

114TH CONGRESS
1ST SESSION

S. 429

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 10, 2015

Ms. BALDWIN (for herself, Mr. PORTMAN, Ms. STABENOW, Mr. CASEY, and Mr. BROWN) 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 “Family-Based Foster
5 Care Services Act”.

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—

1 (1) in subsection (a)—

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

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

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

8 “(29) therapeutic foster care services (to the
9 extent allowed and as defined in subsection (ee));
10 and”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(ee)(1) For purposes of subsection (a)(29), subject
14 to the succeeding paragraphs of this subsection, the term
15 ‘therapeutic foster care services’ means services provided
16 for children who have not attained age 21, and who, as
17 a result of mental illness, other emotional or behavioral
18 disorders, medically fragile conditions, or developmental
19 disabilities, need the level of care provided in an institution
20 (including a psychiatric residential treatment facility) or
21 nursing facility the cost of which could be reimbursed
22 under the State plan but who can be cared for or main-
23 tained in a community placement, through a qualified
24 therapeutic foster care program described in paragraph
25 (2).

1 “(2) A qualified therapeutic foster care program de-
2 scribed in this paragraph is a program that—

3 “(A) not later than 3 years after the date of en-
4 actment of this subsection, is licensed by the State
5 and accredited by the Joint Commission on Accredi-
6 tation of Healthcare Organizations, the Commission
7 on Accreditation of Rehabilitation Facilities, the
8 Council on Accreditation, or by another equivalent
9 accreditation agency (or agencies) as the Secretary
10 may recognize;

11 “(B) provides structured daily activities, includ-
12 ing the development, improvement, monitoring, and
13 reinforcement of age-appropriate social, communica-
14 tion and behavioral skills, trauma-informed and gen-
15 der-responsive services, crisis intervention and crisis
16 support services, medication monitoring, counseling,
17 and case management, and may furnish other inten-
18 sive community services; and

19 “(C) provides biological parents, kinship care-
20 givers, and foster care parents with specialized train-
21 ing and consultation in the management of children
22 with mental illness, other emotional or behavioral
23 disorders, medically fragile conditions, developmental
24 disabilities, the impact of trauma on child and care-

1 giver, and specific additional training on the needs
2 of each child provided such services.

3 “(3) In making coverage determinations in accord-
4 ance with paragraph (1), a State may employ medical ne-
5 cessity criteria that are similar to the medical necessity
6 criteria applied to coverage determinations for other serv-
7 ices and supports under this title.

8 “(4) For purposes of subsection (a)(29) and this sub-
9 section, therapeutic foster care services shall not include
10 reimbursement for any training referred to in paragraph
11 (2)(C).”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply to medical assistance furnished
14 in calendar quarters beginning on or after the date of en-
15 actment of this Act.

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