



Charitable Choice Procedure

Effective Date 06/05/2019
Revised Date 06/05/2019
Supersedes Charitable Choice Policy (ADS0209)


Veronica Kelley, DSW, LCSW, Director

Policy It is the policy of the Department of Behavioral Health (DBH) that DBH Substance Use Disorder and Recovery Services (SUDRS) and SUD contracted providers shall comply with Title 42 Code of Federal Regulations (CFR) Part 54 by:
Incorporating language within contracts prohibiting discrimination against individuals based on religion;
Ensuring religious organizations are equally eligible for receipt of contracts through SUDRS; and
Ensuring religious organizations establish a referral process to a reasonably accessible program for those clients who may object to the religious nature of the program.

Purpose To provide procedural guidance to SUDRS and SUD contracted providers regarding the collection and annual reporting of Charitable Choice client referral data to the California Department of Health Care Services (DHCS).

Identifying Religious Organizations All contract agencies applying for or renewing applications for Substance Abuse Prevention and Treatment Block Grant funding shall submit the completed [Survey for Ensuring Equal Opportunity for Applicants](#) with their application. Organizations that indicate they are faith-based by answering "Yes" to question 4 are considered to be religious organizations and are required to comply with guidelines within this procedure.

Roles and Responsibilities Stated in the table below are the roles and responsibilities that are required in order to comply with 42 CFR, Part 54:

Roles	Responsibilities
DBH SUDRS	<ul style="list-style-type: none"> • Identify and monitor religious organizations for compliance; • Maintain a log of reported referrals; • Submit to DHCS an annual report of Charitable Choice referrals, and • Ensure the availability of alternative services.

Continued on next page

Charitable Choice Procedure, Continued

Roles and Responsibilities, continued

Roles	Responsibilities
Religious Organizations	<ul style="list-style-type: none"> • Shall not use funds for religious program content; • Must notify clients of their Personal and Civil Rights prohibiting discrimination; • Must provide to clients who object to the religious character of the organization, a notice of their right to be referred to alternative services, and • Must provide such referrals in accordance with 42 CFR, Part 54.

Notice Requirements for Religious Organizations

Religious organizations must provide written notification to clients who object to the religious character of the organization of their right to be referred to alternative services that meet standards of timeliness, capacity, accessibility, and equivalency.

Referral Requirements for Religious Organizations

Within a reasonable time after the date a client objects to the religious character of an organization, the organization must:

- Provide a referral to an equivalent SUD treatment program that meets the timely access, and time and distance standards of [DHCS Mental Health and Substance Use Disorder Services Information Notice No. 18-011](#);
- Ensure all referrals are made in a manner consistent with all confidentiality laws, including but not limited to, [42 CFR, Part 2: Confidentiality of Substance Use Disorder Patient Records](#), and
- Confirm that the referred client makes contact with the contract agency to which they were referred.

Reporting Requirements for Religious Organizations

Following the referral of a client due to religious objection the referring religious organization shall notify SUDRS via encrypted email at DBH-SUDRSAdmin@dbh.sbcounty.gov. The following information must be included in the email:

- Subject line shall read: Charitable Choice Reporting;
- Body shall contain:
 - Contract agency name;
 - Date of religious objection by client;
 - Date client was referred to comparable SUD treatment program, and
 - Confirmation that client was assisted with accessing a comparable SUD program and the date of client's intake appointment with the new program.

Continued on next page

Charitable Choice Procedure, Continued

Reporting Requirements for SUDRS

The procedure for reporting Charitable Choice data to DHCS is as follows:

- Designated Office Assistant (OA) staff will monitor the DBH-SUDRSAdmin@dbh.sbcounty.gov mailbox monthly;
- All Charitable Choice Reporting emails shall be placed in the SUDRS shared drive in the following location: Charitable Choice Correspondence;
- Following the end of the fiscal year, the designated OA will complete an annual report of the previous fiscal year's data that will include all information specified in Reporting Requirements for Religious Organizations above;
- The annual report is to be submitted for review to the SUDRS Program Manager II or designee, **no later than July 15th of each year**;
- After review, but **no later than September 1st of each year**, the SUDRS Program Manager II or designee shall submit to DHCS via email at CharitableChoice@dhcs.ca.gov the following completed statement:
 - San Bernardino County's Charitable Choice numbers are (insert total number of referrals) for FY (insert fiscal year).
 - Copies of the email to DHCS shall be placed in the SUDRS shared drive in the following location: Charitable Choice Correspondence.

Reference(s)

Code of Federal Regulations, Title 42, Part 54- Nondiscrimination and Institutional Safeguards for Religious Providers
DHCS Mental Health and Substance Use Disorder Services Information Notice No. 18-011
