




United Behavioral Health

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| Charitable Choice Organizations | | | Policy Identifier/Number: AD-23 |
| Annual Review Completed Date: February 2018 | | | |
| Policy Category: Government – Pierce Regional Support Network | Applicable Lines of Business: Medicaid | Entity/Plan: Optum Pierce Behavioral Health Organization | State: Pierce County, Washington |
| Approved by: Bea Dixon, Executive Director | | | Signature:  |

Policy Statement and Purpose

Optum Pierce BHO shall ensure that Faith Based Organizations (FBOs) are provided the same opportunities for funding when competing with traditional Substance Use Disorder (SUD) treatment providers.

The purpose of this policy is to describe the Optum Pierce BHO process which ensures that FBOs are provided opportunities to compete with traditional SUD treatment providers for funding.

Policy Audience and Applicability

This policy applies to the Substance Abuse Prevention and Treatment Block Grant (SABG); 42 USC 300x-65 and 45 CFR Section 54.

Policy Definitions

N/A

Policy Provisions

1. In accordance with 45 CFR Part 54, Optum Pierce BHO will ensure that Charitable Choice Requirements are followed and that FBOs are provided the same opportunities to compete with traditional SUD treatment providers for funding.
2. If a subcontractor is part of an FBO, the subcontractor may:
 - 2.1. Retain authority over its internal governance;
 - 2.2. Retain religious terms in its name;
 - 2.3. Select board members on a religious basis; and
 - 2.4. Include religious references in the mission statement and other governing documents; and

Optum is responsible for adhering to all applicable state and/or federal laws governing activities within the scope of this policy, including the Mental Health Parity and Addiction Equity Act (MHPAEA) and the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements, as well as the applicable requirements, standards and regulations as set forth by the Employee Retirement Income Security Act (ERISA), the Center for Medicare and Medicaid Services (CMS), the Department of Labor (DoL), and any applicable accrediting organizations.

- 2.5. Use space in its own facilities.
3. For subcontractors that are FBOs, the BHO must require the FBO to meet the requirements of *42 CFR Part 54* as follows:
 - 3.1. Individuals in services must be given a choice of providers;
 - 3.2. The FBO must facilitate a referral to an alternate provider within a reasonable time frame when requested by the recipient of services;
 - 3.3. The FBO must report to the BHO all referrals made to alternative providers;
 - 3.4. The FBO must provide recipients with a notice of their rights;
 - 3.5. The FBO provides recipients with a summary of services that includes any inherently religious activities; and
 - 3.6. Funds received from the Federal block grant must be segregated in a manner consistent with Federal regulations.
4. No funds may be expended for religious activities such as:
 - 4.1. Worship;
 - 4.2. Religious instruction; or
 - 4.3. Proselytization.
5. In delivering services, including outreach activities, SABG-funded religious organizations cannot discriminate against current or prospective program participants based upon:
 - 5.1. Religion;
 - 5.2. Religious belief;
 - 5.3. Refusal to hold a religious belief; or
 - 5.4. Refusal to actively participate in religious practice.
6. If the subcontractor is a religious organization, the subcontract must:
 - 6.1. Use generally accepted auditing and accounting principles to account for SABG funds similar to other nongovernmental organizations;
 - 6.2. Segregate Federal funds from non-Federal funds;
 - 6.3. Subject Federal funds to audits by the government; and
 - 6.4. Apply Charitable Choice requirements when other funds are commingled with SABG funds.

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| Related Policies, Procedures & Materials |
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N/A

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| Attachments |
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N/A

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| Approval History |
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- Policy created and effective: April 2016
- Operational Procedures and Standards Committee reviewed and accepted: 12/28/2016
- Optum Pierce BHO reviewed and accepted: January 2018