

This letter of support was initially sent on July 23, 2021 with 509 organizations signed on. You can find that original letter [here](#). This letter remains open, and this version reflects the most current list of 614 supporting organizations. Check back regularly for any updates.

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20510

Dear Speaker Pelosi, Leader Schumer, Leader McCarthy, and Leader McConnell:

The undersigned organizations represent child welfare and health advocates, administrators, service providers, community-based organizations, those with lived experience, and other stakeholders committed to strengthening and supporting children and families across our nation. In the wake of the global pandemic, our youth mental health crisis has worsened.¹ We want to ensure that all children and adolescents have access to a full array of high-quality services to meet their individualized needs – including children in foster care. **As we near the deadline for implementation of all provisions of the landmark Family First Prevention Services Act, we write to formally request that Congress pass legislation by October 1, 2021, exempting Qualified Residential Treatment Programs (QRTPs) from the Institution for Mental Diseases (IMD) exclusion.** Swift action is needed to ensure that thousands of children and youth in foster care with assessed behavioral and mental health needs can access supports and services from qualified professionals in QRTPs across the country without risking the loss of their federal Medicaid coverage.

Background

The Family First Prevention Services Act (FFPSA), enacted in 2018,² was designed to reform the way states address child maltreatment. FFPSA created a new category of residential settings to serve children in foster care – Qualified Residential Treatment Programs. 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 assessed behavioral and mental health needs.

In July 2019, a Centers for Medicare and Medicaid Services (CMS) regional office notified Kentucky that QRTPs over 16 beds, as defined in FFPSA, are likely IMDs. In September 2019, CMS issued a Frequently Asked Questions document,³ clarifying that QRTPs are not categorically IMDs and that IMD status is a state by state, facility by facility determination. However, in a July 30, 2020 letter⁴ responding to an inquiry from the state of California, CMS noted that “QRTPs were added to title IV-E with no cross reference to Medicaid statute allowing them to be considered as an exception to the IMD exclusion.” The letter went on to underscore

that QRTPs are specifically defined as serving children with “serious emotional or behavioral disorders or disturbances,” and CMS concluded that some facilities could be IMDs.

Medicaid’s long-standing IMD exclusion prohibits the federal government from reimbursing states for inpatient or outpatient services rendered to certain individuals who are Medicaid-eligible while they are patients in IMDs. An IMD is defined as a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnoses, treatment, or care of persons with mental diseases, including ones that require medical attention, nursing care, and related services. Enacted prior to the de-institutionalization of mental health facilities, the policy was intended to prevent the “warehousing” of patients, but because IMDs are defined expansively to include facilities that “fit the character”⁵ of an IMD, specialized settings providing trauma-responsive services to children and youth are being swept into the exclusion.

Why QRTP Status Must Be Clarified in Law

QRTPs were never 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 the very safeguards against inappropriate placements that the IMD exclusion was created to address. 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 focused. It is also required to provide six months of family-based aftercare supports to make sure that a youth’s reunification or placement in a home setting will be successful.

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. Further, FFPSA did not include a size restriction in the QRTP requirements, and there is no evidence that programs with 16 beds produce better outcomes than programs with greater capacity.

Without a change in law clarifying that QRTPs are not institutions for mental diseases, even if they serve more than 16 children at a time, the result is that children who require high-quality residential interventions will lose access to federal Medicaid coverage while placed in some QRTPs; and the entire cost of their medical, dental, behavioral, and mental health care will fall to states and counties.

The risk of this fiscal burden is so devastatingly steep that we are seeing states prolonging, or even eliminating, their implementation of key provisions of the FFPSA. At least six states have indicated that they will not implement QRTPs. In six other states, *every* QRTP has more than the 16-bed limit allowed under the IMD rule. With children overstaying medical necessity in higher levels of care,⁶ boarding in emergency rooms across the country,⁷ and sleeping in child welfare offices and hotels because the interventions they need are not available,⁸ Congress should urgently eliminate this barrier to QRTP implementation.

Ultimately, 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.

FFPSA is a signature achievement for children and their families. We strongly agree with prioritizing 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 residential treatment. We must have the full array of trauma-responsive services in place, and for QRTPs to function as Congress intends, children must maintain their Medicaid coverage. Resolving the conflict between the IMD rule and QRTPs will help ensure all children receive the right care at the right time with both the support of Title IV-E and Medicaid 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 unintended technical problem that will allow all states to confidently move forward with QRTP and Family First implementation. If you have any questions, please contact Lisette Burton, Chief Policy & Practice Advisor at Lburton@togetherthevoice.org.

Sincerely,

National Organizations

Accreditation Guru, Inc.

ACYCP, Inc.

Alliance for Strong Families and Communities/Council on Accreditation

ANDRUS

Association of Children's Residential & Community services (ACRC)

Bethany Christian Services

Board of Child Care

Boys Town

CARF International

Cayuga Centers

Child Advocacy Program, Harvard Law School

Child Welfare League of America

Childhelp

Children's Home Society of America

Dungarvin

Embark Behavioral Health

Family Focused Treatment Association

First Place for Youth

GLS Healthcare Consulting LLC

KidsPeace

National Alliance on Mental Illness

National Association for Behavioral Healthcare

National Association for Children's Behavioral Health

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
Nexus Family Healing
One Hope United
Pressley Ridge
Psychotherapy Action Network
Residential Child Care Project, Cornell University
Rite of Passage, Inc.
Specialized Alternatives for Families and Youth
Teaching Family Association
The Bair Foundation
The Children's Village
The Joint Commission
The Lionheart Foundation
United Methodist Association of Health and Welfare Ministries
WPM Consulting Inc.
Youth Era
Youth Villages

State Organizations

Alabama

J. Walter Wood Academy
Lee County Youth Development Center
SAFY of AL

Arizona

Arizona Council of Human Service Providers
Canyon State Academy
Childhelp
RISE, Inc.
Youth Development Institute

Arkansas

Arkansas Juv. ATC
Dermott JCF
Harrisburg JTC
Lewisville TC
Mansfield JTC
Sycamore Canyon Academy
Youth Home, Inc.

California

A Greater Hope
Agape Villages Foster Family Agency
Alliance for Children's Rights
Amanecer Community Counseling Service
Ariel Wilson Inc
Aspiranet
Association of Community Human Service Agencies (ACHSA)
Aviva Family & Children's Services
Boys Republic
Butte County Behavioral Health
CA Alliance of Child and Family Services
California Council of Community Behavioral Health Agencies
California Family Life Center
California Qualifying House
California State Association of Counties
Cardenas Consulting Group
Casa de Amparo
Casa Pacifica Centers for Children and Families
Chamberlain's Youth Services
Chief Probation Officers of California
Childhelp
Children Now
Children's Bureau
Children's Home of Stockton
Children's Receiving Home of Sacramento
County Welfare Directors Association of California
County Behavioral Health Directors Association of California (CBHDA)
Courage to Change
Creative Alternatives
Creative Solutions for Kids & Families
Dangerfield Institute of Urban Problems
Edgewood Center
El Centro Del Pueblo
Ettie Lee Youth & Family Services
Family Care Network
Five Acres - The Boys' and Girls' Aid Society of Los Angeles County
Foster Care Counts
Fred Finch Youth & Family Services
Fred Jefferson FFA
Gateway Residential Programs
Golden State Family Services, Inc
Greenacre Homes and School
Harbor Youth
Haven of Hope, Inc.
Haynes Family of Programs, Inc.

Helpline Youth Counseling, Inc.
Hillsides
Humble Homes FFA
Kamali'i Foster Family Agency
Koinonia Family Services
Kern Bridges Youth Homes
Kern County Behavioral Health and Recovery Services
Knights of Columbus
Koinonia Family Services
KYJO Enterprises, Inc.
Latino Family Institute
Lincoln Families
Los Angeles County Department of Children & Family Services
Los Angeles County Dept of Public Health - Substance Abuse Prevention and Control
Mary's Path
Maryvale
Mental Health America of Los Angeles
Mile High
Monterey County Behavioral Health
Nuevo Amanecer Latino Children Services
North Star Family Center
Oak Grove Center
Oakendell
Optimist Youth Homes and Family Services
Pacific Homecare Services
Peacock Acres Inc.
Penny Lane
Plan-It Life, Inc.
Progress Ranch Treatment Services for Children
Project Six
Purposely Chosen, Inc.
Rancho San Antonio Boys Home Inc
Redwood Community Services
Riverside County Department of Public Social Services
Sacramento Children's Home
Sacramento County
San Bernardino County, Children and Family Services
San Diego Center for Children
Seneca Family of Agencies
Shared Vision Consultants
Side by Side
Sierra Ridge Treatment Center
South Coast Children's Society, Inc.
Southern California Treatment Programs
St. Anne's Family Services
Stars Behavioral Health Group

Student Success Partnership
Summitview Child & Family Services, Inc.
Sutter County
Sycamores
The Berhe Group
The Village Family Services
TLC Child & Family Services
Trinity Youth Services
Unicorn Garden, Inc.
Unity Care
Uplift Family Services
Valley Teen Ranch
Victor Treatment Centers
Vista Del Mar Child and Family Services
Wayfinder Family Services

Colorado

A New World Child Placement Agency
Alternative Homes for Youth
CO Association of Family & Children's Agencies
Denver Children's Home
Kempe Foundation
Laradon
Morrison Home
Mt. Evans COQ
Parker Personal Care Homes
Quality Life Service
SAFY of CO
Shiloh Home Inc.
Tennyson Center for Children
Third Way Center, Inc.

Connecticut

The Children's Center of Hamden

Delaware

Pressley Ridge

District of Columbia

Board of Child Care
Boys Town DC

Florida

A Kid's Place of Tampa Bay, Inc

Arnette House, Inc
Boys Town Central Florida
Boys Town North Florida
Boys Town South Florida
Brevard Family Partnership
ChildNet
Children's Harbor, Inc
Children's Home Network
Children's Home Society of FL
Communities Connected for Kids
Community Based Care Integrated Health
Daytona JRF
Embrace Families of Central Florida
Florida Coalition for Children
Florida Hospital Association
Florida Network of Youth and Family Services
Florida United Methodist Children's Home, Inc.
Friends of Children and Families
Hands of Mercy Everywhere, Inc
Haven's Open Arms
Heartland for Children
His House
Hope Forest Academy
IMPOWER
Joann Bridges Academy
Kids In Distress Inc.
Lutheran Services Florida
Oak Grove Academy
St. Augustine Youth Services Inc.
Walton Academy
Youth and Family Alternatives, Inc.

Georgia

Children's Healthcare of Atlanta
The Methodist Home of South Georgia
Together Georgia Alliance for Families and Children

Idaho

Northwest Children's Home
RISE, Inc.

Illinois

Ann & Robert H. Lurie Children's Hospital of Chicago
Allendale Association
Aunt Martha's Health and Wellness

Bethany for Children & Families
Camelot Care Centers, LLC
Caritas Family Solutions
Chaddock Attachment and Trauma Services
Chestnut Health Systems
Children's Home & Aid
Community Behavioral Healthcare Association of Illinois of Illinois
Conscience Community Network
Cunningham Children's Home
Dr. Leon C. Intrater and Associates
Fred Parent Support Group
Garden of Prayer Youth Center
Hoyleton Youth and Family
Illinois Association of Rehabilitation Facilities
Illinois Coalition Against Domestic Violence
Illinois Collaboration on Youth
Illinois Partners for Human Service
Juvenile Protective Association (JPA)
Kaleidoscope
Kemmerer Village
Lakeside Community Committee
Lawrence Hall
Maryville Academy
Memorial Behavioral Health Center
Mental Health America of Illinois
NAMI Chicago
Oak Park Youth Network Council
Of Color Inc.
One Hope United
Pride Action Tank
Sankofa Safe Child Initiative
Shelter, Inc
Spero Family Services
The Center for Youth and Family Solutions
The Children's Home Association of Illinois
Thresholds
UCAN Chicago
Volunteers of America of Illinois
Youth Outreach Services

Indiana

Allen County Youth Services Center
Bashor Children's Home
Campagna Academy
CFS, Corp.
Columbus Behavioral Center for Children and Adolescents

Crossroad Child & Family Services, Inc.
DePaul Academy
Gibault children's services
Indiana Association of Resources and Child Advocacy
Indiana United Methodist Children's Home
Judge Robert Brown Jackson County Juvenile Home
Lutheran Child and Family Services
MyPath
Open Arms Christian Ministries
Open Door Youth Services
Paddock View Residential Center
Resource Residential Treatment Center
SAFE Passage Indiana
SAFY of IN
T.C. Harris School & Academy
United Methodist Youth Home
Vigo County Homes for Children
Wernle Youth and Family Treatment Center
White's Residential and Family Services
Woodford Home
Youth Encouragement Services, Inc.
Youth Opportunity Center, Inc.

Iowa

Bethany for Children & Families
Children's Square U.S.A.
Coalition for Family & Children's Services in Iowa
Forest Ridge Youth Services
Four Oaks Family and Children's Services
Lutheran Services in Iowa
Midwest Christian Services
Tanager Place
Woodward Academy
Young House Family Services, Inc.
Youth Homes of Mid-America
Youth Shelter Care of NC Iowa, Inc.

Kansas

Community Health Network - Community Fairbanks Behavioral Health
EmberHope, Inc.
O'Connell Youth Ranch
The Children's Shelter

Kentucky

Aetna Better Health of Kentucky

Boys and Girls Haven
Children and Family Counseling Associates, Inc.
Children's Alliance Kentucky
DCCH Center for Children and Families
Gateway Children's Services
Kentucky Department for Community Based Services
Kentucky Mental Health Coalition
Kentucky United Methodist Children's Homes
Kentucky Youth Advocates
Purchase Youth Village
Ramey-Estep Homes
St. Joseph Children's Home
St. Joseph Peace Mission for Children
StepStone Family and Youth Services

Louisiana

Boys Town Louisiana
Cane River Children's Services
Educational and Treatment Council, Inc.
Gulf Coast Social Services
Kingsley House
Lighthouse Ranch for Boys
Louisiana Association of Children & Family Agencies (LACFA)
Start Corp

Maine

Good Will-Hinckley

Maryland

Arrow Child & Family Ministries
Board of Child Care
Catholic Charities of Baltimore
Cedar Ridge Children's Home and School, Inc.
Community Solutions, Inc.
Hillside
Life's Tough Media
Martin Pollak Project Inc
Maryland Association of Resources for Families and Youth
Maryland Nonprofits
McJoy's Joy Covenant Inc.
Pressley Ridge
Silver Oak Academy

Massachusetts

Brandon School and Residential Treatment Center

Cambridge Family and Children's Service
Children's League of Massachusetts
Cotting School, Inc.
Fall River Deaconess Home
Gandara Center
Hillcrest Educational Centers, Inc.
Italian Home for Children, Inc.
Justice Resource Institute
KEY Program, inc.
Latham Centers, Inc.
League School of Greater Boston
McAuley Nazareth Home for Boys, Inc.
Plummer Youth Promise
Providers' Council
St. Ann's Home, Inc.
Stetson School, An Affiliate of the Seven Hills Foundation
The Gifford School
The Home for Little Wanderers
The League School of Greater Boston
The Learning Center for the Deaf
Wayside Youth & Family Support Network

Michigan

Child and Family Charities
Christ Child House
Hope Network Behavioral Health Services
Methodist Children's Home Society
Michigan Federation for Children and Families
Ruth Ellis Center, Inc.
St. Louis Center
TimberCreek Ranch
Vista Maria
Wellspring Lutheran Services-New Directions
West Michigan Partnership for Children
Wolverine Human Services
Youth Guidance Foster Care and Adoption Center

Minnesota

AspireMN
Benton County Human Services
Catholic Charities of St. Paul & Minneapolis
Fraser
NAMI Minnesota
North Homes Children and Family Services
Northwood Children's Services
Valley Lake Boys Home

Village Ranch Inc.
VOA Minnesota and Wisconsin

Mississippi

Christians In Action
Hope Village for Children, Inc.
Mississippi Youth Voice
The Baptist Children's Village
United Methodist Children's Homes of Mississippi

Missouri

Chestnut Health Systems
Child Center - Marygrove
Children's Permanency Partnership
Every Child's Hope
Good Samaritan Boys Ranch
Great Circle
KVC Missouri
Lutheran Family & Children Services
Missouri Alliance for Children and Families
Missouri Coalition of Children's Agencies
Presbyterian Children's Homes and Services
St. Louis Partners
TFI
Youth In Need

Montana

Yellowstone Boys and Girls Ranch

Nebraska

Boys Town Nebraska
Uta Halee Academy

Nevada

Boys Town Nevada
SAFY of NV
Sierra Sage Treatment Center

New Hampshire

The Home for Little Wanderers

New Jersey

Bonnie Brae
NJACYF

New Mexico

All Faiths Children's Advocacy Center

New York

Abbott House
Acacia network
Astor Services for Children & Families
CASA of New York State
Catholic Guardian Services
Children's Home of Jefferson County (CHJC)
Children's Home of the Wyoming Conference
COFCCA
Good Shepherd Services
Green Chimneys Children's Services
Hillside
Hope For Youth
JCCA
LaSalle School
Little Flower Children and Family Services of New York
MercyFirst
New View Alliance, Inc.
Northern Rivers Family of Services
NYS Coalition for Children's Behavioral Health
Sheltering Arms
St. Anne Institute
St. Catherine's Center for Children
The House of the Good Shepherd
Vanderheyden
Villa of Hope
William George Agency for Children's Services

North Carolina

Alexander Youth Network
Alston Wilkes Society
Benchmarks
Black Mountain Home for Children
Boys and Girls Homes of NC
Cansler Collaborative Resources
Children's Homes of Iredell County, Inc
Children's Homes of Cleveland County
Crossnore Communities for Children
Eliada Homes Inc
Falcon Children's Home & Family Services
Lutheran Services Carolinas
Masonic Home for Children at Oxford

Nazareth Child & Family Connection
North Carolina DHHS
North Carolina Division of Social Services

Ohio

Allen County Children Services
Ashtabula County Children Services Board
Athens County Children Services
Auglaize County DJFS
Belmont County JFS
Carroll County Job and Family Services
Champaign County DJFS
Clermont County Job & Family Services
Clinton County Job and Family Services
Columbiana County DJFS
County Commissioners Association of Ohio
Franklin County Children Services
Genacross Family and Youth Services
Greene County Dept. of Job & Family Services
Guernsey County Children Services
Hancock County Job and Family Services
Harrison County DJFS
Highland County Job and Family Services
Hillcrest Academy
Hittle House
Jackson County Department of Job and Family Services
Licking County Job & Family Services
Lighthouse Youth & Family Services
Lorain County Children Services
Lucas County Children Services
Mahoning County Children Services Board
Mayo Home for Youth Development
Montgomery County DJFS-CSD
Morgan County DJFS
Morrow County Job and Family Services
Necco
NewPath Child & Family Solutions
Ohio Children's Alliance
Ohio Job and Family Services Directors' Association
Ottawa County Department of Job and Family Services
Perry County Children Services
Pike County Children Services Board
Pressley Ridge
Public Children Services Association of Ohio
Ravenwood Health
Red Oak Behavioral Health

Richland County Children Services
SAFY of OH
Seneca CDJFS
St. Vincent Family Services
Summit County Children Services
The Buckeye Ranch
The Ohio Council of Behavioral Health & Family Services Providers
Torii Behavioral Health
Trumbull County Children Services
Warren County Children Services
Wayne County Children Services Board

Oregon

Lieberman Group, Inc.
Oregon Alliance
RISE, Inc.

Pennsylvania

Board of Child Care
Common Sense Adoption Services
George Junior Republic
Pennsylvania Council of Children, Youth & Family Services
Pressley Ridge

Rhode Island

Boys Town New England
Ocean Tides
Rhode Island Coalition for Children and Families
St. Mary's Home for Children
Turning The Corner Residential Treatment Programs

South Carolina

Alston Wilkes Society
Carolina Youth Development Center
Cherokee Children's Home, Inc.,
Child Abuse Prevention Association
Children's Attention Home
Coastal Autism Academy
Collins Children's Home
Cross Roads Youth Center
Fair Play Camp School
Florence Crittenton Programs of SC
Fostering Great Ideas
Generations Group
Helping Hands, Inc.

Hope Center for Children
Jenkins Youth and Family Village
John K. Crosswell Home for Children
JusticeWorks Behavioral Care
Lancaster Children's Home
Lutheran Services Carolinas
Miracle Hill Ministries
Nancy K Perry Children's Shelter
New Foundations Home for Children
Nightlight Christian Adoptions
Palmetto Association for Children and Families
Palmetto Place Children & Youth Services
Parker Poe Consulting
Pendleton Place
Pine Grove
SAFY of SC
South Carolina Department of Children's Advocacy
South Carolina Department of Disabilities and Special Needs
South Carolina Department of Mental Health
South Carolina Department of Social Services
South Carolina Mentor, Inc.
South Carolina Youth Advocate Program
Southeastern Children's Home
Tamassee DAR School
Thornwell
Trent Hill Center for Children and Families
Turbeville Children's Home
Waccamaw Youth Center, Inc.
Wilderness Way Camp School, Inc
Windwood Farm Home for Children, Inc.

Tennessee

Childhelp
Tennessee Alliance for Children and Families

Texas

Arrow Child & Family Ministries
Cal Farley's Boys Ranch
Lake Granbury Youth Services
Lutheran Social Services
Monarch Academy for Girls
Presbyterian Children's Homes and Services
RISE, Inc.
Texas Alliance of Child & Family Services
The Children's Shelter
The Oaks

Utah

RISE, Inc.
Willard Peak

Virginia

Childhelp
Gift of Hope
Jackson-Feild Behavioral Health Services
Timber Ridge School

Washington

Secret Harbor
Tamarack Center
WA Association for Children and Families

West Virginia

Board of Child Care
Elkins Mountain Schools
Pressley Ridge
West Virginia Child Care Association

Wisconsin

Advocates for Healthy Transitional Living, LLC
Chileda
Eau Claire Academy
Journey Mental Health Center
Lad Lake
Menominee County Human Services
Milwaukee Academy
MyPath
Norris, Inc.
Northwest Passage
Positive Alternatives, Inc
Rawhide Youth Services
Tomorrow's Children
Wisconsin Association of Family & Children's Agencies
Wisconsin Counties Association
Wisconsin County Human Service Association

Wyoming

Cathedral Home for Children
Meadowlark Academy
St. Joseph's Children's Home
Teton Youth and Family Services

Youth Development Services
Youth Emergency Services, Inc. (Y.E.S. House)

¹ “During 2020, the proportion of mental health–related emergency department (ED) visits among adolescents aged 12–17 years increased 31% compared with that during 2019.” Ellen Yard, PhD, et al., *Emergency Department Visits for Suspected Suicide Attempts Among Persons Aged 12–25 Years Before and During the COVID-19 Pandemic — United States, January 2019–May 2021*, MMWR Morb Mortal Wkly Rep 2021;70:888–894 (June 11, 2021), available at <https://tools.cdc.gov/medialibrary/index.aspx#/media/id/423518>.

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

³ Centers for Medicare & Medicaid Services, Qualified Residential Treatment Programs (Q RTP) and Serious Mental Illness (SMI) and Serious Emotional Disturbance (SED) Demonstration Opportunity Technical Assistance Questions and Answers (Sep. 20, 2019), available at https://togetherthevoice.org/wp-content/uploads/2020/02/9.20.19_cms_faq_qrtps_002.pdf.

⁴ Letter from Alissa Mooney DeBoy, Director Disabled and Elderly Health Programs Group, CMS Center for Medicaid and CHIP Services, to Jacey Cooper, Chief Deputy Director, Health Care Programs California Department of Health Care Services (July 30, 2020), available at <https://togetherthevoice.org/wp-content/uploads/2020/09/20200730-CA-DHCS-STRTP-IMD-Exclusion-CMS-Response.pdf>.

⁵ In the State Medicaid Manual, the federal Department of Health and Human Services interprets the IMD exclusion to include “any institution that by its overall character is a facility established and maintained primarily for the care and treatment of individuals with mental diseases.” Centers for Medicare and Medicaid Services, State Medicaid Manual, Part 4-Services §4390.A.1.

⁶ An investigation by ProPublica Illinois in 2018 revealed the impact of a loss of 500 residential beds that had closed in recent years, contributing to children languishing in psychiatric hospitals. Duaa Eldeib, *Hundreds of Illinois Children Languish in Psychiatric Hospitals After They’re Cleared For Release*, ProPublica Illinois (June 5, 2018), <https://features.propublica.org/stuck-kids/illinois-dcfs-children-psychiatric-hospitals-beyond-medical-necessity/>. Similarly, Maryland began to quantify the number of children in foster care who overstayed medical necessity in hospitals and psychiatric units, finding that, in the first 11 months of 2019, an average of 36 children per month were held in hospitals when not medically necessary. Pamela Wood, *With nowhere to go, foster children staying on in Maryland hospitals and psychiatric units after treatment*, Baltimore Sun (Feb. 3, 2020), <https://www.baltimoresun.com/politics/bs-md-pol-ga-foster-children-hospitals-20200203-i3r5anhvxfgzna44nxhavu6dhe-story.html>

⁷ Children, both in and out of foster care, with mental and behavioral health needs are “boarding” in emergency rooms across the country because there are insufficient inpatient or step-down residential options to safely meet their needs. “There is no nationwide data on mental health boarding numbers or wait times, however doctors in New York, Massachusetts and Colorado have painted similar pictures of inundated [Emergency Departments].” Marlene Lenthag, *The boarding crisis: Why some kids are waiting days in the ER for psychiatric ward beds*, ABC News (July 1, 2021), <https://abcnews.go.com/Health/boarding-crisis-kids-waiting-days-er-psychiatric-ward/story?id=78432739>. In Connecticut, they are seeing not only an increased volume of children with behavioral health problems, but also children presenting with more acute illness. Adria Watson, *Children with psychiatric needs are overwhelming hospital emergency departments in CT*, The CT Mirror (May 25, 2021), <https://ctmirror.org/2021/05/25/children-with-psychiatric-needs-are-overwhelming-hospital-emergency-departments-in-ct/>. A doctor in Minnesota recently referred to the crisis of children languishing in hospitals as “unprecedented.” Chris Serres, *‘No place for a child’: Minnesotans languish in ERs while awaiting mental health services*, Star Tribune (May 15, 2021), <https://www.startribune.com/no-place-for-a-child-minnesota-children-languish-in-hospital-ers-while-awaiting-mental-health-servic/600057742/>.

⁸ Washington state just agreed to come up with a plan to end the practice of sheltering youth in foster care in offices, cars, and hotels after being sued for rendering children “homeless” while in care. Elizabeth Amon, *Washington Will End Foster Youth Placement in Hotels, Offices and Cars*, The Imprint Youth & Family News

(June 22, 2021), <https://imprintnews.org/top-stories/washington-will-end-foster-youth-placement-in-hotels-offices-and-cars/56321>. Washington has relied on “placement exceptions” for years, and most of the impacted children have significant behavioral health needs. Julia Lurie, Hundreds of Foster Kids are Sleeping in Hotels and Offices, Mother Jones (Dec. 11, 2020), <https://www.motherjones.com/crime-justice/2020/12/the-pandemic-is-forcing-foster-kids-to-sleep-in-hotels-and-offices/>. Similarly, Kansas entered into a settlement agreement last year after being sued for not providing sufficient mental health care and placement stability for children in foster care. Nomin Ujyediin, Kansas Foster Care Advocates Settle Lawsuit Against the State, Kansas News Service (July 9, 2020), <https://kansaspublicradio.org/kpr-news/kansas-foster-care-advocates-settle-lawsuit-against-state>. After a lawsuit, Oregon has made progress but still relies on “hoteling” children in foster care when an appropriate placement is not readily identified. Youth Rights & Justice, *Update: DHS Makes Progress on Ending Placement of Foster Youth in Hotels* (Feb. 25, 2021), <https://youthrightsjustice.org/update-dhs-makes-progress-on-ending-placement-of-foster-youth-in-hotels/>. “The number of Texas foster children placed in unlicensed facilities, like motels, churches and offices, surpassed 400 in June 2021,” even though the total average monthly number of children in foster is lower compared to previous years. Reese Oxner and Neelam Bohra, *Texas foster care crisis worsens, with fast-growing numbers of kids sleeping in offices, hotels, churches*, Texas Tribune (July 19, 2021), <https://www.texastribune.org/2021/07/19/texas-foster-care-crisis/>; <https://abc13.com/texas-foster-care-kids-crisis-children-sleep-at-offices/10897098/>.