



| BHS Policies and Procedures | |
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|  <p style="margin-top: 10px;">City and County of San Francisco Department of Public Health San Francisco Health Network BEHAVIORAL HEALTH SERVICES</p> | <p>1380 Howard Street, 5th Floor San Francisco, CA 94103 (628) 754-9500</p> |
| Policy or Procedure Title: Compliance with Charitable Choice Requirements | |
| <p>Issued By: DocuSigned by:  Maximilian Rocha, LCSW Director of Systems of Care</p> <p>Date: September 27, 2024</p> | <p>Manual Number: 3.03-17</p> <p>References: 42 CFR Part 54; 45 CFR 96.122; 42 USC 300x-65; SUBG Manual 1.2.4.6</p> |

Technical Revision. Replaces 3.03-17 of December 1, 2009. Last reviewed November 22, 2024.

Equity Statement: The San Francisco Department of Public Health, Behavioral Health Services (BHS) is committed to leading with race and prioritizing Intersectionality, including sex, gender identity, sexual orientation, age, class, nationality, language, and ability. BHS strives to move forward on the continuum of becoming an anti-racist institution through dismantling racism, building solidarity among racial groups, and working towards becoming a Trauma-Informed/Trauma Healing Organization in partnership with staff, members, communities, and our contractors. We are committed to ensuring that every policy or procedure, developed and implemented, leads with an equity, non-discriminatory, and anti-racist lens. Our policies will provide the highest quality of care for our diverse members. We are dedicated to ensuring that our providers are equipped to provide services that are responsive to our members’ needs and lived experiences.

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:
 In 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.

To comply with Title 42, Part 54, the State of California, Department of Alcohol and Drug programs requires counties to:

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

Scope: BHS Substance Use Disorder Programs

Policy:

BHS does not discriminate based on the member's religious preference nor a contracted provider's religious affiliation.

Procedure:

- A. All BHS contracts shall contain language prohibiting discrimination against individuals based upon religious preferences. All BHS contracts shall contain language prohibiting the use of funds for religious program content. (Refer to Contract Boilerplate: SUD-Required Language).
- B. Religious organizations shall be equally eligible for receipt of contracts through BHS and shall establish a referral process to a reasonably accessible program, or equivalent treatment modality for those members or members who may object to the religious nature of their program.
- C. The BHS referral and intake teams may ask the religious preference of each member before arranging referral to the most appropriate program. The member has the right to inform the care coordination team of their religious preferences (if any) during their initial request and prior to placement.
- D. All BHS contractors shall also notify members of their rights prohibiting discrimination and the right to be referred to another program if the member objects to the religious nature of their program at intake.
- E. Referral process
 - a. If the member expresses objection to a program, the member has the right to be transferred, in a timely manner that does not impact their treatment, to another program.
 - b. A referral process shall be developed by the contracted program and shall be monitored through the Business Office of Contract Compliance (BOCC) site visits to programs and the Substance Use Block Grant (SUBG) monitoring process. The referral process shall refer members, in a timely manner, to another program with treatment modalities or level of care that is most appropriate for the individual.
 - c. Programs may work with BHS Behavioral Health Access Center/Line (BHAC/BHAL) to refer the member to another program.
- F. Monitoring
 - a. BOCC will monitor religious providers for compliance with Part 54, including notification to members, DPH SUD program manager, BHAC, and California Department of Health Care Services (DHCS), and the program's referral policy and procedure, during annual site visits. (Refer to BOCC Expanded SUD SUBG Checklist).
- G. Reporting
 - a. Contractors are required to report any Part 54 referrals on a log that were made to the agency's assigned DPH SUD Program Manager with the subject line: Part 54 Referral.
 - b. DPH SUD Program Manager will receive the information from programs and add to an aggregated log to the County Alcohol and Drug Program Administrator annually for submission or upon

request.

c. Referral information will be submitted to the State annually.

Definitions:

- **Member:** any person receiving services at BHS.

Contact Person: SF County Alcohol and Other Drug (AOD) Administrator

Related Attachments:

- Contract Boilerplate: SUD-Required Language 10-02-23
- BOCC Expanded_SUD_SUBG_Checklist_FY23_24

Distribution:

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