POLICY: CHARITABLE CHOICE REQUIREMENTS

I. PURPOSE:

The purpose of this policy is to ensure individuals served by County Mental Health and Substance Use Services (MHSUS), and their contractors, are not discriminated against on the basis of religion.

II. REFERENCES:

Title 42 CFR, Part 54
NNA/DMC State-County Contract, Exhibit A, Attachment 1, Section I

III. POLICY:

It is the policy of County MHSUS to ensure adherence to the Alcohol and Drug Programs Department Bulletin 04-5 regarding Nondiscrimination and Institutional Safeguards for Religious Providers, Title 42 Code of Federal Regulations (CFR), Part 54.

IV. AUTHORITY/RESPONSIBILITY:

Contract Managers
Alcohol and Drug Administrator
MHSUS Director

V. PROCEDURE:

The County ensures that the County and its contractors receiving funding under the NNA/DMC State-County Contract comply with requirements of funding sources and applicable laws and regulations through the below methods. The County and contractors shall not use funds for inherently religious activities, such as worship, religious instruction, or proselytization.

All services and/or contracts shall include language prohibiting discrimination against individuals on the basis of religion. In addition, religious organizations shall be equally eligible for receipt of contracts through MHSUS.
Contracting religious organizations shall establish a referral process to a reasonably accessible program for clients who may object to the religious nature of the contractor's program, and contractors shall be required to notify clients of their rights prohibiting discrimination and to be referred to another program if they object to the religious nature of the program at intake. Referral information will be submitted to the State annually by County MHSUS. Contractors shall be required to report any referrals that were made due to the religious nature of the contractor's program to the Division Manager or designee of the County.

Contractor compliance with this policy shall be achieved through:
1. Distribution of the NNA-SAPT Block Grant Requirements in the Contractor Manual annually at contract renewal, which includes the County policy on Charitable Choice Requirements.
2. Approval of contract as to form and legal affect by county counsel.
3. Signature of Contractor on contract agreeing to all conditions set forth in the contract.
4. Approval and execution of contract by the County Board of Supervisors or County Administrator.
5. Annual fiscal review, in which MHSUS staff or their fiscal officer ensures funds are not used for religious program content.
6. Annual completion of Self Audit by Contractor, and subsequent review by MHSUS Contract Manager, including Contractor's signed attestation of adherence to all laws and regulations.
7. At annual Site Visit, Contract Manager shall review policy regarding Charitable Choice Requirements, and review client intake documentation to ensure clients are notified of their rights prohibiting discrimination, and right to be referred to a different program if desired.

County-operated program compliance with this policy shall be achieved through:
1. Approval of State-County NNA/DMC Contract by Board of Supervisors or authorized designee agreeing to all conditions set forth in the contract.
2. Attestation to compliance with Charitable Choice Requirements at the annual DHCS Monitoring review.
3. Annual fiscal review, in which MHSUS staff or their fiscal officer ensures funds are not used for religious program content.
4. Annual completion of Self Audit, including County Alcohol & Drug Administrator's signed attestation of adherence to all laws and regulations.
5. At annual Site Visit, MHSUS Quality Management shall review policy regarding Charitable Choice Requirements, and review client intake documentation to ensure clients are notified of their rights prohibiting discrimination, and right to be referred to a different program if desired.