



February 13, 2018

The Honorable Orrin Hatch  
Chair: Senate Finance Committee  
Senate Hart Building Rm. 104  
Washington, DC. 20515

The Honorable Ron Wyden  
Ranking Member: Senate Finance Committee  
Senate Dirksen Office Building Room 221  
Washington, DC. 20515

Dear Chairman Hatch and Ranking Member Wyden:

On behalf of the Family Focused Treatment Association (FFTA), I am responding to your invitation of February 2, 2018, to stakeholders for input and feedback that might help inform the Committee's deliberations pertaining especially the impact of the opioid epidemic.

As you know, the FFTA is the only national professional association of providers of treatment or therapeutic family care (TFC). FFTA is a professional association of licensed agencies that are knowledgeable in evidence- and trauma-informed care. Our practitioners are licensed in the application of mental and behavioral health, and substance misuse interventions that support the well-being and permanency for children in family settings.

TFC is the least restrictive intensive treatment intervention for mentally and behaviorally disordered youth who would otherwise be in expensive congregate care with sometimes less successful outcomes and higher utilization of psychotropic medications. TFC provides services and supports wherever the child resides, whether their own family, an adoptive family, a kinship placement or a treatment/therapeutic foster home.

We welcome this opportunity to respond specifically to Questions #7: What best practices employed by states through innovative uses of Medicaid and the private sector can be enhanced through federal efforts (question slightly revised) and #8: What human services efforts (including specific programs or funding design models) appear to be effective in preventing or mitigating adverse impacts from OUS or SUD on children and families?

The importance of family-based services and supports for caregivers (parents, kin, and non-relative foster parents) are recognized by Congress in the BBA, including the Family First Prevention Services Act and reauthorization of IV-B, CAPTA, and MIECHV.

As Congress continues to address the root causes, best treatments, and ripple effects of SUD, opioid abuse in particular, we ask for your attention and remedy to a specific barrier to family-based care which is addressed through bipartisan legislation: S1357/HR2290, The Family Based Care Services Act.

HR 2290/S 1357 clarifies core services available and adds professional quality standards to the vital service of therapeutic family/foster care (TFC) for qualifying youth involved in the child welfare and foster care systems, children with disabilities, and children with severe mental illness or behavioral health needs.

Therapeutic family care (TFC) is a medically necessary, evidence-informed and trauma-specific, intervention provided in a least-restrictive, community-based environment of family-home settings for the youth describe above who would otherwise be served in more restrictive, residential levels of care.

- S1357/HR2290 adds a needed baseline for professional quality of TFC services and a clear description of clinical services that Medicaid is currently reimbursing for this intervention.
- S1357/HR2290 does not expand Medicaid. While CBO may reflect an ‘increase’ in cost for S1357/HR2290, this service already exists. All states and the District of Columbia currently access Medicaid reimbursement for TFC or a similar intensive family-setting intervention for youth described above. Children with intensive needs are either served in community through TFC or in congregate care.
- S1357/HR2290 insures quality by requiring the same standard of national accreditation for providers as is mandated for congregate care facilities in FFPSA. The legislation will help eliminate inappropriate billing for clinical services and is expected to lower treatment costs over time while providing licensed services in family-based settings in a child’s own community.
- S1357/HR2290 protects states who currently offer TFC under their Medicaid State Plans and allows continuation of current operations. States not currently offering TFC, but who wish to offer, have an available avenue to do so with flexibility above the core service array through a streamlined, transparent system of reimbursement and accountability.
- S1357/HR2290 reminds states and agencies that TFC services should be provided in accordance with CMS requirements to make services available for qualifying youth in any family/community setting in which youth resides (biological home, kinship home, non-relative foster care, or adoptive home) and by requiring individualized treatment plans that address the sequelae of experienced trauma, including opioid abuse and neglect by prior caregivers. State Medicaid authority to define qualifications for youth and family participation remain protected.

Now is the time to pass S1357/HR2290, the Family-Based Care Services Act, enabling youth and their caregivers to receive support and quality treatment in family settings, as proscribed by FFPSA so that their needs are addressed in community settings instead of congregate levels of care whenever possible.

Research demonstrates that quality TFC is both effective and efficient in terms of costs and outcomes. With implementation of S1357/HR2290, public child welfare entities in partnership with the private sector have baseline guidance concerning this intervention as pertain to quality requirements and core services. The legislation, furthermore, requires individually developed treatment plans for youth receiving TFC services, obligates support and training of caregivers in family-settings, and mandates that professionals systemically and clinically address the impact of SUD, specifically opioid abuse, on children and caregivers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Gerald Nebeker', with a long horizontal flourish extending to the right.

Gerald Nebeker, Ph.D.  
President, FFTA

Attachments:

S1357 bill text

Section-by-section summary S1357

National letter of support for S1357

Senate Finance Report- <https://www.finance.senate.gov/download/an-examination-of-foster-care-in-the-united-states-and-the-use-of-privatization>