



COUNTY OF YOLO

HEALTH AND HUMAN SERVICES AGENCY

POLICIES AND PROCEDURES

SECTION 6, CHAPTER 5, POLICY 005

CHARITABLE CHOICE POLICY

A. PURPOSE

The purpose of this policy is to ensure that HHS staff and subcontracted providers comply with the guidelines in Title 42, Code of Federal Regulations Part 5: Nondiscrimination and Institutional Safeguards for Religious Providers.

B. FORMS REQUIRED/ATTACHMENTS: SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

C. DEFINITIONS: N/A

D. POLICY

In compliance with Title 42 of the Code of Federal Regulations, Part 54, it is the policy that all Yolo County Health and Human Services Agency (HHS) Substance Use Disorder (SUD) programs and subcontract providers shall:

- Incorporate language prohibiting discrimination against individuals based on religion in contracts as well as policy and procedure manuals. Prohibits discrimination against a program beneficiary 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. Religious organizations are eligible, on the same basis as any other organization, to participate in applicable programs, as long as their services are provided consistent with the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution. Prohibits state or local governments receiving Federal substance abuse funds from discriminating against an organization that is, or applies to be, a program participant on the basis of the organization's religious character or affiliation.
- Ensure religious organizations are equally eligible for receipt of contracts through HHS Behavioral Health programs.
- Ensure religious organizations establish a referral process to a reasonably accessible program for those clients who may object to the religious nature of the program.
- Ensure that if program beneficiaries object to the religious character of a program participant, the beneficiary shall have rights to notice, referral, and alternative services.

Additional information pertaining to the above mentioned requirements may also be found in the [ADP Information Notice 04-05](#).

E. PROCEDURES

1. Roles and Responsibilities in maintaining compliance under Title 42 CFR Part 54:
 - a. Written documentation of total number of referrals necessitated by religious objection to other alternative SUD providers and annual submission of the information to DHCS' Program Support and Grants Management Branch by e-mail at DHCSUDCharitableChoice@dhcs.ca.gov by October 1st. The annual submission shall contain all substantive information required by DHCS and be formatted in manner prescribed by DHCS.
2. The following chart defines HHSA staff responsibilities:

Staff Member	Responsibility
HHSA SUD Administrator	1. Identify religious providers prior to award of SUD Subcontract.
Yolo HHSA Quality Management	1. Monitor religious providers for compliance during Annual SUD Onsite Monitoring. 2. Maintain database for records of referrals due to beneficiary objection to religious nature of the program. 2. Submit referral information to DHCS annually by October 1 st .
Subcontracted SUD Providers	1. Any subcontracted provider identified as a religious organization shall ensure that program funds use shall be prohibited for support of any inherently religious activities, such as worship, religious instruction, or proselytization. Religious activities must be offered separately, in time or location, from the programs or services for which the organization receives funds from the State or local government, and participation must be voluntary for program beneficiaries. 2. Must notify beneficiaries of their right to be referred to an alternative program if they object to the religious nature of the program at intake. The notice must clearly articulate the program beneficiary's right to referral and to services. 3. Must have a referral process in place to reasonably accessible programs which includes a concurrent notice to the AOD Administrator and the funding of alternative services.

F. REFERENCES

1. 42 C.F.R. Part 54
2. ADP Information Notice 04-05

Approved by:



Karen Larsen, Director
Yolo County Health and Human Services Agency



Date

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

Purpose: This form is for applicants that are nonprofit private organizations (not including private universities). Please complete it to assist the Federal government in ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. Information provided on this form will not be considered in any way in making funding decisions.

1. Does the applicant have 501(c)(3) status?

Yes No

2. How many full-time equivalent employees does the applicant have?
(Check only one box).

3 or Fewer 15-50
 4-5 51-100
 6-14 over 100

3. What is the size of the applicant's annual budget? (Check only one box.)

Less Than \$150,000
 \$150,000 - \$299,999
 \$300,000 - \$499,999
 \$500,000 - \$999,999
 \$1,000,000 - \$4,999,999
 \$5,000,000 or more

4. Is the applicant a faith-based/religious organization?

Yes No

5. Is the applicant a non-religious community-based organization?

Yes No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

Yes No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

Yes No

8. Is the applicant a local affiliate of a national organization?

Yes No

Survey Instructions on Ensuring Equal Opportunity for Applicants

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money your organization spends each year on all of its activities.

4. Self-identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An “intermediary” is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory