohio

Eastway Behavioral Healthcare
Genacross Family & Youth Services
Greene County Department of Job and Family Services
Hancock County Job & Family Services
Harrison County Department of Job and Family Services
Knox County Department of Job and Family Services (KCDJFS)
Lighthouse Youth & Family Services
Mohican Young Star Academy
Ohio Children's Alliance (OCA)
OhioGuidestone
Pressley Ridge
Public Children Services Association of Ohio
Summit County Children Services
The Buckeye Ranch
The Ohio Council of Behavioral Health and Family Services Providers
Wayne County Children Services Board

Oregon

Nexus Family Healing
Youth Era

Pennsylvania

Board of Child Care
Pennsylvania Council of Children, Youth & Family Services
Pressley Ridge

Rhode Island

Boys Town New England
Ocean Tides
Rhode Island Coalition for Children and Families

South Carolina

Alston Wilkes Society
Child Abuse Prevention Association

Tennessee

Childhelp, Inc.
Tennessee Alliance for Children and Families

Texas

Cal Farley's Boys Ranch
Texas Alliance of Child and Family Services

Utah

Utah Youth Village

Virginia

Barry Robinson Center
Childhelp, Inc.

Washington

Hutton Settlement
Tamarack Center
WA Association for Children and Families

West Virginia

Board of Child Care
Pressley Ridge
West Virginia Child Care Association

Wisconsin

Chileda Institute, Inc.
Coalition for Children Youth and Families, Inc
Family Services of Northeast WI, Inc

Lad Lake, Inc.
Northwest Passage
Positive Alternatives
Wisconsin Association of Family & Children's Agencies
Wisconsin Counties Association
Wisconsin County Human Services Association

Wyoming

Cathedral Home for Children

Cc: The Honorable Ron Wyden, Chairman, U.S. Senate Committee on Finance; The Honorable Mike Crapo, Ranking Member, U.S. Senate Committee on Finance.