



September 3, 2021

Netsmart Supports the Ensuring Medicaid Continuity for Children in Foster Care Act of 2021

Netsmart is the technology partner for 331 child and family services providers nationwide, including more than 100 that deliver foster care services.

On behalf of these organizations that bring life-changing positive environments and opportunities to millions of young people in foster care across the country, we strongly support the passage of the Ensuring Medicaid Continuity for Children in Foster Care Act of 2021 (S. 2689), introduced by Sen. Richard Burr (R-NC) and Sen. Dianne Feinstein (D-CA).

This legislation corrects a provision in the Family First Prevention Services Act of 2018 (FFPSA) that would cause serious unintended consequences for children in Qualified Residential Treatment Programs (QRTPs).

QRTPs were created in the FFPSA as a new federal category for the delivery of trauma-informed treatment to foster children in a residential setting. Their goal is to address the symptoms of trauma and accompanying behavioral and emotional challenges for children with assessed needs.

Based on the Centers for Medicare and Medicaid Services (CMS) current definition and how a QRTP is defined in the FFPSA, CMS may consider QRTPs with more than 16 beds to be Institutions for Mental Diseases (IMDs). **This categorization would jeopardize the sustainability of QRTPs by prohibiting states from drawing down federal Medicaid coverage for children in foster care when placed in a QRTP.** QRTPs are now one of the few residential or congregate settings eligible for Title IV-E reimbursement. It is also notable that psychiatric residential treatment facilities, inpatient psychiatric hospitals and psychiatric units are all exempt from the IMD exclusion.

With the impending effective date October 1 for the FFPA provision, we urge Congress to correct this oversight and enable QRTPs to fulfill their purpose of providing quality trauma-informed treatment to children in foster care. We recommend prompt committee consideration and passage of S. 2689 in the Senate and the Increasing Behavioral Health Treatment Act (H.R. 2611), a similar bill introduced by Rep. Grace Napolitano (D-CA-32) in the House.

Sincerely,

A handwritten signature in black ink that reads "Kevin Scalia".

Kevin Scalia
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