

# Behavioral Healthcare Leadership in Action



## 2010 ADVOCACY AGENDA

National Association of Psychiatric Health Systems

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## Youth Programs and H.R.911

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### BACKGROUND

Legislation to regulate residential programs for teens (H.R.911, formerly H.R.6358), was reintroduced in February 2009 by Rep. George Miller (D-CA). The bill passed the House (295-102) on February 23, 2009. The Senate has taken no action. The bill would require greater federal oversight of all residential programs, including boot camps, wilderness programs, therapeutic boarding schools, and group homes providing foster care.

The legislation focuses on a wide range of residential programs—many of which are currently licensed by the state in which they operate, are nationally accredited and have both federal and state oversight. The bill would create—for the first time—a major federal role through the Assistant Secretary for Children and Families at the Department of Health and Human Services (HHS), creating complex sets of national standards in addition to existing state licensing and accreditation standards.

### RECOMMENDATION

NAPHS urges Congress to add language that licensed and nationally accredited residential treatment programs be exempted from the bill. The focus of reform should be on encouraging states to develop licensing requirements and enforcement procedures in states where these do not already exist.

**Our specific recommendation** is that H.R. 911, be amended **to exempt residential treatment facilities** that are licensed by the state and nationally accredited by The Joint Commission, the Commission on Accreditation of Rehabilitation Facilities (CARF), or the Council on Accreditation (COA).

- The original Miller bill introduced in 2008 exempted psychiatric residential treatment facilities as defined under Medicaid. The key requirement within the psychiatric residential treatment facility (PRTF) definition is that facilities be nationally accredited. The proposed language recognizes national accrediting bodies that accredit *healthcare* facilities – ensuring that these facilities meet strong health and safety standards.
- Congress and the Centers for Medicare and Medicaid Services (CMS) have long recognized the legitimacy of these three national accrediting bodies for healthcare organizations.
- Facilities accredited by these national bodies must meet all applicable state and federal laws and regulations, including licensure.
- The recommended language creates incentives—and a vehicle—for residential treatment programs to meet strong standards that already exist and that are endorsed by the Medicare and Medicaid programs.
- The recommended language would allow a more targeted and effective use of limited federal/state resources to ensure that all residential programs are appropriately regulated and monitored.

### WHAT CONGRESS CAN DO:

- ★ Support an **exception for licensed and nationally accredited residential treatment programs** under H.R.911.

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