



August 18, 2021

The Honorable Richard Burr
U.S. Senate
217 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington D.C. 20510

RE: Support for the *Ensuring Medicaid Continuity for Children in Foster Care Act (S. 2689)*

Dear Senators Burr and Feinstein:

On behalf of the National Association of County Human Services Administrators (NACHSA), thank you for introducing the *Ensuring Medicaid Continuity for Children in Foster Care Act of 2021 (S. 2689)*. An affiliate of the National Association of Counties (NACo), NACHSA represents county human services directors nationwide. In 11 states, counties are responsible for the financing and administration of child welfare services, including the states you each represent. Those county human services agencies are working to implement the *Family First Prevention Services Act (FFPSA)*.

The success of the FFPSA depends in part on the ability of counties to provide Medicaid-funded physical and behavioral health services to high-needs foster children in FFPSA's Qualified Residential Treatment Programs (QRTP). Prior to the enactment of FFPSA, counties were increasingly placing children with families instead of congregate care settings. The FFPSA's QRTP requirements, however, have caused the Centers for Medicare and Medicaid Services (CMS) to determine that many potential QRTPs would be considered Institutions for Mental Disease (IMD) which denies any Medicaid support for individuals placed in facilities with more than 16 beds. The CMS guidance would reduce the number of eligible facilities available to care for children and would shift costs of care to states and counties responsible for child welfare.

The bill would clarify the Medicaid statute by providing a narrow exemption from the IMD exclusion to ensure that foster care children receiving care in QRTPs would not lose all federal Medicaid coverage for which they are entitled. By carving out QRTP's from the IMD exclusion, counties will be able to continue to provide Medicaid-supported care to those children.

Thank you for your leadership on this issue. If your staff have any questions, please have them contact Tom Joseph, NACHSA Washington Representative at tj@paragonlobbying.com or 202.449.0398.

Sincerely,

A handwritten signature in black ink that reads "Claudia H. Tuck". The signature is written in a cursive, flowing style.

Claudia Tuck
President, NACHSA
Director, Community Support Services
Alachua County, Florida