

CBHS Policies and Procedures



City and County of San Francisco
Department of Public Health
Community Programs
COMMUNITY BEHAVIORAL HEALTH SERVICES

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POLICY/PROCEDURE REGARDING: **Compliance with Charitable Choice Requirements**

Issued By: Robert Cabaj, MD
Director of Community Behavioral Health Services

A handwritten signature in black ink, appearing to read "Robert Cabaj MD".

Date: 12-01-09

Manual Number: 3.03-17

References: 42 Code of Federal
Regulations Part 54

(New Policy)

PURPOSE:

To establish processes and procedures to ensure adherence to Title 42, Code of Federal Regulations Part 54: Nondiscrimination and Institutional Safeguards for Religious Providers.

BACKGROUND:

On October 17, 2000 the President signed into law Public Law 106-310, "The Children's Health Act of 2000." Public Law 106-310 amended the Public Health Service Act by adding requirements to: 1) prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services; and 2) allow organizations to accept the funds to provide services to individuals without impairing the religious character of the organization or the religious freedom of the individuals. The statutory requirements can be found in Title 42, USC Section 300x-65. On September 30, 2003, the regulations (Title 42, Part 54) implementing Section 300x-65 were published in the Federal Register. The regulations implementing Section 300x-65 also amended title 45, CFR Part 96, Sections 96.122, and 96.123. To comply with Title 42, Part 54, the State of California, Department of Alcohol and Drug programs requires counties to:

1. Identify religious providers;
2. Incorporate the applicable Part 54 requirements into county/provider contracts, including a notice to clients;
3. Monitor religious providers for compliance with Part 54; and
4. Establish a referral process, to a reasonably accessible program, for clients who may object to the religious nature of the program. Such process must include a notice to the county and the funding of alternative services.

POLICY:

To ensure compliance with Title 42 of the Code of Federal Regulations, Part 54, all Community Behavioral Health Services (CBHS) 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 CBHS, and shall establish a referral process to a reasonably accessible program for those clients who may object to the religious nature of the program.

PROCEDURES:

Each contract shall contain language prohibiting discrimination against individuals based upon religious preferences. 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. Adherence to this requirement will be monitored through site visits to programs.

The procurement of services shall not exclude religious organizations from applying to provide services. Religious organizations providing services must have a referral process in place to a reasonably accessible program, for clients who may object to the religious nature of the program. The process must include a notice to CBHS.

Contractors shall not use funds for religious program content. This requirement will be included in contract language, and will be monitored during site visits.

Referral information will be submitted to the State annually. Contractors ARE required to report any referrals that were made to the agency's assigned CBHS Program Manager. The Program Manager will then submit this information to the County Alcohol and Drug Program Administrator, who will be responsible for maintaining overall log for reported referrals and report annually to the State.

CONTACT PERSON:

San Francisco County Alcohol & Drug Program Administrator (415) 255-3717

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