



United States Department of Agriculture  
Food and Nutrition Service

Western Region

Reply to FSP-2-General

April 10, 2006

Attn of: FSP – Administrative Notice 06-08

Subject: Policy Guidance for Drug and Alcohol Treatment Centers

To: ALL WESTERN REGION FOOD STAMP PROGRAM COORDINATORS

As a follow-up to information previously sent to State Food Stamp directors over the past months and weeks, this is to reiterate guidance on Food Stamp Program (FSP) policy for drug and or alcohol (DAA) treatment centers and rehabilitation programs for individuals residing in faith-based (FBO) and community-based (CBO) DAA centers.

The regulations at 7 CFR 273.11(e), *Residents of drug and alcohol treatment and rehabilitation programs*, provide rules for individuals residing in DAA treatment centers. These rules include guidance regarding household composition, authorized representatives, and using the Food Stamp EBT cards. The recent FNS memo on FBO and CBO treatment centers found at <http://www.fns.usda.gov/fsp/rules/Memo/06/030806.pdf> did not change any of the rules for DAA centers. Rather, the memo provides clarification for one single exception; what kinds of DAA centers are acceptable for certifying residents.

As noted in 7 CFR 273.11(e), prior to certifying *any* DAA residents for food stamps, the State agency must verify that either:

The DAA center is authorized by FNS as a retailer in accordance with §278.1(e), **or**

The DAA center comes under part B of title XIX of the Public Health Service Act, 42 U.S.C. 300x *et seq.*, (as defined in "Drug addiction or alcoholic treatment and rehabilitation program" in 7 CFR 271.2).

It is with this second criterion that FNS has provided additional guidance. If the DAA center meets the first criterion, having been authorized as a retailer, the State food stamp agency may rely on verification from FNS. If the DAA center is not an authorized retailer the State food stamp agency must verify that the center meets the second criteria; the title XIX part. The DAA center must provide evidence that it is:

- (a) Tax exempt; **and**,
- (b) Certified by the State agency responsible for the treatment and rehabilitation of drug addicts or alcoholics (the State Title XIX Agency) as;
  - (i) **Receiving** funding under part B of title XIX; **or**
  - (ii) **Eligible to receive** funding under part B of title XIX even if no funds are being received **or**
  - (iii) **Operating to further the purposes of Part B of title XIX**, to provide treatment and rehabilitation of drug addicts and/or alcoholics.

The State food stamp agency may verify that the DAA center meets (i), (ii), or (iii) by viewing documentation issued by the State Title XIX agency confirming which criteria is met. The State Title XIX agency documentation can include any one of the following:

- a) a simple letter acknowledging that the facility is operating for the purpose of Part B of title XIX, to provide treatment and rehabilitation of drug addicts and/or alcoholics,
- b) a license, or
- c) other certification documentation.

If the DAA center cannot provide the State Title XIX documentation, the State food stamp agency must facilitate contact between the DAA center and the State Title XIX agency. As long as the DAA facility is recognized by the State's Title XIX agency as furthering the purpose of rehabilitating drug addicts and/or alcoholics and documentation is provided, the residents meet the criteria. We believe this policy of recognition, without requiring licensing, is equitable and consistent with objectives and regulations calling for the equal treatment of FBO and CBO organizations.

FNS strongly encourages State food stamp agencies and State Title XIX agencies to work together. The link to the Substance Abuse and Mental Health Services Administration website, which lists the State Title XIX agencies, is found at: <http://findtreatment.samhsa.gov/ufds/abusedirectors>.

State agencies should also maintain lists of DAA centers that meet the standards for certification. Maintaining lists will ensure FBO and CBO DAA centers do not have additional burdens imposed on their residents who seek food assistance. Should a State food stamp agency require further assistance in working with the Title XIX agency, states may also contact the FNS regional office for assistance.

Finally, while Federal law prohibits direct funding of inherently religious activities, it is important to note that faith-based treatment and rehabilitation facilities are not required by law or FNS regulations to allow residents to opt-out of religious programming or activities in order to participate in the Food Stamp Program.

Participation in the Food Stamp Program does not amount to direct funding of inherently religious activities. The food stamps are a benefit to the resident of the DAA facility, and are thus considered indirect funding. When Federal funding is indirect, as in the Food Stamp Program, the facility may incorporate inherently religious activities into its program and require food stamp beneficiaries to participate in such activities. The facility does not have to make their inherently religious activities voluntary.

If you have questions, please contact your State Program Officer.



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