

# - U.S. Senator Tammy Baldwin & U.S. Senator Rob Portman -

## *The Family-Based Care Services Act*

The bipartisan *Family-Based Care Services Act of 2017* introduced by Senator Tammy Baldwin (D-WI) and Senator Rob Portman (R-OH) will improve home-based health and mental health services for thousands of America's most vulnerable youth. This bill clarifies Medicaid policy that affects children, including foster children, with special behavioral health needs and/or medical disabilities as well as children living with kinship and biological caregivers.

### **Background on the *Family-Based Care Services Act***

Therapeutic Family Care (often referred to as "Treatment /Therapeutic Foster Care" or TFC) is the evidence-informed, trauma-informed, and highly effective placement of children and youth with serious medical, psychological, emotional and social needs. In TFC care, foster parents as well as other parents and caregivers are given special training to address the needs of youths with major mental health challenges and children receive intensive in-home services to sustain them in the community. Kinship and biological families may also receive TFC training to care for their youth to help avoid out-of-home care, support kinship placements and sustain strong family homes.

TFC provides critical services to approximately 45,000 – or 1 in 10- foster children across the country.<sup>1</sup> The intervention works to keep particularly vulnerable youth out of costly and often ineffective institutional care. In addition, it provides needed clinical therapy options to youth in lieu of overmedication.

Despite the clear benefits of TFC, current law does not provide for a standard definition of TFC under Medicaid. Though TFC services are provided across the country—and are reimbursed through Medicaid and other child welfare funding streams—the lack of a federal standard definition impairs TFC quality and access.<sup>2</sup>

The *Family-Based Care Services Act of 2017* fixes this problem by establishing a federal Medicaid definition for TFC. This commonsense clarification will promote accountability for states offering TFC, delineate CMS services approved for reimbursement, and drive personnel training and standards.

The legislation is endorsed by a significant number of national children's and mental health organizations, including: The Foster Family-based Treatment Association, the Children's Defense Fund, Generations United, Child Welfare League of America, National Foster Care Coalition, First Focus Campaign for Children, KidsPeace, the Bair Foundation, the Alliance for Strong Families and Communities, the Children's Leadership Council, National Council for Behavioral Health, and Voice for Adoption.

Bipartisan companion legislation has been introduced in the House of Representatives (H.R. 2290) by Rep. Rosa DeLauro (D-CT), Rep. Tom Cole (R-OK), Rep. Markwayne Mullin (R-OK) and Rep. Diana DeGette (D-CO).

<sup>1</sup> Foster Family-Based Treatment Association

<sup>2</sup> A 2013 independent study from Boston University found that that all 50 states and the District of Columbia offer intensive therapeutic services of some level to foster youth with serious behavioral and/or mental health disorders under various names. The University's research showed that states currently use Medicaid reimbursement to pay for the clinical services associated with these youth's care regardless of the particular name of their state program. Its research also uncovered a significant level of confusion and lack of clarity about TFC across states (as well as within states) and in the broader child welfare field. The University concluded that a critical first step to eliminating the confusion about TFC, and bringing greater clarity to the child welfare field, is the adoption of a federal standard.