

The Residential Treatment Health and Safety Act of 2009

Residential treatment programs provide a critical level of support and services for children with high treatment needs. The needs and vulnerability of children in such facilities, along with the skills and training required to provide them with appropriate care, strongly indicate that every residential treatment facility in the United States should be fully and adequately licensed and regulated.

Unfortunately, this is not always the case. In 2007, the Government Accountability Office (GAO) uncovered incidents of abuse at a number of residential wilderness programs and boot camps. These abuses were the result of inadequate licensing and regulation.

The Residential Treatment Health and Safety Act of 2009 would address this problem by ensuring appropriate licensing for these programs and every residential treatment program in the United States. It would:

- Direct the Administration for Children and Families (ACF) to develop minimum health and safety standards for all covered residential programs, including boot camps, wilderness programs, and therapeutic boarding schools that have been the subject of GAO reports.
- Require states, as a condition of continued receipt of federal funding under the Child Abuse Prevention and Treatment Act (CAPTA), to:
 - Identify all covered programs within their state;
 - Develop state regulatory and enforcement measures for these programs that meet or exceed federal health and safety standards; and
 - Conduct unannounced site visits at each covered program at least once every two years.
- Avoid duplicative enforcement provisions. It would:
 - Exempt residential programs and other facilities already substantially regulated under state and federal law, including:
 - Programs licensed and regulated by states under federal child welfare laws and Medicaid, including psychiatric residential treatment facilities (PRTFs);
 - Foster family homes; and
 - Hospitals.
 - Avoid direct federal enforcement, instead requiring states to report annually on their monitoring and enforcement activities to ACF; and
 - Direct states to integrate any new regulations, licensing, inspections and enforcement requirements into those that already exist for covered programs, if any.