Subject: Child and Adult Care Food Program (CACFP) Policy Memoranda

To: STATE AGENCY DIRECTORS (Special Nutrition Programs) - Colorado DH, Iowa, Kansas, Missouri DH, Montana DHES, Nebraska ED, North Dakota, South Dakota, Utah and Wyoming ED

For your information, attached is a list of policy questions and answers on the CACFP that we have compiled based on questions raised by State Agencies.

We will periodically review our files and issue a question and answer policy memorandum of this kind. We will continue to transmit any National policies as the need arises.

Ann C. Hector
ANN C. HECTOR
Regional Director
Special Nutrition Programs

Attachment
Q. Is imitation crab meat creditable?
A. Yes, in part. If the label states the product is all fish (chopped), the 75 percent yield factor can be used. If the product is not all fish, the percent of fish needs to be determined and then the 75 percent yield factor applied.

Q. Is lactose reduced milk creditable?
A. Lactose reduced milk may be served if it meets State and local standards for fluid milk.

Q. Is commercial Stove Top Stuffing creditable?
A. The State Agency (SA) should use its best judgement in determining creditability since the Food Buying Guide only lists "stuffing". If there is any doubt, the product specifications need to be obtained and then a determination made.

Q. Is canned goat’s milk acceptable for the Infant meal pattern?
A. If State and local standards define goat’s milk as whole pasteurized unflavored fluid milk, then it is acceptable.

Q. Wheat germ by itself is not creditable; however, if it is the predominant ingredient in a cookie, can the cookie be a creditable snack item?
A. No. Whole grain or enriched meal or flour has to be the predominant ingredient by weight for the food item to be creditable. Therefore, wheat germ would not count as the predominant ingredient.

Q. Can breast milk be from a milk bank, or must it be from the mother?
A. Breast milk from a milk bank is acceptable. We do not get involved as to the source of the milk as long as it is provided by the mother.

Q. Are egg rolls creditable?
A. Yes, egg rolls are creditable as a bread/bread alternate, provided the wrapper weighs 25 grams.
If a parent wants her baby to have a specific infant formula that is much more expensive than a regular formula, does the provider have to provide it?

A. We do not believe a provider should be required to purchase excessive costing formula because of a parent’s preference. One option would be for the parent to pay the difference between the regular priced formula and the higher priced one.

Q. If a doctor recommends whole milk for an infant age 6-7 months, is this a reimbursable meal?

A. Yes, the meal is reimbursable because of medical or dietary reasons. However, the doctor’s supporting statement must be on file.

Q. Can nonfat dry milk that has been on the shelf for some time be used without boiling it (not used to meet the meal pattern but for "other")?

A. Nonfat dry milk is a pasteurized milk product. Unless the product has been mishandled after opening and gotten contaminated, it should not need boiling.

Q. Can Adult Day Care (ADC) centers that contract for meals with nursing homes participate in the CACFP if the nursing homes also receive commodities as charitable institutions (CIs)?

A. ADC centers can purchase meals from institutions receiving commodities as CIs and can participate in the CACFP as long as:

1. The ADC centers follow the procedures in the CACFP regulations on Food Service Management Companies and Procurement Standards in contracting with the nursing homes.

2. The CI is made aware that any meals served or sold to the ADC center do not count in the CIs meal counts since their entitlement is figured on the number of meals served to needy persons.

Q. Can a nonprofit sponsoring organization (SO) of family day care homes (FDCHs) sponsor ADC centers? Also, since the SO would not get administrative funds to administer the program for centers, could they charge a fee for their services?

A. Based on the definition of a SO in the regulations, a nonprofit SO of FDCHs could sponsor ADC centers. An amount could be charged for their services since this is allowable for child care centers and would also apply to ADC centers as well.
Q. A group of adults (under 60 years of age) either retarded or mentally handicapped live in group homes but go to ADC centers during the day. Are these individuals eligible for ADC benefits under the CACFP?

A. Yes, if these individuals are living in a group home, are primarily responsible for their own care but may receive on-site monitoring, they are eligible for the Program.

Q. A SO operates Head Start and FDCH homes. Some of the children go to Head Start in the morning and then to one of the FDCH providers in the afternoon. Can a lunch and a snack be claimed at each location when the sponsor has knowledge that the same children are eating at both locations?

A. No, the meals cannot be claimed at each location since the sponsor administers both Programs and knows which meals are being claimed for the children. They would be claiming the child twice for the same meal.

On the claim form, to complete "children enrolled", should all children in the day care homes be included even if a home did not submit a claim for the month?

A. Yes, enrolled children in all homes are to be included.

Q. Can a FDCH provider claim meals that she prepares but takes out for a picnic?

A. Yes, provided the meal meets the quantity and component requirements.

Q. Can a SA pay claims for reimbursement that are submitted by a datafax machine? If so, does a copy of the claim need to be mailed in as an original?

A. It would depend on the State’s general accounting policy. If a State’s accounting system allows payment of claims from a datafax copy, then we would agree with State policy. Section 226.10(d) and Section 226.15(e) specifies that the original and supporting records to the claim must be retained for a period of three years. Therefore, if a datafax copy is used for payment, the original claim must be easily retrieved.

Q. With regard to claiming provider’s own children, Section 226.18 (e)(2) indicates nonresident children must be present and participating in the child care program. What is meant by participating?

A. Participating means nonresident children are participating in the meal service and the provider is claiming reimbursement for the nonresident children.
In determining the 25 percent eligibility requirement for a proprietary Title XX center, can children be counted toward meeting the 25 percent criteria if they are Title XX eligible but the Title XX funds are not received by the center?

A. No, CCFP regulations allow proprietary institutions to claim reimbursement for only those months in which at least 25 percent of the enrolled children were Title XX beneficiaries. Therefore, the Title XX funds must be received by the center.

Q. To determine the 25 percent eligibility requirement of enrolled children in a Proprietary Title XX center, how is enrollment determined when there are outside-school-hours children in attendance?

A. The total enrollment means all children enrolled in the center.

Q. Does USDA have a limit on the length of time of a repayment schedule that a SA may agree to in order to collect an overclaim in the CACFP?

A. While there is no regulatory requirement in this matter, we recommend that SAs collect overclaims in a period of 12 months or less. In extreme circumstances, a repayment schedule might be extended as long as 36 months.

Q. Does a free and reduced-price application have to be complete, i.e., did not contain a signature, before it can be approved?

A. Yes, a complete application is needed before a determination of eligibility can be made.

Q. Even though one person signs the application materials and claim forms on behalf of an Institution, who is ultimately responsible in the case of errors?

A. The administering agency is ultimately responsible for the operations and financial matters of the Program.

Q. Can a center accept donations of food?

A. This should be determined by the appropriate State or local health department.
Q. If a State has an alternate approval system, is it mandatory to have health and fire inspection approvals?

A. Yes, without the necessary health and fire inspection approvals, a facility would not meet the prerequisite of being licensed/approved and would not be able to participate in the CACFP.