

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2376, Page 1, Section 163.063, Line 8, by
2 inserting after the word "campus" the following:

3
4 "and the school district uses the residential care facility to provide any portion of the child's
5 education"; and

6
7 Further amend said bill and section, Page 2, Line 25, by inserting after the number "5." the
8 following:

9
10 "If a student receives educational services from a residential care facility, it shall be the
11 responsibility of the school district in which the student resides to ensure the student is receiving
12 education services that are substantially similar to the curriculum and standards of the school
13 district.

14 6."; and

15
16 Further amend said bill, page, and section, Line 26, by inserting after all of said section and line the
17 following:

18
19 "210.278. Neighborhood youth development programs shall be exempt from the child care
20 licensing provisions under this chapter so long as the program meets the following requirements:

21 (1) The program is affiliated and in good standing with a national congressionally chartered
22 organization's standards under Title 36, Public Law 105-225;

23 (2) The program provides activities designed for recreational, educational, and character
24 building purposes for children [~~six~~] five to seventeen years of age;

25 (3) The governing body of the program adopts standards for care that at a minimum include
26 staff ratios, staff training, health and safety standards, and mechanisms for assessing and enforcing
27 the program's compliance with the standards;

28 (4) The program does not collect compensation for its services except for one-time annual
29 membership dues not to exceed fifty dollars per year or program service fees for special activities
30 such as field trips or sports leagues, except for current exemptions as written in section 210.211;

31 (5) The program informs each parent that the operation of the program is not regulated by
32 licensing requirements;

33 (6) The program provides a process to receive and resolve parental complaints; and

34 (7) The program conducts national criminal background checks for all employees and
35 volunteers who work with children, as well as screening under the family care safety registry as
36 provided in sections 210.900 to 210.936.

Action Taken _____ Date _____

1 210.1450. 1. Before January 1, 2024, all licensed residential care facilities currently
2 contracted with the department of social services shall seek and obtain national accreditation by one
3 of the following:

4 (1) The Commission on Accreditation of Rehabilitation Facilities;
5 (2) The Joint Commission on Accreditation of Healthcare Organizations;
6 (3) The Council on Accreditation; or
7 (4) Any other independent, not-for-profit accrediting body approved by the United States
8 Department of Health and Human Services.

9 2. (1) Each licensed residential care facility with accreditation under subsection 1 of this
10 section at the time this section takes effect shall apply for designation as a qualified residential
11 treatment program by the department of social services before October 1, 2023, unless the facility is
12 licensed by the department for intensive residential treatment to meet above level IV needs and may
13 apply for certification as a psychiatric residential treatment facility by the department of health and
14 senior services.

15 (2) Any licensed residential care facility that obtains accreditation after the effective date of
16 this section shall apply to the department of social services for designation as a qualified residential
17 treatment program within sixty days after obtaining accreditation.

18 3. Within forty-five days of receiving an application from a licensed residential care facility
19 for designation as a qualified residential treatment program, the department of social services shall
20 issue a qualified residential treatment program designation to a licensed residential care facility
21 meeting the following requirements and shall issue to the facility new or amended contracts for
22 qualified residential treatment program services:

23 (1) National accreditation as described under subsection 1 of this section; and

24 (2) Other standards for a qualified residential treatment program under Part IV, Section
25 50741(a)(4)(A) to (F) of the Family First Prevention Services Act of 2018, as amended.

26 4. Subject to appropriations, the department shall provide grants to licensed residential care
27 facilities for the purpose of helping the facilities obtain national accreditation and developing the
28 infrastructure, workforce, and programming necessary to meet the standards for a designation as a
29 qualified residential treatment program.

30 5. The department of social services shall assess and determine if each qualified residential
31 treatment program is an institution for mental diseases (IMD) using the criteria provided in The
32 State Medicaid Manual.

33 6. (1) The department of social services shall seek a section 1115 demonstration waiver of
34 the IMD exclusion for qualified residential treatment programs within ninety days after the effective
35 date of this section.

36 (2) No fewer than one hundred eighty days before the expiration of the waiver, the
37 department shall seek an extension or amendment of the waiver or seek a new waiver.

38 (3) All licensed residential care facilities designated by the department as a qualified
39 residential treatment program shall follow rules and procedures to limit the use of seclusion and
40 restraint under 42 CFR, Part 483, Subpart G.

41 (4) The provisions of this subsection shall not apply to licensed residential care facilities not
42 assessed and determined to be an institution for mental diseases.

43 (5) The department has the duty to seek maximum federal funding, and the department shall
44 report to the general assembly the federal financial participation of Title IV-E and Medicaid for
45 licensed residential treatment programs within thirty days after the end of each fiscal quarter in
46 which the waiver is in effect.

47 7. The provisions of this section shall apply to licensed residential care facilities licensed by
48 the department of social services, except licensed residential care facilities:

49 (1) With a capacity for fewer than seven children or youth;

- 1 (2) With no placement for children or youth beyond fourteen days;
2 (3) With a supervised independent living setting for youth eighteen years of age or older;
3 (4) That solely provide supportive services for pregnant or parenting youth in foster care;
4 (5) That solely provide supportive services for children or youth who have been found to be
5 or are at risk of becoming sex trafficking victims;
6 (6) That serve as an emergency shelter with temporary placement for children or youth; or
7 (7) That solely provide family-based treatment.

8 Section B. Because immediate action is necessary to have access to necessary funding,
9 section 210.1450 of section A of this act is deemed necessary for the immediate preservation of the
10 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
11 meaning of the constitution, and section 210.1450 of section A of this act shall be in full force and
12 effect upon its passage and approval."; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.