

Warren County Board of Supervisors

RESOLUTION NO. 632 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, HOGAN, BRAYMER, LEGGETT AND DRISCOLL

RESOLUTION ENCOURAGING THE NEW YORK CONGRESSIONAL DELEGATION TO SUPPORT FEDERAL LEGISLATION THAT EXEMPTS QUALIFIED RESIDENTIAL TREATMENT PROGRAMS FROM THE FEDERAL MEDICAID INSTITUTIONS FOR MENTAL DISEASE (IMD) EXCLUSION AND FOR NEW YORK STATE TO PROVIDE STATE-ONLY MEDICAID FUNDING TO COVER ANY LOSS OF FEDERAL FUNDS UNTIL THE EXEMPTION IS ACHIEVED

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

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

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

WHEREAS, the Warren County Department of Social Services works closely with the Office of Children and Family Services (OCFS) and voluntary agencies to reduce the use of congregate care and to place children with relatives and foster parents, and

WHEREAS, children with complex needs rely on services offered in residential settings, and

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

WHEREAS, under the New York State Foster Care Block Grant, the entire burden would be on

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counties unless the state makes a specific new fiscal commitment, and

WHEREAS, New York State is currently pursuing a temporary 1115 Medicaid waiver as the solution to this problem, and

WHEREAS, the waiver New York State is submitting is so restrictive many providers indicate the rules would not enable them to continue providing services, and

WHEREAS, this would lead to New York State not being able to maintain residential capacity for children, who have been victims of abuse and neglect and who need an array of specialized services and a safe place to live, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby calls on the New York State congressional delegation to support a federal law change to exempt Qualified Residential Treatment Programs that provide services to foster care youth from the federal Medicaid IMD exclusion, and be it further

RESOLVED, that New York State should provide state-only Medicaid funding support to cover any loss of federal funds until the federal law change is achieved, and be it further

RESOLVED, that copies of this resolution be sent to the counties of New York State, encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the New York congressional delegation and all others deemed necessary and proper.