

Revised 4/26/21

## **Frequently Asked Questions Regarding the Substance Abuse Determination Process for People Approved for FEP or FEP-TP**

### **Introduction**

The Substance Abuse Determination Process was developed after the HB 155 “Drug Screening for Temporary Assistance for Needy Families (TANF) Recipients” law passed in 2012. Adjustments were made to the process when HB 172 amendments passed in 2016. The goal of this legislation is to help recipients identify potential substance abuse issues and receive treatment and resources to help resolve them. Any individual approved for FEP or FEP-TP after August 1, 2012 is required to participate in this process. If an application to add a new household member to an existing FEP or FEP-TP case is received, the household will be evaluated to determine if that new household member needs to comply with the new requirements.

Q: What does “Substance Abuse Determination Process” mean?

A: This is the official title of the entire process that FEP and FEP-TP customers must comply with for drug testing requirements within the Family Employment Program (FEP) and Family Employment Program Two-Parent Program (FEP-TP).

Q: What programs will this affect?

A: The Substance Abuse Screening Questionnaire, Substance Abuse Evaluation, Department-required random drug tests, required substance abuse treatment and other aspects of the Substance Abuse Determination Processes affect the Family Employment Program (FEP) single-parent and Family Employment Program Two-Parent (FEP-TP) families. If a currently open FEP or FEP-TP program is closed for more than 30 calendar days, the household will be subject to this requirement when financial assistance benefits are issued to the family. Also, if a customer is in substance abuse treatment as a part of the Substance Abuse Determination Process and the FEP/FEP-TP closes for income and the customer transitions into the Transitional Cash Assistance (TCA) program, the customer is still required to comply with their treatment and other requirements. Speak with your employment counselor for any additional information regarding Transitional Cash Assistance requirements.

## Revised 4/26/21

Q: Define “Reasonable Likelihood.”

A: This is determined by the questionnaire when someone is determined to have a high probability of a substance use disorder involving the misuse of a controlled substance.

Q: Will this process keep a person from being eligible for FEP or FEP-TP?

A: The Substance Abuse Screening Questionnaire, Substance Abuse Evaluation, and department-required drug tests will not be administered until after an individual is opened for FEP or FEP-TP. The Substance Abuse Determination Process helps families by providing substance abuse treatment and additional resources with the intention of assisting customers towards the goal of obtaining and maintaining employment.

Q: Who will have access to the results of the substance abuse questionnaire and drug tests?

A: A DWS Licensed Clinical Therapist (LCT) will receive the results and determine any next steps with the customer, including substance abuse treatment referral and customer sanctions when a customer is in non-compliance with the process. Drug testing results will not be shared or distributed outside of DWS for external use. The security of this information and customer confidentiality is important to DWS.

Q: What is a “Substance Abuse Screening Questionnaire?”

A: This is the questionnaire that all FEP and FEP-TP customers must take after being approved for FEP or FEP-TP to determine if they have a reasonable likelihood of a substance use disorder. This questionnaire that customers will be taking is also known as the Substance Abuse Subtle Screening Inventory (SASSI.) Results of the questionnaire do not affect eligibility for FEP or FEP-TP programs. If a customer has taken the SASSI within the past six months, the department will use the previous results to determine whether the customer must take a department-required random drug test. A Licensed Clinical Therapist (LCT) or an employment counselor will be available to assist customers taking the questionnaire and can help with any questions the customer may have. The questionnaire should not take longer than 30 minutes and must be taken by 4 p.m. in a DWS employment center to ensure the customer completes the questionnaire before the office closes. The LCT can accommodate customers with any language barriers, concerns or disabilities in order to complete the questionnaire. If you are required to complete a questionnaire, please bring proper photo identification to the employment center so staff can identify you for taking the questionnaire.

## Revised 4/26/21

Q: If a person approved for FEP or FEP-TP programs tests positive or doesn't follow through with substance abuse treatment, what happens next?

A: Those who test positive for their initial drug test will be required to meet with an LCT for an evaluation appointment to assess and determine appropriate course for treatment lasting a minimum of 60 days as part of their participation in the program. Children are not allowed to attend this appointment. Substance abuse treatment will be monitored weekly by an LCT and is based upon current substance abuse treatment practices and random urinalysis (UA's). This substance abuse treatment is part of participation in the FEP or FEP-TP programs but does not preclude participation in other employment-related activities. Not completing the substance abuse questionnaire, not completing any department-required drug test, not attending a required LCT evaluation appointment, testing positive on any subsequent required drug tests or not attending or completing required substance abuse treatment will make an individual ineligible for FEP or FEP-TP and will result in a non-compliance sanction. Those sanctioned will be ineligible for 3 months after a first occurrence or for 12 months if there is a second occurrence within one year of the start of the first non-compliance sanction.

Q: Explain a "Non-Compliance" (NC) sanction.

A: This is the type of sanction created when a FEP or FEP-TP customer is sanctioned as part of the Substance Abuse Determination Process. If your FEP case is sanctioned for non-compliance, you will be ineligible for three months after the first occurrence or for one year if there is a second occurrence within one year of the start of the first non-compliance sanction.

A non-compliance sanction would apply to the entire household, even if only one customer has not complied with the process. A parent can receive a non-compliance sanction during this process for the following reasons:

- Not completing the substance abuse questionnaire
- Not completing any department-required drug test
- Not attending the LCT Substance Abuse evaluation appointment
- Testing positive on any subsequent required drug test
- Not attending or completing required substance abuse treatment

EXAMPLE: Shirley does not comply with her treatment requirements and is sanctioned for noncompliance (NC). This is her first NC occurrence within the past year and she is sanctioned for three months: September, October and November 2020. She applies for FEP again in June 2021 and the result of her questionnaire indicates "Reasonable Likelihood," which she takes

## Revised 4/26/21

after her case opens in July 2021. She then fails to complete her initial required random drug test. Since Shirley has been sanctioned within the past year, this is her second NC occurrence and she will be now be sanctioned for one full year. Her second sanction begins August 2021 and she will not be eligible again until August 2022.

Q: If the result of my questionnaire results in “Reasonable Likelihood” and I am scheduled an appointment to meet with an LCT for an evaluation, can I bring my children to the appointment?

A: No, children are not allowed to attend the evaluation appointment with an LCT. Please prepare for and discuss any childcare needs with your employment counselor prior to the appointment to avoid a noncompliance sanction.

Q: What if I have a sick child or no childcare available to follow through with the Substance Abuse Determination Process?

A: To maintain the integrity of this process and the department-required random drug testing, it is important that customers required to follow through with this process ensure there is sufficient childcare in place in advance and have a childcare back-up plan in order to meet all requirements within the process. This is to include making sure that you are able to meet for a required LCT appointment or attend a department-required random drug test on the actual dates required. Discuss any questions or issues about your childcare needs and back-up plans with your employment counselor well in advance to avoid issues with meeting all drug testing requirements.

Q: What happens if my car breaks down on the day I'm required to meet for my LCT evaluation appointment or to take a department-required random drug test?

A: Customers are responsible to have back-up plans for transportation issues and to discuss any concerns with their employment counselor up front to ensure they do not miss attending these appointments and are able to follow through with any requirements of the Substance Abuse Determination Process, as not doing so will likely result in a non-compliance sanction. Similar to some drug testing job requirements to be hired or drug court requirements for drug testing, a broken down car will not be enough reason to avoid a non-compliance sanction for not taking the test when required. Be sure to speak with your employment counselor about any questions regarding transportation concerns or issues.

**Revised 4/26/21**

Q: If a customer gets a full-time job working 40 hours per week and is also currently participating in required substance abuse treatment as part of the Substance Abuse Determination Process, would that customer be exempt from treatment because the customer is now working full-time?

A: No. All customers must continue to follow through with the Substance Abuse Determination Process requirements while on the FEP or FEP-TP program, even if they are employed. Non-compliance will lead to a possible sanction.

Q: How will customers be educated on this process?

A: Customers who are required to follow through with this process will review requirements of the Substance Abuse Determination Process during the application process by reviewing an orientation video and signing a program agreement. Requirements of this process may also be added to the employment plan they sign with their employment counselor. An FEP brochure is available in employment centers throughout the state of Utah with information on this process and customers will be educated and assisted by their assigned employment counselor or LCT with whom they can discuss any questions or concerns.