

Notes

1. Bazelon Center for Mental Health Law, *Disintegrating Systems: The State of States' Public Mental Health Systems*. Washington, D. C. 2001; and *State Mental Hospital Continuity of Care Study: Preliminary Report*, Louis de la Parte Florida Mental Health Institute, University of South Florida. Tampa. 2002.
2. Kaiser Commission on Medicaid and the Uninsured (May,2000). *Uninsured in America: A Chart Book, Second Edition*.
3. P. Peele, J. Lave, Y. Xu, Benefit Limitations in Behavioral Health Carve-Outs: Do They Matter? *Journal of Behavioral Health Services and Research*, 26(4): 430-441 (1999).
4. Generally, up to 200 percent of federal poverty level.
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6. S-CHIP plans can be based on the state employees' health plan, the federal employees' Blue Cross/Blue Shield plan or the plan of the largest commercial HMO in the state, or they can be private plans that are created especially for S-CHIP but are the actuarial equivalent of any one of the above plans. However, states may limit the mental health benefit under these options to only 75 percent of the actuarial value of the mental health benefit in the plan on which the state has modeled its S-CHIP plan. Thus, mental health benefits in S-CHIP private insurance plans are generally quite limited.
7. *TEFRA Medicaid Option Leaves Children with Disabilities in the Lurch*, a report on TEFRA by the Bazelon Center for Mental Health Law produced for the Center for Mental Health Services. 2002.
8. National Alliance for the Mentally Ill, *Families on the Brink* (1999) at 10.
9. *Relinquishing Custody to Obtain Necessary Treatment, Fact Sheet*, Federation of Families for Children's Mental Health, November 1999.
10. TEFRA, the Tax Equity and Fiscal Responsibility Act of 1982, created this option. This replaced a previous authority for state waivers which had accomplished the same goal. The TEFRA option is sometimes known as the Katie Beckett option after the child whose plight came to the attention of President Reagan.
11. These levels are set by the state, but will only exclude children with significant assets or who have income. However, sometimes child support payments can exclude a child from TEFRA eligibility.
12. Some children who qualify due to a physical disability may also have a serious mental disorder, and so may be receiving TEFRA health and/or mental health services.
13. Massachusetts has a rule that defines a hospital level of care as addressing only the needs of children with physical disabilities, thus making it impossible for a child with a mental or emotional disorder to qualify.
14. Georgia, Idaho, Michigan, Nevada, Rhode Island, South Carolina and South Dakota.
15. Two other states also fail to identify any children due to their mental disorder, but two (Nebraska and Connecticut) did not share copies of their rules for review.
16. These seven states are: Connecticut, Georgia, Idaho, Massachusetts, Michigan, Nevada and Rhode Island. In South Carolina and South Dakota there is mention of mental health issues for TEFRA children in the parent materials, but the state identifies no children based on their mental or emotional disorder.
17. Arkansas, Connecticut and Idaho.
18. Minnesota, Mississippi, New Hampshire, South Carolina, South Dakota, Vermont and Wisconsin.