

1 **NYSAC 2022 Fall Seminar**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #1**

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5 **Resolution Calling on the New York Congressional Delegation to Support**
6 **Federal Legislation that Exempts Qualified Residential Treatment**
7 **Programs from the Federal Medicaid Institutions for Mental Disease (IMD)**
8 **Exclusion and for New York State to Provide State-Only Medicaid Funding**
9 **to Cover Any Loss of Federal Funds Until the Exemption is Achieved**

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11 **WHEREAS**, in 2018, Congress enacted the Family First Prevention Services Act
12 (FFPSA), which includes numerous provisions to alter how the federal government will
13 reimburse for certain foster care maintenance payments; and

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15 **WHEREAS**, a major provision of the FFPSA amends Title IV-E of the Social Security
16 Act to limit foster care maintenance payments (FCMPs) to 14 days for children placed in
17 child care institutions (CCIs or congregate care settings); and

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19 **WHEREAS**, the limitations on federal Title IV-E funding supports in the FFPSA are
20 well intentioned as a pathway to prioritize family-based placement of youth with kinship
21 and non-relative foster care, but it ignores the reality of the types of specialized services
22 that many foster care youths require, and existing provider networks in many states can
23 support; and

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25 **WHEREAS**, local departments of social services work closely with OCFS and voluntary
26 agencies to reduce the use of congregate care and to place children with relatives and
27 foster parents; and

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29 **WHEREAS**, children with complex needs rely on services offered in residential
30 settings; and

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32 **WHEREAS**, if these placements become ineligible for federal funding, some service
33 providers will discontinue their programs, and others will exist solely on state and local
34 funding; and

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36 **WHEREAS**, under the New York State Foster Care Block Grant, the entire burden
37 would be on counties unless the state makes a specific new fiscal commitment; and

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39 **WHEREAS**, the State is currently pursuing a temporary 1115 Medicaid waiver as the
40 solution to this problem; and

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42 **WHEREAS**, the waiver the State is submitting is so restrictive many providers indicate
43 the rules would not enable them to continue providing services; and

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45 **WHEREAS**, this would lead to New York State not being able to maintain residential
46 capacity for children, who have been victims of abuse and neglect and who need an
47 array of specialized services and a safe place to live.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
2 Counties (NYSAC) calls on the New York State congressional delegation to support a
3 federal law change to exempt Qualified Residential Treatment Programs that provide
4 services to foster care youth from the federal Medicaid IMD exclusion; and

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6 **BE IT FURTHER RESOLVED**, the State of New York should provide state-only
7 Medicaid funding support to cover any loss of federal funds until the federal law change
8 is achieved; and

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10 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of
11 New York State, encouraging member counties to enact similar resolutions; and

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13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Kathy Hochul, the New York State Legislature, the New York congressional
15 delegation and all others deemed necessary and proper.