

Substance Abuse Prevention & Faith-Based Providers

It should go without saying that it is against the ethical code of Idaho's Substance Abuse Prevention Program (SAPP) to discriminate against or treat differently any person based on their gender, race, age, political affiliation or religious beliefs. SAMHSA, the federal agency providing much of the prevention funding, requires that faith-based organizations delivering federally funded substance abuse prevention services notify participants at the beginning of services of their right to be referred to comparable services if they object to the religious character of the organization. The Federal Regulation, 42 CFR Parts 54 and 54a, and 45 CFR 96, 260 and 1050 outline additional requirements that are partially summarized in this document, however, for complete details on complying with the law as a faith-based organization, please review the attached document.

How do you know if your organization counts as faith-based?

Under federal guidelines, if an organization chooses to define itself as faith-based, it is. That said, for practicality and consistency in the Substance Abuse Prevention System, the following determinants are recommended:

- The service is located on the property of a religious organization,
- The fiscal agent is a religious organization or the business name reflects a recognized religious group or affiliation with such a group,
- The overarching purpose of the organization is based in the adherence to, education of or sharing of a specific faith/ religion.

If one or more of these fit, then it is reasonable for the provider to identify themselves as faith-based.

What does this mean for Idaho's substance abuse providers?

For those that do not designate themselves as faith-based, being aware of the issue and having the federal regulation available to educate your staff or the public should be sufficient.

For those that do consider themselves faith-based, they should read the Federal Regulation attached and follow the guidelines set forth therein. A summary of some of the guidelines are documented below.

A faith-based provider should:

- serve all participants without regard to religion, religious belief, refusal to hold a religious belief, or refusal to actively participate in a religious practice;
- ensure that referred clients' participation in religious activities, including worship, scripture study, prayer or proselytization, is only on a voluntary basis;
- notify participants of the religious nature of the organization, their right to be served without religious discrimination, their right not to take part in inherently religious activities, their right to request an alternative provider and the process for doing so. The Model Notice found in the attached regulation (or a reasonable representation of it) should be:
 - Read aloud to participants during the first session or visibly posted in the primary location where services are delivered,
 - Used to educate staff about the unacceptability of discrimination based on religion, and
 - Given to any participant who feels that they have been subjected to religious discrimination;
- segregate federal funds in a separate account to assure that these funds are used only for the funded purpose;
- ensure that federal funds are not expended on inherently religious activities.

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The SAMHSA Charitable Choice provisions require SAMHSA-funded religious organizations providing substance abuse services, public agencies that refer individuals to such SAMHSA-funded programs, and the appropriate Federal, State, or local governments that administer these SAMHSA-funded programs to ensure that notice is provided to beneficiaries and prospective beneficiaries regarding alternative services. It further requires the program participant to notify the responsible unit of government of all such referrals.

In addition, section 54.8(b) and 54a.8(b) of the regulation has been changed to add the word, “all” before “program beneficiaries” as follows:

Program participants, public agencies that refer individuals to designated programs, and the appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to all program beneficiaries or prospective program beneficiaries of their rights under this section. SAMHSA assumes that providers will be able to provide such notice when program beneficiaries can understand their rights—which may be at the outset of services. If you have questions about your status as a faith-based provider of services or would like assistance in implementing the required notification, please contact your regional manager.

Model Notice to Individuals Receiving Substance Abuse Services

No provider of substance abuse services receiving Federal funds from the U.S. Substance Abuse and Mental Health Services Administration, including this organization, may discriminate against you 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. If you object to the religious character of this organization, Federal law gives you the right to a referral to another provider of substance abuse services to which you have no religious objection. The referral, and your receipt of alternative services, must occur within a reasonable period of time after you request them. The alternative provider must be accessible to you and have the capacity to provide substance abuse services. The services provided to you by the alternative provider must be of a value not less than the value of the services you would have received from this organization.