Congress of the United States
Washington, DC 20515

March 7, 2019

The Honorable Alex M. Azar II
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

On February 9, 2018, the President signed into law the *Bipartisan Budget Act,* which included the most significant reforms to our nation's foster care system in decades—collectively named the Family First Prevention Services Act (FFPSA). While your department has taken many important steps to implement this law, we have specific concerns about the prevention services clearinghouse, including the timeline, current list of programs under review, and the need for states to have program options in the "well-supported" category. As members who were deeply involved in the development of FFPSA and as the committee leaders who will oversee its implementation, our major priority is that states who wish to implement this law when it goes into effect on October 1, 2019 have the ability and support to do so.

FFPSA allows states to receive reimbursement for substance abuse, mental health, parenting skills, and kinship navigator services that meet certain evidence levels of effectiveness. The law specifies that states can submit programs for review as part of their state prevention plan, and separately that HHS must issue a "pre-approved list of services and programs that satisfy the requirements" (Section 471(e)(4)(D) of the Social Security Act). On November 30, 2018, the Children's Bureau (CB) released ACYF-CB-PI-18-09 indicating you are reviewing 12 prevention programs to be part of this pre-approved list, and states have voiced serious concerns over the ability to claim federal reimbursement for evidence-based prevention services that they are currently using and/or wish to invest in as early FFPSA adopters. More specifically, your guidance indicates that prevention services must be "approved by HHS…as part of the Title IV-E Prevention Services Clearinghouse…" and states that HHS "will provide additional information regarding rated and approved services, and the selection of additional services for review in future issuances."

*Timeline*

The current lagging timeline for the clearinghouse is a serious impediment for states trying to implement the law by October 1, 2019. At the July 2018 bipartisan Ways and Means hearing, multiple members raised concerns to CB about the timeline and emphasized how important it was to make good decisions, and make them soon. Then in late November, we learned that the timeline of the evidence review process for the first set of programs and services was not slated to be completed and released until May 2019.

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The statute required this list be released no later than October 1, 2018, and HHS's timeline both violates the law and inhibits states' ability to plan and budget for implementation of FFPSA. This is especially concerning given many state legislative sessions will conclude before the evidence ratings are finalized, preventing them from taking advantage of funding for critical services families and children need, and so we ask that you do all possible to finalize this initial review as quickly as it can be completed and to quickly review the many other evidence-based programs we believe will be eligible for funding.

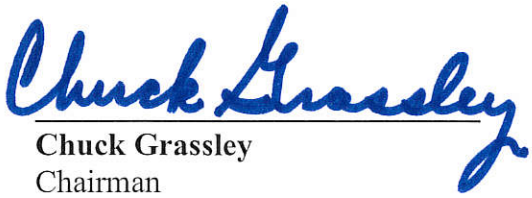
*Current List of Programs under Review*
As a result of the initial limited list of programs being reviewed for inclusion in the clearinghouse, and the inference that HHS will decide which programs to review instead of responding to state requests for approval of the prevention programs proposed in the state plan, some states have signaled that they will need to delay intended implementation of FFPSA. The list fails to include many programs that have established strong evidence of effectiveness that states had expected to be eligible for reimbursement without delay. Some of these programs have already been approved by other HHS-managed clearinghouses and/or states have already been operating with evaluations under Title IV-E waivers.

We ask you to assure states as soon as possible that all twelve programs being currently reviewed will be included as part of the pre-approved list and therefore be eligible for federal funding. Finally, we ask that you clarify that states may submit as part of their state plan their proposed prevention services for review by HHS, and that they do not have to first wait for a program to be included on the HHS pre-approved list before requesting approval to receive reimbursement for it.

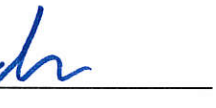
*Need for Well-Supported Programs*
Included in the law is a requirement that at least 50 percent of the services offered be considered "well-supported." As part of the assurance about the approval of programs on the preliminary list, and given states may only claim reimbursement for these services if they operate "well-supported" programs, we ask that you identify as many programs as possible that will be rated as "well-supported" based on the work already completed by ABT and existing clearinghouses. It is critical that states have this information and have it as quickly as possible, as it is the only way we can ensure any state interested in implementing FFPSA on October 1, 2019 may do so.

FFPSA is designed to provide support to families with children at risk of entering foster care, and has the potential to help thousands of children stay safely with their parents. We ask for your continued support to make this happen.

Sincerely,



**Chuck Grassley**
Chairman
Senate Finance Committee



**Ron Wyden**
Ranking Member
Senate Finance Committee

**Danny K. Davis**
Chairman
Subcommittee on Worker and Family Support
Committee on Ways and Means

**Jackie Walorski**
Ranking Member
Subcommittee on Worker and Family Support
Committee on Ways and Means