

DEPARTMENT OF SOCIAL SERVICES

144 P Street, Sacramento, California 95814



May 30, 1996

ALL COUNTY INFORMATION NOTICE NO.
I-29-96

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

- State Law Change
 Federal Law Change
 Court Order or Settlement Agreement
 Clarification Requested by One or More Counties
 Initiated by CDSS

SUBJECT: RESIDENTIAL ALCOHOL AND DRUG TREATMENT PROGRAMS/
CENTERS - REQUEST TO RECEIVE FOOD STAMPS

REFERENCE: MANUAL SECTION 63-503.472(a)

The purpose of this notice is to advise County Welfare Departments (CWDs) of a change in procedures used to approve residential alcohol and drug treatment program/centers (will herein be referred to as a center) to receive food stamps on behalf of the residents as their authorized representative. This change is a result of a joint effort by the State Department of Alcohol and Drug Program (ADP) and the California Department of Social Services.

Manual Section (M.S.) 63-503.472(a), requires that prior to certifying any residents for food stamps, the CWD shall verify that the center providing the treatment program is authorized by Food and Consumer Services (FCS) as a retailer, or meets the eligibility criteria to receive funding under Part B of Title XIX of the Public Health Service Act (42 USC 300x et seq.) as shown by the possession of the State Department of Alcohol and Drug Program documents.

PRIOR PROCEDURESLicensed Programs

Non-profit ADP licensed alcoholism or drug abuse recovery or treatment programs seeking approval to receive food stamps on behalf of their residents were required to use the Form ADP-170, "Certification for Food Stamps." The center completed part one, the County ADP Administrator completed part two, the State ADP completed part three, then forwarded the signed ADP-170 to the treatment center. The center then provided the signed ADP-170 to the CWD.

Programs Not Meeting Licensure Requirements

Those residential programs not meeting ADP licensure requirements, were required to request the ADP-170 from the State ADP and complete part one. The County ADP Administrator completed part two, reviewed the documentation provided by the center, then conducted a site visit (procedures varied depending upon the County Administrator). The State ADP completed part three, then forwarded the signed ADP-170 to the center. The center provided the signed ADP-170 to the CWD.

NEW PROCEDURES

Licensed Programs

The ADP-170 will no longer be used. Non-profit ADP licensed alcoholism or drug abuse recovery or treatment program representatives will provide a copy of their current license to the CWD in accordance with Manual Section 63-503.472(a). The CWD may call the State ADP, Licensing and Certification Branch at (916) 322-2911 for the current status on licensed residential centers. Enclosed is a "Question and Answer" document prepared by State ADP regarding licensure.

Programs Not Meeting Licensure Requirements

For residential programs not meeting ADP licensure requirements, a revised ADP-170, "**Request to Receive Food Stamps**," will be used. This form (enclosed) is now a two-part document and will be provided by County ADP Administrators. The center completes the first part and the County ADP Administrator will complete the second part and forward the signed ADP-170 (if approved) to the center. The State ADP will no longer be involved in the process. The center will provide a copy of the signed ADP-170 to the CWD in accordance with Manual Section 63-503.472(a). Inquiries regarding centers not subject to licensure requirements are to be directed to the County ADP Administrator (contact list enclosed).

The change in procedures is **effective immediately**. The new procedures will streamline the process and should shorten the time between the request by the center and the determination of eligibility by the CWD.

If you have questions regarding this notice, they may be directed to Debbie Hudson of the Food Stamp Program Bureau at (916) 654-1903.



BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Enclosures

CALIFORNIA COUNTY DESIGNATED ALCOHOL AND DRUG PROGRAM ADMINISTRATORS

<u>COUNTY</u>	<u>PHONE</u>	<u>ADMINISTRATOR</u>
ALAMEDA	(510) 567-8100	Marye L. Thomas, M.D.
ALPINE	(916) 694-2146	Frank Jacobelli
AMADOR	(209) 223-6407	Tracy Russell
BUTTE	(916) 891-2850	Ron Erickson
CALAVERAS	(209) 754-6555	Diane Van Overloop-McNown
COLUSA	(916) 458-5806	Kenneth R. Fleming
CONTRA COSTA	(510) 313-6350	Chuck Deutschman
DEL NORTE	(707) 464-7224	Michael F. Miller
EL DORADO	(916) 621-6191	Gayle Erbe-Hamlin
FRESNO	(209) 445-3272	James V. Kirby, II
GLENN	(916) 934-6582	Michael Cassetta
HUMBOLDT	(707) 445-7300	Linda Hartman
IMPERIAL	(619) 353-0763	Warren Sherlock
INYO	(619) 873-5888	Jean Dickinson
KERN	(805) 334-8162	Terry Robinson
KINGS	(209) 582-3211 EX 2380	Kathleen A. Richter
LAKE	(707) 263-8929	Robert Erickson
LASSEN	(916) 251-8112	Michael Beard
LOS ANGELES	(213) 744-6516	Patrick Ogawa
MADERA	(209) 675-7925	Janice Melton
MARIN	(415) 899-8660	Joe Mazza
MARIPOSA	(209) 966-2131	Tom Archer
MENDOCINO	(707) 463-5672	Ned Walsh
MERCED	(209) 725-3678	Troy Dean Fox
MODOC	(916) 233-6319	Robert C. Gillaspie
MONO	(619) 934-8221	Alma Lones
MONTEREY	(408) 755-4509	Robert C. Egnaw
NAPA	(707) 253-4739	Jim Featherstone
NEVADA	(916) 265-1437	Diane Chenoweth
ORANGE	(714) 834-6032	Timothy P. Mullins
PLACER	(916) 889-7258	C. B. Bautista
PLUMAS	(916) 283-6316	Lloyd Crawford, Ph.D.
RIVERSIDE	(909) 358-4501	John J. Ryan
SACRAMENTO	(916) 366-2736	Laurence R. Valterza
SAN BENITO	(408) 637-5594	Joseph Pendry
SAN BERNARDINO	(909) 387-7688	Robert Hillis
SAN DIEGO	(916) 692-5727	Al Medina
SAN FRANCISCO	(415) 255-3500	Larry Meredith, Ph.D.
SAN JOAQUIN	(209) 468-6848	George Feicht
SAN LUIS OBISPO	(805) 781-4280 Alcohol	Paul Hyman
	(805) 781-4753 Drug	William D. Hallum
SAN MATEO	(415) 802-6400	Stuart Oppenheim
SANTA BARBARA	(805) 681-5440	Victor Kogler
SANTA CLARA	(408) 299-6141	Robert Garner
SANTA CRUZ	(408) 454-4050	William F. Manov, Ph.D.
SHASTA	(916) 225-5900	Jim Broderick, Ph.D.
SIERRA	(916) 993-6720	Klaus Ludwig
SISKIYOU	(916) 842-8190	Terrence Munn, Ph.D.
SOLANO	(707) 421-6615	Moria Sullivan
SONOMA	(707) 527-3110	Gino Giannavola
STANISLAUS	(209) 525-6225	Robert H. Allaire
SUTTER-YUBA	(916) 741-7200	Edmund C. Smith
TEHAMA	(916) 527-8491 EX 3055	Carl Havener
TRINITY	(916) 623-1362	Donald Williams, Ph.D.
TULARE	(209) 685-6528	Ronald W. Probasco
TUOLUMNE	(209) 533-5775	Joseph k. Mitchell
VENTURA	(805) 658-4200	Stephen G. Kaplan
YOLO	(916) 666-8650	Joan Parnas

Licensing of Alcoholism or Drug Abuse Recovery or Treatment Facilities:

The Most Frequently Asked Questions

What is the process for licensing a facility?

Prospective residential facilities that plan to provide nonmedical alcoholism or drug abuse recovery, treatment, or detoxification services to adults need to contact the Department of Alcohol and Drug Programs (ADP) - Licensing and Certification Branch at (916) 322-2911 to request a license application. Prior to initial licensure, the applicant must complete a written application, submit an approved fire clearance from the local fire authority, pay all applicable license fees (nonprofit entities are exempt from paying licensing fees), and pass a facility site inspection by the Department of Alcohol and Drug Programs to determine compliance with all applicable laws and regulations. When the facility has been found to be in compliance ADP will then issue a license valid for two years.

What constitutes a "program" for purposes of determining the need for a license?

Section 10501(a)(6)¹ of Title 9, California Code of Regulations (CCR), defines a program as providing one or more of the following services within a residential setting:

- detoxification
- individual or group counseling sessions
- educational counseling
- treatment or recovery planning.

What program areas are addressed by licensure?

The licensing application process includes a thorough review of the facility's program in the following areas: fire clearance, water supply clearance, plan of operation [including compliance with the Americans' with Disabilities Act], capacity determination, reporting requirements, personnel requirements, personnel records, admission agreements, health screening, resident records, personal rights, telephones, transportation, health-related services, food service, activities, building and grounds, outdoor and indoor activity space, storage space, and fixtures, furniture, equipment, and supplies.

¹ Section 10501(a)(6) - "Alcoholism or Drug Abuse Recovery or Treatment Service" means a service which is designed to promote treatment and maintain recovery from alcohol or drug problems which includes one or more of the following: detoxification, group sessions, individual sessions, educational sessions, and recovery or treatment planning." [Under the general provisions of Section 10500, the preceding definition specifically describes services which are provided within "facilities" licensed under Chapter 7.5 of Part 2 of Division 10.5 of the Health and Safety Code. As defined in Section 10501, "facilities" provide residential-based services.]

What facilities do not require licensure by ADP?

Facilities which provide a cooperative living arrangement (sometimes referred to as a sober living environment or alcohol and drug free housing) for persons recovering from alcoholism or alcohol and/or drug abuse in which the residents govern themselves, and which do not provide any of the services specified above, do not require licensure. In addition, facilities which use primarily religious practices to recover from alcoholism or drug abuse may not require licensure. Also, facilities with licenses or approval from other departments (Department of Social Services, Department of Health Services, Chemical Dependency Hospitals, and Community Correctional Centers {facilities housing prisoners under Section 6250 of the Penal Code}) are not required to obtain additional licensure from ADP.

It is important to note while sober living environments or alcohol or drug free housing are not required to be licensed by ADP, they may require business permits or clearances from the local city or county in which the houses are located.

What role do local governments play in the licensing process?

ADP is the sole licensing authority for residential nonmedical alcoholism or drug abuse recovery or treatment facilities. Local officials are involved in zoning of property for commercial or residential use and issuance of use permits and business licenses.

Facilities providing services to six or fewer people are exempt from local ordinances (not exempt from ADP licensure) and other restrictions, under State Health & Safety Code Section 11834.23². Under Section 11834.23, the smaller facility (six or fewer residents) operator can be treated no differently than would a family occupying a single-family home.

Local fire safety inspectors (or a representative from the State Fire Marshal's Office) conduct site visits in every facility applying for licensure to determine compliance with fire safety regulations. Although ADP may issue a license without regard to a conditional use permit, no license can be issued without an appropriate fire safety clearance. Facilities utilizing central food service may also be subject to special permits issued through the local health department.

2 Section 11834.23—"Whether or not unrelated persons are living together, an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinances which relates to the residential use of property pursuant to this article.... No conditional use permit, zoning variance, or other zoning clearance shall be required of an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons that is not required of a single-family residence in the same zone..."

R EQUEST TO RECEIVE FOOD STAMP
ALCOHOL AND DRUG TREATMENT PROGRAMS
(For Facilities Not Licensed By The Department of Alcohol and Drug Programs)
 (See Reverse for Complete Instructions)

APPLICANT COMPLETES THIS PART
 (Each facility within the same organization must apply separately)

LEGAL NAME OF CORPORATION: _____

DIRECTOR'S NAME: _____

NAME OF PROGRAM: _____

ADDRESS OF FACILITY: _____

MAILING ADDRESS: _____

Has this facility ever applied for a license? _____

If yes, when: _____

Did that facility have another name? _____

If so what: _____

Maximum number of residents receiving treatment services at any time: _____

I am requesting approval to receive food stamps as provided by Federal Food Stamp regulations § 7CFR 273.11(e)(1). I certify that I have been designated to act as an authorized representative on behalf of the residents in the above named facility and that these residents participate in a program that meets the definition of a drug addiction or alcoholic treatment and rehabilitation program under Part B of Title 19 of the Public Health Services Act (42 U.S.C. Section 300x).

I understand that, if this program fails to meet the requirements of Part B, Title 19, I will not be eligible to receive Food Stamp benefits on behalf of the residents.

I have attached a description of our program and services.

I understand that no person shall because of race, color, national origin, political affiliation, religion, martial status, sex, age or disability be excluded from participation in, or denied benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

I declare under penalty of perjury, under laws of the United States of America and the State of California that the information provided is true, correct, and complete.

(Signature of applicant) _____ (Date) _____

(Applicant's address) _____

(Phone) () _____

COUNTY ALCOHOL OR DRUG PROGRAM ADMINISTRATOR COMPLETES THIS PART

I, or my designee, have visited the above facility and it is my belief that it is (or is within) a nonprofit organization providing residential treatment that can lead to the rehabilitation of drug addicts or alcoholics and therefore meets the funding requirements under Part B of Title 19 of the Public Health Services Act (42 U.S.C. Section 300x).

_____ County _____ Date _____
 Alcohol or Drug Program Administrator

Should the facility cease to meet the above requirements, the County Alcohol or Drug Program Administrator must immediately inform the Food and Consumer Service and the County Welfare Department.

INSTRUCTIONS FOR COMPLETING

1. Residential alcohol and drug treatment and rehabilitation programs requesting to receive food stamps on behalf of their residents, must complete and sign the first section. A description of the program and services **MUST BE ATTACHED**.
2. The residential alcohol and drug treatment and rehabilitation program must mail the form to the County Alcohol and/or Drug Program Administrator. Check your local telephone directory or phone the Department of Alcohol and Drug Programs - Licensing and Certification Branch at (916) 322-2911 and ask to speak to the Officer-of-the-Day. The officer will provide you with the name and address of your local County Alcohol and/or Drug Program Administrator. Please specify the county in which your residential alcohol and drug treatment and rehabilitation program is located.
3. The County Alcohol and/or Drug Program Administrator or designee will review your request and if the residential alcohol and drug treatment and rehabilitation program meets the criteria stated (Under Part B of Title 19 the Public Health Services Act - 42 U.S.C. Section 300x), the administrator or designee will sign. It is important to note, if the residential alcohol and drug treatment and rehabilitation program does not meet the criteria, the County Administrator or designee will deny the request.
4. A copy of the signed requests to receive food stamps will be returned to the residential alcohol and drug treatment and rehabilitation program. It is the responsibility of the residential alcohol and drug treatment and rehabilitation program to take the completed form to the local County Welfare Department to receive food stamps on behalf of their residents.

IT IS IMPORTANT TO NOTE - ADP LICENSED FACILITIES ARE NOT REQUIRED TO COMPLETE THIS FORM