

This letter of support was initially sent on November 1, 2023. This letter remains open, and this version reflects the most current list of 410 supporting organizations. Check back regularly for any updates.

The Honorable Ron Wyden
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Mike Crapo
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

Dear Chairman Wyden and Ranking Member Crapo:

The more than 400 undersigned organizations represent child welfare and health experts, administrators, service providers, community-based organizations, public agencies, those with lived experience, and other stakeholders committed to strengthening and supporting youth and families. We appreciate the attention that Congress is paying to the child and adolescent mental health crisis happening across the country.¹

All children and adolescents deserve access to a full array of high-quality services to meet their individualized needs – including children in foster care. **The deadline has passed for implementation of all provisions of the landmark Family First Prevention Services Act. However, due in part to long-standing Medicaid law, we continue to see incomplete, delayed, and in some states no implementation of Qualified Residential Treatment Programs (QRTPs) and the protections they provide to youth in foster care. We write to formally request that Congress pass legislation exempting QRTPs from the Institution for Mental Diseases (IMD) exclusion.** This action is needed to support state QRTP implementation efforts and to ensure that thousands of youth in foster care with assessed behavioral and mental health needs can access supports and services from qualified professionals in QRTPs without risking the loss of their federal Medicaid coverage.

Background

All jurisdictions are now subject to the Family First Prevention Services Act (FFPSA), enacted in 2018 and effective in all states as of October 1, 2021.² FFPSA was designed to reform the way states address child maltreatment, with a focus on keeping families together. FFPSA created a new category of residential settings to serve children in foster care – Qualified Residential Treatment Programs (QRTPs). QRTPs are one of the few residential settings eligible for Title IV-E reimbursement, and they create an opportunity for increased oversight and accountability while improving outcomes for children who have identified behavioral and mental health needs.

In 2021, the Medicaid and CHIP Payment and Access Commission (MACPAC) created a Fact Sheet to advise Congress about the interaction between QRTPs and the IMD exclusion.³ As the FFPSA deadline approached, the Centers for Medicare & Medicaid Services (CMS) explained the difference between a QRTP and an IMD and confirmed that “given the interconnectedness of these two definitions, a QRTP facility with more than 16 beds will most likely qualify as an IMD.”⁴ In 2022, the National Association of Medicaid Directors issued a brief explaining how important this issue is to state Medicaid directors across the country and noting that “the IMD exclusion has prevented states from implementing Qualified Residential Treatment Facilities[.]”⁵

When the Family First Act was written, QRTPs were not intended to be considered institutions for mental diseases – the focus was providing safe, therapeutic, effective interventions to help children heal from trauma. Nevertheless, FFPSA puts in place guardrails against institutionalization and inappropriate placement that are more effective than an arbitrary size limit. Children in foster care access QRTP services only if a functional assessment, conducted by a qualified individual, confirms a child’s needs cannot be met in a foster family home. The intervention must be approved by a judge and, for longer stays, child welfare officials at the highest levels must provide approval. The QRTP is required to be treatment focused, trauma informed, and family driven. It is also required to provide six months of family-based aftercare to make sure that a youth’s reunification or placement in a home setting will be successful.

The IMD Exclusion is a Barrier to QRTP Implementation

In 2021, a diverse coalition of hundreds of national, state, and local organizations signed a [joint letter](#) urging Congress to exempt QRTPs from the IMD exclusion.⁶ The coalition predicted that, “without the exemption for QRTPs, thousands of children in foster care who are vulnerable will be pushed into more restrictive placements, non-therapeutic shelters, unlicensed or unstable settings, or they will bounce from placement to placement without addressing their true needs – which is opposite the intent of the FFPSA.” Unfortunately, this is exactly what is happening across the country.⁷

In a handful of states attempting to comply with the IMD 16-bed limitation, QRTP capacity has been dramatically reduced, negatively impacting access to care. Some states are sending youth far from home and out of state to access treatment due to inadequate QRTP capacity. Exactly how to count to 16 is also a challenge. Many high-quality, licensed, and accredited residential providers are considered to have over 16 beds because the bed count includes all beds on a campus or under common ownership, rather than the number of beds in each separate unit, cottage, or family-style home. In states that have identified and retained QRTPs that are IMDs, those settings serve a vital role in the continuum of care, but those jurisdictions are filling the federal Medicaid gap using state dollars to cover the entire cost of children’s medical, dental, behavioral, and mental health care. At least 18 states are not currently implementing QRTPs.

With broad bipartisan, bicameral support, Congress recently removed the limitation on Medicaid federal financial participation for youth who are incarcerated pending disposition of charges.⁸ There is agreement that federal Medicaid is an important support for young people who are in detention and are vulnerable. Like justice-involved youth and pregnant and postpartum women needing residential SUD treatment, foster youth who need a QRTP deserve special consideration by Congress and continuity of federal Medicaid coverage in QRTPs that are IMDs.

FFPSA is a signature achievement for children and their families. We strongly agree with prioritizing prevention, including primary prevention, and stabilizing families so that foster care is not necessary. At the same time, FFPSA also explicitly recognizes a limited but important role for high-quality residential treatment. We need a full array of trauma-responsive services in place. For QRTPs to function as Congress intended, children must maintain their federal Medicaid coverage. Resolving the conflict between the IMD exclusion and QRTPs will help ensure children receive the right care at the right time with both the support of Title IV-E and Medicaid funding to meet their needs.

We appreciate your time and attention to this important issue and look to you for a straightforward legislative solution to this problem that will allow all states to confidently move forward with QRTP implementation. If you have any questions, please contact Lisette Burton, Chief Policy & Practice Advisor at Lburton@togetherthevoice.org.

Sincerely,

National Organizations

Accreditation Guru, Inc.
American Foundation for Suicide Prevention
Arrow Child & Family Ministries
Association for Behavioral Health and Wellness
Association of Children's Residential & Community services (ACRC)
Board of Child Care
Boys Town
CARF International
Centerstone
Child Welfare League of America
Childhelp, Inc.
Chileda
Cornerstones of Care
Federation of American Hospitals (FAH)
Florence Crittenton
KidsPeace
National Alliance on Mental Illness (NAMI)
National Association for Behavioral Healthcare
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
National Organization of State Associations for Children
Nexus Family Healing
One Hope United
Presbyterian Children's Homes and Services
Pressley Ridge
Residential Child Care Project/Cornell University
Rite of Passage
Social Current
Specialized Alternatives for Families and Youth
Teaching Family Association
The Joint Commission
WPM Consulting Inc.
Youth Advocacy & Policy Lab, Harvard Law School
Youth Villages

State Organizations

Alabama

Presbyterian Home for Children

Arizona

Arizona Council of Human Service Providers
Childhelp
Youth Development Institute

California

A Greater Hope
Alliance for Children's Rights
Aspiranet
Avant-Garde Foster Family agency Inc.
Boys Republic
California Alliance of Child and Family Services
California State Association of Counties
Cardenas Consulting Group
Casa Pacifica Centers for Children and Families
Children's Home of Stockton
Children's Hospital of Stockton
Children's Receiving Home of Sacramento
County of Madera
County of Orange Social Services Agency
County of San Diego
County Welfare Directors Association of California
Courage to Change
David & Margaret Youth and Family Services
Diakonia Inc.
Edgewood Center for Children and Families
Ettie Lee Youth & Family Services
Five Acres - The Boys' and Girls' Aid Society of Los Angeles County
Fred Finch Youth & Family Services
Haven of Hope, Inc.
Haynes Family of Programs, Inc
Hillsides Pasadena
Koinonia Family Services
Los Angeles County Department of Children and Family Services
New Beginnings Residential Treatment Facilities
Ninos Latinos Unidos, FFA
Oak Grove Center
Rancho Knights Association
Rancho San Antonio Boys Home Inc.
Sacramento Children's Home
San Diego Center for Children

Seneca Family of Agencies
St. Anne's Family Services
Stanford Sierra Youth & Families
Sycamores
Trinity Youth Services
Vista Del Mar Child and Family Services

Colorado

Colorado Association of Family & Children's Agencies (CAFCA)
Colorado Behavioral Healthcare Council
Common Sense Foster Care Collective
Community Investment Alliance
Cornerstone Programs Corporation
Denver Children's Home
Family Tree, Inc.
Griffith Centers
Laradon
Shiloh House
Tennyson Center for Children
Third Way Center

Connecticut

Klingberg Family Centers, Inc.

Delaware

Pressley Ridge

District of Columbia

Board of Child Care
Boys Town DC

Florida

Boys Town Central Florida
Boys Town North Florida
Boys Town South Florida
Children's Home Society of Florida
Circles of Care, Inc.
Citrus Health Network, Inc
Communities Connected for Kids
Directions for Living
EPIC Behavioral Healthcare
Florida Behavioral Health Association
Florida Coalition for Children
Florida Mental Health Advocacy Coalition
Florida United Methodist Children's Home, Inc.

Friends of Children and Families
Hands of Mercy Everywhere, Inc
IMPOWER
LifeView Group, Inc.
New Hope Education and Addiction Services
One Hope United
Patients Not Prisoners
River Region Human Services, Inc.
SMA Healthcare
St. Augustine Youth Services
St. Johns County Family Integrity Program
The Henry & Rilla White Youth Foundation, Inc
Thornwell
WestCare Gulf Coast Region

Georgia

Georgia Alliance of Therapeutic Services
Hillside, Inc.
Murphy-Harpst Children's Centers
The Methodist Home for Children, Macon GA
Thornwell
Together Georgia
Wellroot Family Services

Idaho

Northwest Children's Home

Illinois

Allendale Association
Alternative Schools Network
Arden Shore Child and Family Services
Bethany for Children & Families
Caritas Family Solutions
Chaddock
Garden of Prayer Youth Center
Illinois Collaboration on Youth
Kaleidoscope
Kids Above All
Lakeside Community Committee
Lawrence Hall
Maryville Academy
McHenry County Mental Health Board
Nexus Family Healing
Of Color Inc.
One Hope United
Sankofa Safe Child Initiative

The Baby Fold
The Center for Youth and Family Solutions
Thresholds
VOA Illinois
Youth & Opportunity United
Youth Outlook

Indiana

Bashor Children's Home
Community Fairbanks Behavioral Health
Crossroad Child & Family Services, Inc.
Franciscan St. Francis Center & Franciscan Journey Unit
Gibault Inc.
Indiana Association of Resources and Child Advocacy
Open Arms Family and Educational Services
Paddock View Residential Center, Inc.
TC Harris School and Academy
United Methodist Youth Home, Inc.
Youth Encouragement Services, Inc.

Iowa

Boys Town Iowa
Coalition for Family & Children's Services in Iowa
Crittenton Center - Sioux City, Iowa
Ellipsis
Family Resources
Four Oaks
LSI (Lutheran Services in Iowa)
Midwest Christian Services
Orchard Place
Tanager

Kansas

EmberHope Youthville
FosterAdopt Connect
KVC Kansas

Kentucky

Children's Alliance of Kentucky
DCCH Center for Children and Families
Holly Hill Child and Family Solutions
Home of the Innocents
Kentucky United Methodist Children's Homes
Kentucky Youth Advocates
Key Assets Kentucky
Maryhurst

Omni Community Health
SAFY of Kentucky
Sunrise Children's Services, Inc.

Louisiana

Boys Town Louisiana
Cane River Children's Services
Clover
Lighthouse Ranch for Boys
Louisiana Association of Children and Family Agencies (LACFA)
Youth Oasis

Maryland

Board of Child Care
Cedar Ridge Children's Home and School, Inc.
Maryland Association of Resources for Families & Youth (MARFY)
Maryland Nonprofits
Nexus-Woodbourne Family Healing
Pressley Ridge

Massachusetts

18 Degrees Family Services
Brandon Residential Treatment Center
Bridges Homeward
Communities for People
Fall River Deaconess Home
Gandara Mental Health Center, Inc.
Hillcrest Educational Centers, Inc.
Justice Resource Institute
Massachusetts Adoption Resource Exchange
NFI Massachusetts, Inc.
North Suffolk Community Services, Inc.
Plummer Youth Promise
The Children's League of Massachusetts
The Home for Little Wanderers
Wayside Youth & Family Support Network

Michigan

Bethany Christian Services
Catholic Social Services of the UP
Child & Family Services of the UP
Child and Family Charities
Child and Family Services of Northwestern MI
Christ Child House
Christ Child Society of Detroit
Highfields, Inc.

MCHS Family of Services
Michigan Federation for Children and Families
New Light Child & Family Institute
Teaching Family Homes of Upper Michigan
Vista Maria

Minnesota

AspireMN
Association of Minnesota Counties
D.I.V.I.N.E. Institute, Inc.
Minnesota Hospital Association
Nexus Family Healing
North Homes Children and Family Services
Northwood Children Services

Mississippi

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

Missouri

Child Center - Marygrove
Cornerstones of Care
Every Child's Hope
Faith Foundation Children's Home
Hope Ranch of Missouri
KVC Missouri
MBCH Children and Family Ministries
Missouri Alliance for Children and Families
Missouri Coalition for Children
One Hope United
Ozark Center

Nebraska

Boys Town Nebraska

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

Abbott House
Andrus
Awixa Home of LI Inc
Catholic Guardian Services
Child & Family Services of Erie County
Children's Home Wyoming Conference
Council of Family and Child Caring Agencies (COFCCA)
Elmcrest Children's Center
Gateway Longview
Good Shepherd Services
Green Chimneys Children's Services
Hillside
JCCA
Jewish Board of Family and Childrens Services
LaSalle School
Little Flower Children and Family Services of New York
Martin De Porres Youth and Family Services
MercyFirst
Mountain Lake Academy
New Directions Youth & Family Services, Inc.
New York Public Welfare Association
New York State Association of Counties
Northern Rivers Family of Services
NYS Coalition for Children's Behavioral Health
Saint Catherine's Center for Children
SCO Family of Services
St. Anne Institute
St. Christopher's Inc.
St. John's Residence for Boys
The House of the Good Shepherd
The NYS Coalition of 853 Schools
Vanderheyden
William George Agency for Children's Services

North Carolina

Benchmarks
Children's Homes of Cleveland County
Methodist Home For Children
NC Child
North Carolina Association of County Commissioners
North Carolina DHHS

North Dakota

Dakota Boys and Girls Ranch
Nexus Family Healing

Ohio

Allen County Children Services
Ashtabula County Children Services Board
Auglaize County Department of Job & Family Services
Belmont County Job and Family Services
Brown County Job and Family Services
Champaign County Department of Job and Family Services
Clinton County Job and Family Services
Columbiana County Department of Job and Family Services
County Commissioners Association of Ohio
Defiance/Paulding Consolidated Department of Job and Family Services
Delaware County Job & Family Services
Erie County Department Job and Family Services
Fairfield County Job and Family Services-Protective Services
Fayette County Children Services
Greene County Department of Job and Family Services
Guernsey County Children Services
Hancock County Job & Family Services
Harrison County Department of Job and Family Services
Jackson County Department of Job and Family Services
Knox County Department of Job and Family Services
Lighthouse Youth & Family Services
Lorain County Children Services
Lucas County Children Services Board
Madison County Dept of Job and Family Services
Medina County Job and Family Services
Meigs County Department of Job and Family Services
Morgan County Job and Family Services
Morrow County Job and Family Services
New Path Child & Family Solutions
Ohio Children's Alliance
OhioGuidestone
Ottawa County Department of Job and Family Services
Perry County Children Services
Preble County Job and Family Services
Pressley Ridge
Public Children Services Association of Ohio
Stark County Job and Family Services
Summit County Children Services
The Ohio Council of Behavioral Health & Family Services Providers
Trumbull County Children Services
UMCH Family Services
Union County Human Services
Wayne County Children Services Board
WCDJFS - Children Services Division
Wyandot County Job and Family Services

Pennsylvania

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

Rhode Island

Boys Town New England
Communities for People
Ocean Tides
Rhode Island Coalition for Children and Families
Tides Family Services
Turning The Corner

South Carolina

Alston Wilkes Society
Carolina Youth Development Center
Child Abuse Prevention Association
Coastal Autism Academy
Dominion Family Services
Doors to Freedom
Florence Crittenton Programs of SC
Helping Hands, Inc.
Lutheran Services Carolinas
New Foundations Home for Children
Nightlight Christian Adoptions
Oasis of Hope
Palmetto Association for Children and Families
S.C. Department of Children's Advocacy
Selah Grey Foundation
South Carolina Youth Advocate Program
Southeastern Children's Home
Thornwell
Trent Hill Center for Children and Families
Turbeville Children's Home
Waccamaw Youth Center

Tennessee

Childhelp
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

ChildSavers

Washington

Children's Home Society of Washington

Hutton Settlement

Morning Star Boys Ranch

Northwest Children's Home

Secret Harbor

Tamarack Center

WA Association for Children and Families

West Virginia

Board of Child Care

Davis-Stuart, Inc.

Pressley Ridge

River Park Hospital

West Virginia Child Care Association

Wisconsin

Anu Family Services

Chileda Institute, Inc.

Coalition for Children Youth and Families, Inc

Lad Lake, Inc.

MyPath

Norris, Incorporated

Northwest Passage

Positive Alternatives, Inc

Tomorrow's Children, Inc.

WI Association of Family & Children's Agencies

Wisconsin Counties Association

Wisconsin County Human Services Association

Wyoming

Cathedral Home for Children

Wyoming Youth Services Association

¹ H.Res.434 - *Declaring a mental health crisis among youth in the United States and expressing the pressing need for historic investments in mental health care for students*. 118th Congress (introduced May 22, 2023), available at <https://www.congress.gov/bill/118th-congress/house-resolution/434/text>; Senate HELP Full Committee Hearing, *Why Are So Many American Youth in a Mental Health Crisis? Exploring Causes and Solutions*. (June 8, 2023), available at <https://www.help.senate.gov/hearings/why-are-so-many-american-youth-in-a-mental-health-crisis-exploring-causes-and-solutions>.

² Enacted as part of [Public Law 115-123](#) (2018).

³ MACPAC Fact Sheet, *Medicaid Coverage of Qualified Residential Treatment Programs for Children in Foster Care* (August 2021), available at <https://www.macpac.gov/wp-content/uploads/2021/08/Medicaid-Coverage-of-Qualified-Residential-Treatment-Programs-for-Children-in-Foster-Care.pdf>.

⁴ See Question #5. Centers for Medicare & Medicaid Services, *Qualified Residential Treatment Program (QRTP) Reimbursement: Family First Prevention Services Act (FFPSA) Requirements Q & A* (Oct. 19, 2021), available at <https://www.medicaid.gov/federal-policy-guidance/downloads/faq101921.pdf>.

⁵ National Association of Medicaid Directors, *Federal Policy Brief: The IMD Exclusion* (April 2022), available at <https://medicaidirectors.org/wp-content/uploads/2022/04/IMD-NAMD-Federal-Policy-Briefs.pdf>.

⁶ Members of Congress introduced *The Ensuring Medicaid Continuity for Children in Foster Care Act of 2021* (117th Congress [H.R.5414](#), [S. 2689](#)), bipartisan, bicameral legislation to ensure that children in foster care with assessed behavioral and mental health needs would not be at risk of losing their federal Medicaid coverage if placed in a QRTP over 16 beds.

⁷ Hughes, S., et al., *Why Foster Children Are Sleeping in Offices and What We Can Do About It*, American Enterprise Institute (April 4, 2023), available at <https://www.aei.org/wp-content/uploads/2023/04/Why-Foster-Children-Are-Sleeping-in-Offices-and-What-We-Can-Do-About-It.pdf?x91208>. See also, Liz Bowie and Hallie Miller, *Disability rights group sues Maryland for housing foster kids in hospitals*, *The Baltimore Banner* (May 30, 2023), <https://www.thebaltimorebanner.com/politics-power/state-government/disability-rights-lawsuit-maryland-N7SBE43BZFBH5NAX24XLPITB2Y/>; Theresa Clift, *California orders Sacramento County to remove all foster children from cells by June 16*, *The Sacramento Bee* (May 30, 2023), <https://www.sacbee.com/news/local/article275893376.html>; “Each week, NCDHHS is aware of at least 50 children statewide who are waiting in an emergency department or with a county department of social services. The majority of these children and youth are waiting to be admitted to a treatment setting that can address their complex behavioral health needs.” Daniel Pierce, *Foster children sleeping in jails, emergency rooms, and DSS offices amid a foster family shortage*, *Queen City News* (Mar. 2, 2023), <https://www.qcnews.com/news/u-s/north-carolina/foster-children-sleeping-in-jails-emergency-rooms-and-dss-offices-amid-a-foster-family-shortage/>.

⁸ Enacted as part of [Public Law No: 117-328](#) (2022). (pg. 1485-1486, Sec. 5122).