

Title of Manual: Mid-South Substance Abuse Commission Policy and Procedures			Page 1 of 3	
			History	
Policy Number: <b>A006</b>	Subject/Title: Charitable Choice		<b>Replaces:</b>	10/2005
			<b>Last Reviewed:</b>	2/2009
Issued By: Executive Director	Approved By: Board of Directors Date: 2/23/2009	Scope: All Treatment and Prevention Providers	<b>Effective:</b>	2/23/2009

## 1. **Purpose**

The purpose of this policy is to describe the major requirements of the Federal Charitable Choice Regulations applicable for both treatment and prevention providers sub-contracting with Mid-South. Any treatment and prevention provider receiving Federal Block Grant funds to offer services are to comply with the Federal Charitable Choice Regulations (42 CFR Parts 54 and 54a and 45 CFR Part 96). For more information regarding requirements of the Federal Charitable Choice Regulations, go to [://www.gpoaccess.gov/index](http://www.gpoaccess.gov/index).

## 2. **General Expectations**

The Federal Charitable Choice requirements for both treatment and prevention providers are summarized as follows:

- 2.1. The designation of religious (or faith-based) organizations is based on the organization's self-identification as religious (or faith-based);
- 2.2. These organizations are eligible to participate as providers, e.g., a "level playing field" with regard to participating in the Mid-South treatment and prevention provider panel, as long as they meet all other eligibility requirements;
- 2.3. A program beneficiary (client) receiving services from such an organization who objects to the religious character of a program may notify the objection and Mid-South will make a good-faith effort to refer the beneficiary (client) to alternative services or provider;
- 2.4. Model notice language is contained in the federal regulations and is to be provided by those treatment providers which have identified themselves as faith-based to the beneficiary (client) at time of admission. (Refer to Model Notice to Individuals Receiving Substance Abuse Services)
- 2.5. Prevention providers which have identified themselves as faith-based are to have the model notice language on all written material used for Mid-South funded services. Examples of written material, but not limited to only these examples, are: brochures, written materials for the services, and program descriptions.
- 2.6. The notice is to be provided to the beneficiary (client) by the Care Coordination Center (CCC) or by the assessing provider after the level of care determination is made and when referring a client to a self-identified faith-based treatment provider.

## 3. **Treatment Expectations**

- 3.1. A substance use disorder treatment provider is to self-identify as a religious (or faith-based) organization during the annual contracting process so that Mid-South can maintain an accurate listing of faith-based treatment organizations.
- 3.2. Once self-identified, the following apply to the treatment provider:
  - 3.2.1. No funds provided by Mid-South may be expended for inherently religious activities, such as worship, religious instruction, or proselytization.
  - 3.2.2. If such activities are conducted, it must offer them separately in time or location from the programs or services for which it receives funds from Mid-South.

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3.2.3.A faith-based treatment provider receiving funds from Mid-South will retain its independence from federal, state, and local governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. (More information regarding retention of independence can be found in the federal regulations at [://www.gpoaccess.gov/index.](http://www.gpoaccess.gov/index))

3.2.4.A faith-based treatment provider receiving funds from Mid-South shall not discriminate against a client or prospective client on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice when providing funded services or engaging in funded outreach activities.

3.2.5.A faith-based treatment provider must provide notice to clients or prospective clients that if there is any objection to the religious character of the program that alternative services are available.

### 3.3. Procedure for Treatment Services:

3.3.1.When the CCC performs a level of care determination and is referring a client to a self-identified faith-based provider for treatment, they shall inform the client of his/her ability to receive services from an alternative provider if he/she objects to the religious nature of the provider. The written notice is to be sent to the client with the other required paperwork.

3.3.2.A faith-based treatment provider must give a written notice to clients at time of admission that if there is any objection to the religious character of the program that alternative services are available.

3.3.3.Once a client or prospective client has objected to the religious character of a faith-based treatment provider, the treatment provider is to contact the CCC the next business day to facilitate the authorization and referral to an alternative treatment provider.

3.3.4.The CCC is to make a good-faith effort, within a reasonable time period, to facilitate the authorization and referral to the alternative treatment provider.

### 3.4. Reasonable time period is defined by level of care as:

3.4.1.Outpatient Counseling: Within fourteen (14) business days;

3.4.2.Unbundled Intensive Outpatient Counseling: Within two (2) business days;

3.4.3.Detox/Residential Services: Within one (1) business day.

3.4.4.All referrals shall be made in a manner consistent with all applicable confidentiality laws, including 42 CFR Part 2 and the Health Insurance Portability and Accountability Act (HIPAA) privacy provisions.

3.4.5.The alternative treatment provider does not have to be secular; it just has to be one the client does not have any religious objections to.

## 4. Prevention Expectations

4.1. A prevention contractor/provider is to self-identify as a religious (or faith-based) organization during the annual contracting process so Mid-South can maintain an accurate listing of faith-based prevention organizations.

4.2. Once self-identified, the following apply to the prevention provider;

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- 4.2.1.No funds provided by Mid-South may be expended for inherently religious activities, such as worship, religious instruction, or proselytization.
- 4.2.2.If such activities are conducted, it must offer them separately in time or location from the programs or services for which it receives funds from Mid-South.
- 4.2.3.A faith-based prevention provider receiving funds from Mid-South will retain its independence from federal, state, and local governments and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. (For more information regarding retention of independence is to be found in the federal regulations at [://www.gpoaccess.gov/index](http://www.gpoaccess.gov/index).)
- 4.2.4.A faith-based prevention provider receiving funds from Mid-South shall not discriminate on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice when providing funded services or engaging in funded activities. All prevention services need to be culturally sensitive and appropriate for the targeted population.
- 4.2.5.It is the responsibility of the faith-based prevention provider to provide notice to recipients or prospective recipients that if there is any objection to the religious character of the program, alternative services are available. As stated in Section 2.4, the notice is to be on all written materials for Mid-South funded programs, including but not limited to; program descriptions, program participant materials, and brochures.
- 4.3. Procedure for Prevention Services:
- 4.3.1.Due to the nature of prevention services and the possible difficulty of offering alternative services within a “reasonable time period”, the prevention contractor is required to add additional language to the notice to alternative services. The language is: **If you would like a referral to an alternative prevention provider, please contact the Prevention Coordinator during normal business hours, at the Mid-South Substance Abuse Commission at (517) 337-4406.**
- 4.3.2.Once a recipient or prospective recipient has objected to the religious character of a faith-based prevention provider, the prevention provider is to contact the Prevention Coordinator the next business day to discuss the possible alternatives for the recipient or prospective recipient of prevention services.
- 4.3.3.Mid-South will make a good-faith effort to facilitate alternative prevention services whenever possible.

Reference:  
Model Notice to Individuals Receiving Substance Abuse Services