



Health Care Agency Mental Health and Recovery Services Policies and Procedures	Section Name:	Compliance
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	SIGNATURE	DATE APPROVED
Director of Operations Mental Health and Recovery Services	<u>Signature on File</u>	<u>2/1/2022</u>

SUBJECT: Nondiscrimination and Institutional Safeguards for Religious Providers and Charitable Choice Reporting for SABG Funded Programs

PURPOSE:

To provide guidance to contracted faith-based providers in accordance with the “Nondiscrimination and Institutional Safeguards for Religious Providers” requirements under the Substance Abuse Prevention and Treatment Block Grant (SABG).

POLICY:

Substance Use Disorder (SUD) contracted providers who receive SABG funding may not discriminate against participants or potential participants based on the religious nature of the program. If necessary, providers shall establish a referral process to reasonably accessible programs for those clients who may object to the religious nature of the program.

SCOPE:

Mental Health and Recovery Services (MHRS) County contracted faith-based organizations that deliver Substance Use Disorder (SUD) and prevention services funded whole or in part by the SABG.

REFERENCES:

Substance Abuse Prevention and Treatment Block Grant (SABG) Policy Manual, 42 Code of Federal Regulations (CFR) § 54

Charitable Choice: 42 USC 300x-65; 42, CFR Part 54

Substance Abuse Prevention and Treatment Block Grant Application Content and Procedures, 45, Code of Federal Regulations (CFR) §96.122

DEFINITIONS:

Faith-based organization – Organizations that are described as “Faith-based” through their 501(c)(3) nonprofit charities status or articles of incorporation, which deliver services with a religiously-oriented purpose

SUBJECT: Nondiscrimination and Institutional Safeguards for Religious Providers & Charitable Choice Reporting for SABG Funded Programs

PROCEDURE:

- I. In compliance with Title 42 of the Code of Federal Regulations, Part 54, Charitable Choice Regulations, religious organizations shall be equally eligible to contract with the county as SUD service providers.
- II. Faith-based organizations shall not utilize SABG funds for religious inherent activities, such as worship, religious instruction, or proselytization. If an organization conducts such activities, it must offer them separately, in time or location, from contracted services.
- III. Contracted faith-based organizations shall be required to notify clients and potential participants of their rights prohibiting discrimination and their right to be referred to another program if they object to the religious nature of the program at intake.
- IV. Providers shall establish a system to identify and refer any program participant or prospective program participant who requests to be transferred to another program based on the religious nature of the program. Providers must track these referrals for reporting purposes.
 - A. Providers shall promptly report to County any instances necessitating referral to an alternative provider as a result of religious objections by a client or potential participant.
 1. Notifications of referral to alternative providers shall be submitted via email to AQISSUDSupport@ochca.com at the time of referral, using the subject line: Charitable Choice referral.
 2. Notifications shall include the following information:
 - a) Provider reporting the alternative referral
 - b) Service requested
 - c) Location of alternative provider referral
- V. The County shall submit this information to the Department of Health Care Services (DHCS) annually by e-mail at CharitableChoice@dhcs.ca.gov by October 1st.
 - A. Notifications to DHCS shall be made by the MHRs AQIS SUD Support Manager or designee.