

113TH CONGRESS
2D SESSION

S. 1992

To amend title XIX of the Social Security Act to provide a standard definition of therapeutic foster care services in Medicaid.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2014

Ms. BALDWIN (for herself and Mr. PORTMAN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to provide a standard definition of therapeutic foster care services in Medicaid.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quality Foster Care
5 Services Act of 2014”.

6 **SEC. 2. INCLUSION OF THERAPEUTIC FOSTER CARE AS**
7 **MEDICAL ASSISTANCE.**

8 (a) IN GENERAL.—Section 1905 of the Social Secu-
9 rity Act (42 U.S.C. 1396d) is amended—

10 (1) in subsection (a)—

1 (A) in paragraph (28), by striking “and”
2 at the end;

3 (B) by redesignating paragraph (29) as
4 paragraph (30); and

5 (C) by inserting after paragraph (28) the
6 following new paragraph:

7 “(29) therapeutic foster care services described
8 in subsection (ee); and”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(ee)(1) For purposes of subsection (a)(29), subject
12 to subparagraph (C), therapeutic foster care services de-
13 scribed in this subsection are services provided for children
14 who have not attained age 21, and who, as a result of
15 mental illness, other emotional or behavioral disorders,
16 medically fragile conditions, or developmental disabilities,
17 need the level of care provided in an institution (including
18 a psychiatric residential treatment facility) or nursing fa-
19 cility the cost of which could be reimbursed under the
20 State plan but who can be cared for or maintained in a
21 community placement, through therapeutic foster care
22 programs that—

23 “(A) are licensed by the State and accredited
24 by the Joint Commission, the Commission on Ac-
25 creditation of Rehabilitation Facilities, the Council

1 on Accreditation, or by another equivalent accredita-
2 tion agency (or agencies) as the Secretary may rec-
3 ognize;

4 “(B) provide structured daily activities, includ-
5 ing the development, improvement, monitoring, and
6 reinforcing of age-appropriate social, communication
7 and behavioral skills, trauma-informed and gender-
8 responsive services, crisis intervention and crisis sup-
9 port services, medication monitoring, counseling, and
10 case management, and may furnish other intensive
11 community services; and

12 “(C) provide foster care parents with special-
13 ized training and consultation in the management of
14 children with mental illness, trauma, other emotional
15 or behavioral disorders, medically fragile conditions,
16 or developmental disabilities, and specific additional
17 training on the needs of each child provided such
18 services.

19 “(2) In making coverage determinations under para-
20 graph (1), a State may employ medical necessity criteria
21 that are similar to the medical necessity criteria applied
22 to coverage determinations for other services and supports
23 under this title.

24 “(3) The services described in this subsection do not
25 include the training referred to in paragraph (1)(C).”.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply to calendar quarters beginning
3 on or after the date of enactment of this Act.

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