CACFP-653

Subject: Child and Adult Care Food Program (CACFP) Question and Answers (Q&As)

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

For your information, attached is a list of policy Q&As on the CACFP that we have compiled based on questions raised by state agencies since our last Q&A memorandum, CACFP-641, issued April 5, 2001.

As you know, we periodically review questions asked by state agencies and issue a Q&A policy memorandum such as this. We will continue to transmit any National policies as the need arises.

If you have any questions, please contact our office.

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Child Nutrition Programs

Attachment
CHILDF AND ADULT CARE FOOD PROGRAM (CACFP) QUESTIONS & ANSWERS
August 2001

Adult Day Care

#1. Q. An adult day care center is in the same building as a residential assisted living facility. It is also owned by the same individual. Most of the residents are enrolled and attend the adult day care center. Is it acceptable for this adult day care center to participate in the CACFP and claim meals for those in attendance who are also residents of the same building?

A. Yes, as long as the residents are free to come and go as they please.

Monitoring

#2. Q. An independent center is approved to participate in the CACFP but never submits a claim. Is it still considered a part of the pool of the total approved institutions when applying the percentage of institutions to be reviewed each year?

A. Yes.

#3. Q. When a state agency (SA) or sponsoring organization (SO) conducts a review and finds a problem that triggers an overclaim, how far must the overclaim be taken?

A. Back to the point the error occurred.

#4. Q. The Agriculture Risk Protection Act (ARPA) refers to scheduled “visits.” Is this in addition to the regular monitoring reviews that are scheduled by both SAs and SOs?

A. No. The words scheduled visits and monitoring reviews are used synonymously.

#5. Q. ARPA in effect changes the review cycle from 4 years to 3 years. What does this mean?

A. It was the intent with the issuance of CACFP-628 that the monitoring cycle would change from 4 years to 3 years effective October 1, 2000. Since SAs had been required to conduct reviews of one-third of their
institutions each year anyway, FNS did not believe it would have a huge impact on SAs to make this change.

#6. Q. Must SOs of affiliated centers be reviewed by the SA to determine that no more than 15% of the reimbursement is going for administrative activities?

A. ARPA does not distinguish between affiliated centers and unaffiliated centers regarding this requirement; therefore, all SOs of centers must meet the requirement, not just those that are unaffiliated.

National Listing of Seriously Deficient Providers
(Note: The answers shown here are subject to change with the publication of the Interim Rule.)

#7. Q. Once a family day care home (FDCH) provider has been declared seriously deficient and terminated for cause, what timeframes should be used by the SO to notify the SA?

A. We envision SOs notifying SAs as soon as the agreement is terminated (i.e., either the day that the administrative review official rules or the day that the FDCH’s time to appeal expires).

#8. Q. What timeframes should be used for SAs to report seriously deficient providers to the regional office (RO)?

A. We would expect SAs to either send in the FDCH provider’s name as soon as he/she is terminated or send a list on a monthly basis.

#9. Q. What information needs to be provided on each FDCH provider in order to be included on the National Listing?

A. Name and Address for now.

#10. Q. What is the procedure for removing a provider’s name from the National Listing?

A. It will be similar to the process used to remove institutions from the National Listing, except that the SA will be the sole judge of whether a FDCH provider has completed corrective action. The SO should submit a recommendation and the SA will determine if the FDCH provider should be removed. The reason the SA will be the sole judge is because of possible competitive pressures between sponsors and the potential financial motives for bringing a FDCH provider back on the CACFP inappropriately.
Head Start Automatic Eligibility

#11.  Q.  CACFP-427, page 3, states that at the beginning of each year, the determining official must establish whether each child meets or continues to meet the conditions for automatic eligibility. If Head Start has a 2-year eligibility period, is that acceptable for CACFP?

A.  As long as a child is in a Federal Head Start slot that meets the income guidelines for Head Start, we consider the child automatically eligible for CACFP.

At-Risk Afterschool Care Centers

#12.  Q.  An at-risk afterschool care program operates during the week and on weekends. Do the weekday and weekend meal service times need to be the same?

A.  No. On school days, afterschool snacks may be served at any time after the children’s school day has ended. On weekends, holidays and school breaks, snacks may be served at any time of day. Therefore, it is possible that a program would have different serving times for at-risk meals on weekdays and weekends to accommodate the different schedules of the children or hours of operation for the program (e.g., a shorter or earlier afterschool care program on Saturdays).

Confidentiality

#13.  Q.  Records for the CACFP have been requested in numerous cases – some are due to investigations and others are just requests. May a SO release records regarding information provided on the application for free or reduced price meals?

A.  The use or disclosure of any information obtained from an application for free or reduced price meals shall be limited to: 1) persons directly with the administration of the child nutrition programs, 2) a Federal, state, or local law enforcement official for the purpose of investigating an alleged violation of the child nutrition programs. Refer to Section 9 of the National School Lunch Act for more information.

#14.  Q.  When a SO receives a subpoena to release financial information for a provider going through a divorce, must it release the IEF that was submitted by the provider?

A.  If information is subpoenaed, it must be released. If the SO fails to release the information, it is in violation of a court order.
Procurement by FDCH Providers

#15.  Q.  Must FDCH providers obtain price quotes from 3+ vendors when purchasing groceries/vended meals for their day care home?

A.  Providers are not required to follow Federal procurement regulations; however, states may have their own policies regarding secondary contracts.