

*\*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 615 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.<sup>1</sup> 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,<sup>2</sup> 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,<sup>3</sup> 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 letter<sup>4</sup> 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”<sup>5</sup> 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,<sup>6</sup> boarding in emergency rooms across the country,<sup>7</sup> and sleeping in child welfare offices and hotels because the interventions they need are not available,<sup>8</sup> 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](mailto: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  
DCCCH 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

SCO Family of Services

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)

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<sup>1</sup> “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>.

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

<sup>3</sup> Centers for Medicare & Medicaid Services, Qualified Residential Treatment Programs (QRTP) 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](https://togetherthevoice.org/wp-content/uploads/2020/02/9.20.19_cms_faq_qrtps_002.pdf).

<sup>4</sup> 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>.

<sup>5</sup> 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.

<sup>6</sup> 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-i3r5anhvxfzna44nxhavu6dhe-story.html>

<sup>7</sup> 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/>.

<sup>8</sup> 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,

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*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/>.