



Date: August 9, 2019  
To: Members of the Coalition of Residential Excellence  
From: Don Forrester, Executive Director  
Subject: CORE Monthly Report for July 2019

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### Legislative Issues and Implementation

- **FFPSA**

For many, compliance with the actual letter of the Family First Prevention Service Act is proving wrought with difficulties. Fortunately some of the key players legislatively, along with HHS, have made accommodation intended to work in the best interest of providers.

Take for example, the current issues around Evidence Based Programs.

- *FFPSA requires that only prevention services that meet one of the three "evidence-based" [promising, supported and well supported] federal standards will be eligible for reimbursement.*
- *States are required to spend at least 50% of the total amount claimed for federal reimbursement for prevention services on "well-supported" programs.*

On July 18, 2019 ACF (Administration for Children and Families) released Program Instructions (PI) related to State Agencies implementing a transitional payments program until the Clearing House can review and rate a program or service, if the state submits sufficient documentation as outlined in the PI (Program Instruction) by October 1, 2021.

During the interim period, until the Clearinghouse can conduct the review and rate a program, states must conduct independent systematic reviews of prevention services and programs to complete this documentation. The Clearinghouse will make the final determination about whether a program or service is assigned as promising, supported or well supported. Of course, "does not currently meet criteria" is the fourth possibility.

The Program Instruction includes the statement: "We intend that this process for transitional payments will support ACF's goal to review programs and services as quickly as possible in the early years of implementation of the Title IV-E prevention program".

Though not specifically stated, the legislative requirement that 50% of the amount claimed for federal reimbursement be for "well supported" programs seems impossible in the "early years of implementation". The data simply won't be available.

The other apparent concession that HHS has made related to the specific language found in FFPSA is providing states the ability to request a waiver related to the "qualified individual" completing the assessment that a child is eligible for placement in a QRTP because of serious emotional or behavioral disorders or disturbances. By legislative definition, the "qualified individual" is "a trained professional or licensed clinician who is not an employee of the state agency and who is not connected to or affiliated with any placement setting in which children are placed by the state".

Reportedly, a waiver process is available to state's to attest to the professionalism of the qualified individual or clinician and negate the need for the qualified individual not to have a relationship with either the placing party or the accepting agency.

- **Potential Problem Area With Medicaid Services**

Another issue that has recently surfaced relates to a potential problem with the QRTP Classification by Center for Medicaid Services (CMS). Reportedly, the Federal Center for Medicaid Services does not allow institutions for mental disease (IMDs) to receive Medicaid funding for most institutional care for individuals under the age of 65. Institutions are defined as any "hospital, nursing facility, or other institution of more than 16 beds, that is primarily engaged in diagnosis, including medical attention, nursing care, and related services."

Since QRTPs are required to have 24/7 nursing staff and are only allowed to serve children and youth with "serious emotional or behavioral disorders or disturbances" there is concern that they may be defined as an institution for mental disease by CMS.

- **Pending Legislation**

**The State Flexibility and Family First Transitions Act [ S. 107/ H.R. 3116 ]** - This bill provides states with the option to extend by two years a child-welfare demonstration project scheduled to end in FY2019. The bill was first introduced in the Senate by Sen.

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Rubio (FL) and Sen. Feinstein (CA) on January 10, 2019. The House bill was introduced by Rep. Bacon (NE) on June 15, 2019.

Synopsis: "A state extending a demonstration project shall provide a plan to the Department of Health and Human Services specifying how the project will transition by FY2021 to comply with provisions in the Bipartisan Budget Act of 2018 relating to childcare institutions, foster family homes, and assessment standards for qualified residential-treatment programs".

The cost associated to the bill reportedly is hundreds of millions. Those monies have historically been available for states that requested and received a Title IV-E waiver. Some states have had them in place for 20 years or more. As a result, the limited provisions of FFPSA are going to radically alter what is currently in place unless passage of this bill is obtained prior to October 1, 2019.

2) **The Families First Transition and Support Act of 2019 [S. 1376/H.R. 2702]**- This bill was introduced on May 8, 2019 in the Senate by Sen. Brown (OH) and subsequently by Rep. Bass in the House on May 14, 2019.

Synopsis: A bill to amend parts B and E of Title IV of the Social Security Act to eliminate barriers to providing child welfare services for children and youth in need, to provide additional resources to implement programmatic changes necessary to meet the requirements of the Family First Prevention Services Act, and for other purposes.

The cost associated to passage of this bill will greatly exceed the cost associated to the aforementioned bill.

### **Communication Related To Backlash or Outcome From FFPSA**

**Pew – THE FEDS ARE CUTTING BACK ON GROUP HOMES. SOME SAY THAT IS A BIG MISTAKE** – written by Teresa Wiltz – Published July 8, 2019

The following link is a recent article published by the Pew Charitable Trust. The article deals with the origin of FFPSA and the Baptist Children's Homes of North Carolina. I think you'll find it of interest.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/07/08/the-feds-are-cutting-back-on-foster-group-homes-north-carolina-says-thats-a-big-mistake>

- **We Need Flexibility To Get Child Welfare Right In Florida**

The following link to "We Need Flexibility To Get Child Welfare Right In Florida" appeared in the Tampa Bay Times Newspaper. The article was written by Bill Frye, President of Florida Sheriffs Youth Ranches

<https://www.tampabay.com/opinion/columns/we-need-flexibility-to-get-child-welfare-right-in-florida-column-20190705/>

**Registration for 2019 CORE National Conference – [www.CORE-DC.org](http://www.CORE-DC.org)**

Please remember to register for the 2019 CORE National Conference scheduled for October 15 -17 in Little Rock Arkansas. Details concerning the agenda and conference presenters is now available on the CORE website. In addition, registration can be made online. Hotel information is also available. [Note: Free shuttle service to and from the DoubleTree Hotel is available by the hotel]

### **Continued Need for Expansion of CORE Membership**

Your efforts to recruit colleagues affiliated with agencies not currently members of CORE continues to be important. I am convinced that two are better than one. They have a good return for their labor. Please reach out to others providing care for children and families from hard places to make them aware of the value associated to CORE membership. If you need a refresher on talking points, please review the CORE website for information.