

111th CONGRESS  
1st Session  
S. \_\_\_\_\_  
**IN THE SENATE OF THE UNITED STATES**

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**A BILL**

To require certain standards and enforcement provisions to ensure the health and safety of children in residential programs, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Residential Treatment Health and Safety Act of 2009'.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) ASSISTANT SECRETARY- The term `Assistant Secretary' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.
- (2) CHILD- The term `child' means an individual who has not attained the age of 18.
- (3) CHILD ABUSE AND NEGLECT- The term `child abuse and neglect' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).
- (4) COVERED PROGRAM-
  - (A) IN GENERAL- The term `covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program--
    - (i) provides a residential environment, such as--
      - (I) a program with a wilderness or outdoor experience, expedition, or intervention;
      - (II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;
      - (III) a therapeutic boarding school; or
      - (IV) a behavioral modification program; and
    - (ii) operates with a focus on serving children with--
      - (I) emotional, behavioral, or mental health problems or disorders; or
      - (II) problems with alcohol or substance abuse.
  - (B) EXCLUSION- The term `covered program' does not include--
    - (i) a hospital licensed by the State;
    - (ii) a secure detention or correctional facility;
    - (iii) a foster family home or child care institution licensed by the State under section 471 of the Social Security Act (42 U.S.C. 671);
    - (iv) a private or public institution licensed by the State under section 1902 of the Social Security Act (42 U.S.C. 1396(a)); or
    - (v) a psychiatric residential treatment facility that is certified as meeting the requirements specified in regulations promulgated for such facilities under section 1905(h)(1)(A) of the Social Security Act (42 U.S.C. 1396d(h)(1)(A)) and that provides psychiatric services for which medical assistance is available under a State plan under title XIX of such Act.

(5) STATE- The term `State' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

### **SEC. 3. STANDARDS AND BEST PRACTICES.**

(a) Minimum Standards-

(1) IN GENERAL- Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall promulgate standards that the Assistant Secretary determines are appropriate to provide for the basic health and safety of children at a covered program.

(2) REGULATIONS-

(A) INTERIM REGULATIONS- Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT- The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS- Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate final regulations to carry out paragraph (1).

(b) Dissemination of Best Practices Information- The Assistant Secretary shall establish and maintain Websites made available to the public that contain, at a minimum, information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

### **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary of Health and Human Services \$\_\_\_\_\_ for each of fiscal years 2010 through 2014 to carry out this Act.

### **SEC. 5. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO ENSURE THE HEALTH AND SAFETY OF CHILDREN AT RESIDENTIAL PROGRAMS.**

(a) In General- Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

#### **`SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO ENSURE THE HEALTH AND SAFETY OF CHILDREN AT RESIDENTIAL PROGRAMS.**

`(a) Definitions- In this section:

`(1) CHILD- The term `child' means an individual who has not attained the age of 18.

`(2) COVERED PROGRAM-

`(A) IN GENERAL- The term `covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program--

`(i) provides a residential environment, such as--

`(I) a program with a wilderness or outdoor experience, expedition, or intervention;

`(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

`(III) a therapeutic boarding school; or

`(IV) a behavioral modification program; and

`(ii) operates with a focus on serving children with--



State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).'

(d) Clerical Amendment- Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

'Sec. 114. Additional eligibility requirements for grants to States to ensure the health and safety of children at residential programs.'

**SEC. 6. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.**

(a) Study- The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) Report- The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

*END*