SERIOUSLY DEFICIENT PROCEDURES

Seriously Deficient Proposed Termination and Disqualification Appeal Procedures Suspensions/Termination
SPONSORING ORGANIZATION PROVISIONS
Excerpts from 7 CFR 226.16

(1) *Serious Deficiency Process*

A serious deficiency is when a sponsoring organization or day care home is non-compliant with one or more areas of the CACFP. The serious deficiency process offers a systematic way for sponsoring organizations to take actions allowing day care homes to correct problems and give them an opportunity for due process. If day care homes are unwilling or incapable of correcting serious problems, the serious deficiency process protects Program integrity by terminating and disqualifying those in noncompliance of Program requirements.

A day care home may be declared seriously deficient if the sponsoring organization finds Program violations or issues of non-compliance with CACFP requirements at any time during a day care home’s participation. If a sponsoring organization determines that a day care home has committed one or more serious deficiencies, it must be thoroughly documented. Once a provider has been determined seriously deficient, the serious deficiency process must be followed within 10 business days. The provider must be notified in writing and must be given an opportunity to take corrective action. A serious deficiency determination is not an appealable action. The sponsoring organization must provide a copy of the serious deficiency notice to the State Agency at the same time. A provider is seriously deficient if he or she does one or more of the following:

If a sponsor has determined that a provider has committed one or more of the above serious deficiencies it must:

(1) Identify the serious deficiencies. The sponsor should use its discretion to determine whether the specific problem rises to the level of serious deficiency. Sponsors should consider, but not limit themselves to the following items:

- The severity of the problem. Is the noncompliance on a minor or substantial scale? Are the violations indicative of a recurring problem at the day care home, or is the problem an isolated event? Even minor problems may be serious if systemic. Some problems are serious even though they have occurred only once.

- The degree of responsibility attributable to the day care home. To the extent that evidence is available, can the sponsoring organization determine whether the violations were inadvertent errors of an otherwise responsible day care home provider? Is there evidence of negligence or a conscious indifference to regulatory requirements? Or, is there evidence of deception, or intentional noncompliance?

- The provider’s history of participation in the Program. Are problems of noncompliance frequently recurring at the same day care home?

(2) *List of serious deficiencies for day care homes.* Serious deficiencies for day care homes are:

Here is a list examples of how the Sponsor should cite each SD determined with CAP on a provider: These are only examples and will vary on a case-by-case basis.

(i). 7 CFR 226.16(l)(2)(i) - Submission of false information on the application;

(ii.) 7 CFR 226.16(l)(2)(ii) - Submission of false claims for reimbursement;
(iii.) 7 CFR 226.16(l)(2)(iii) - Simultaneous participation under more than one sponsoring organization;

(iv.) 7 CFR 226.16(l)(2)(iv) - Noncompliance with the Program meal pattern;

(v.) 7 CFR 226.16(l)(2)(v) - Failure to keep required records;

(vi.) 7 CFR 226.16(l)(2)(vi) - Conduct or conditions that threaten the health or safety of children in care, or the public health or safety;

(vii.) 7 CFR 226.16(l)(2)(vii) - A determination that the day care home has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State Agency, or the concealment of such a conviction;

(viii.) 7 CFR 226.16(l)(2)(viii) - Failure to participate in training; or

(ix.) 7 CFR 226.16(l)(2)(xix) - Any other circumstances related to nonperformance under the sponsoring organization-day care home agreement, as specified by the sponsoring organization or the State Agency.

(3) **Serious deficiency notification procedures.**

(i) **Notice of serious deficiency.** Within 10 business days, the sponsoring organization must notify the day care home that it has been found to be seriously deficient. The sponsoring organization must send a copy of the serious deficiency notice to the State Agency at the same time. The notice must specify:

(A) The serious deficiencies;

(B) The actions to be taken by the day care home to correct the serious deficiencies;

(C) The time allotted to correct the serious deficiencies (as soon as possible, but not to exceed 30 days);

(D) That the serious deficiencies determination is not subject to appeal.

(E) That failure to fully and permanently correct the serious deficiencies within the allotted time will result in the institution’s proposed termination of the day care home’s agreement and the proposed disqualification of the day care home and its principals; and

(F) That the day care home’s voluntary termination of its agreement with the institution after having been notified that it is seriously deficient will still result in the
day care home’s formal termination by the State Agency and placement of the day care home and its principals on the National Disqualified List.

(ii) **Successful corrective action.** If the day care home corrects the serious deficiencies within the allotted time and to the sponsoring organization’s satisfaction, the sponsoring organization must notify the day care home, **within 10 business days,** that it has temporarily deferred its determination of serious deficiency. The sponsoring organization must also send a copy of the notice to the State Agency at the same time.

(iii) **Propose termination/disqualification.** If timely corrective action is not taken to fully and permanently correct the serious deficiencies cited, the sponsoring organization must issue a notice to propose termination/disqualification of the day care home’s agreement for cause. **Within 10 business days,** the notice must explain the day care home’s opportunity for an appeal of the proposed termination in accordance with §226.6(l). The sponsoring organization must send a copy of the notice to the State Agency **at the same time.** The notice must:

(A) Inform the day care home that it may continue to participate and receive Program reimbursement for eligible meals served until its appeal is concluded.

(B) Inform the day care home that termination of the day care home’s agreement will result in the day care home’s termination for cause and disqualification; and

(C) State that if the day care home seeks to voluntarily terminate its agreement after receiving the notice of intent to terminate/disqualify, the day care home will still be placed on the National Disqualified List.

(iv) Program payments. The sponsoring organization must continue to pay any claims for reimbursement for eligible meals served until the serious deficiencies are corrected or the day care home’s agreement is terminated, including the period of any appeal.

(v) Agreement termination and disqualification. The sponsoring organization must immediately terminate the day care home’s agreement and disqualify the day care home when the appeal official upholds the sponsoring organization’s proposed termination and proposed disqualification, or when the day care home’s opportunity to request an appeal expires. At the same time the notice is issued, the sponsoring organization must provide a copy of the termination and disqualification letter to the State Agency.

(4) Suspension of participation for day care homes.

(i) General. If state or local health or licensing officials have cited a day care home for serious health or safety violations, the sponsoring organization must immediately suspend the home’s CACFP participation prior to any formal action to revoke the home’s licensure or approval. If the sponsoring organization determines that there is an imminent threat to the health or safety of participants at a day care home, or that the day care home has engaged in activities that threaten the public health or safety, and the licensing agency cannot make an immediate on-site visit, the sponsoring organization **must immediately notify** the appropriate state or local licensing and health authority and take action that is consistent with the recommendations and requirements of those
authorities. An imminent threat to the health or safety of participants and engaging in activities that threaten the public health or safety constitute serious deficiencies; however, the sponsoring organization must use the procedures in this paragraph (l)(4) (and not the procedures in paragraph [l][3] of this section) to provide the day care home notice of the suspension of participation, serious deficiency, and proposed termination of the day care home’s agreement.

(A) Inform the day care home that it may continue to participate and receive Program

(ii) **Notice of suspension, serious deficiency, and proposed termination.** The sponsoring organization must notify the day care home immediately that its participation has been suspended, that the day care home has been determined seriously deficient, and that the sponsoring organization proposes to terminate the day care home’s agreement for cause, and must provide a copy of the notice to the State Agency. The notice must:

(A) Specify the serious deficiencies found and the day care home’s opportunity for an appeal of the proposed termination in accordance with §226.6(l);

(B) State that participation (including all Program payments) will remain suspended until the appeal is concluded;

(C) Inform the day care home that if the appeal official overturns the suspension, the day care home may claim reimbursement for eligible meals served during the suspension;

(D) Inform the day care home that termination of the day care home’s agreement will result in the placement of the day care home on the National Disqualified List; and

(E) State that if the day care home seeks to voluntarily terminate its agreement after receiving the notice of proposed termination/disqualification, the day care home will still be terminated for cause and disqualified.

(iii) **Agreement termination and disqualification.** The sponsoring organization must immediately terminate the day care home’s agreement and disqualify the day care home when the appeal official upholds the sponsoring organization’s proposed termination or when the day care home’s opportunity to request an appeal expires.

(iv) **Program payments.** A sponsoring organization is prohibited from making any Program payments to a day care home that has been suspended until any appeal of the proposed termination is completed. If the suspended day care home prevails in the administrative review of the proposed termination, the sponsoring organization must reimburse the day care home for eligible meals served during the suspension period.
FLOW CHART: SERIOUS DEFICIENCY PROCESS
DAY CARE HOME PROVIDERS

SO Sends SD Notice
> to FDCH Provider and
> to State Agency
  • Add name to SD list

Provider sends SO
Successful CAP

SO sends Notice of Successful CAP/
Temp. Deferment
> to FDCH Provider and
> to State Agency, including CAP
  • Update SA list

Provider does not submit
CAP to SO or Provider did not submit an acceptable
CAP to SO

Provider Wins Hearing

SO/Provider attend
Hearing with independent
and impartial official

SO sends Notice of Prop. T/D-No CAP Submitted or Notice Prop. T/D-
CAP not Acceptable with SO Appeal Procedures
> to FDCH Provider and
> to State Agency
  • Update SD list

Provider Appeals
Notice of Prop. T/D

Provider does not appeal or did not appeal on time

Sponsor
Wins
Hearing

SO sends Notice of T/D-Provider does not Appeal
> to FDCH Provider
> to State Agency, including NDL form
  • Update SD/NDL list
  • Notify USDA of NDL

Note: Once the SD process has started it must be followed through and completed.
Provider MUST complete in full sentences. Ex: (Provider name) will keep CAP documentation in file cabinet by the kitchen in the home.

**CORRECTIVE ACTION PLAN**

<table>
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<tr>
<th>WHAT: are the serious deficiency(ies) (SD) AND the procedures that will be implemented to address the serious deficiency(ies)?</th>
<th>HOW: will the provider correct the seriously deficient items.</th>
<th>WHEN: will the correction of the SD item be implemented? (i.e., will the procedure be done daily, weekly, monthly, or annually, and the date it will begin (e.g. 10/1/XX)</th>
<th>WHO: will address the serious deficiency(ies) items? List the personnel responsible for this task and job title.</th>
<th>WHERE: will the CAP documentation be retained? (The actual location at the home where this documentation will be maintained.)</th>
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Signature of Provider

Date
CORRECTIVE ACTION PLAN

PROVIDER NAME: ___________________________ PROVIDER #: ___________________________

Provider MUST complete in full sentences. Ex: (Provider name) will keep CAP documentation in the file cabinet by the kitchen in the home.

1) WHAT: are the serious deficiency(ies) (SD) AND the procedures that will be implemented to address the serious deficiency(ies)?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

2) HOW: will the provider correct the seriously deficient items?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

3) WHEN: will the correction of the SD item be implemented? (Ex: will the procedure be done daily, weekly, monthly, or annually, and the date it will begin (Ex: 10/1/XX):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

4) WHO: will address the serious deficiency(ies) items? List the personnel responsible for this task and job title.

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

5) WHERE: will the CAP documentation be retained? (The actual location at the home where this documentation will be maintained):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Signature of Provider ___________________________ Date ___________________________
NOTICE OF SERIOUS DEFICIENCY

The Notice of Serious Deficiency must include the following:

- A description of the serious deficiency.

- The corrective action required to resolve the serious deficiency and the deadline by which the action must be taken. (Homes are allowed up to 30 days to correct a serious deficiency.)

- A statement that indicates the serious deficiency determination is not subject to appeal.

- A statement that indicates failure to fully and permanently correct the serious deficiency by this deadline will result in:
  
  — The sponsor’s proposed termination of the provider’s agreement for cause.
  — The disqualification of the provider.

- The notice must also inform the provider of whether he or she will receive Program payments during the period of corrective action—usually he or she will.

- Enclosure of Corrective Action Plan.

- It must state that if the provider voluntarily terminates his or her agreement after he or she receives the Notice of Serious Deficiency, the sponsor will still proceed with the intended disqualifications.

- The Notice of Serious Deficiency must be sent by certified mail/return receipt requested, an equivalent private delivery service, fax, or e-mail as required by §226.2 in the regulations. If returned Undeliverable (at least five days later), proceed with proposed termination procedures. If the U.S. Postal Service is used, the following Web site may be accessed to track and confirm delivery: <www.usps.com/shipping/trackandconfirm.htm>.

- A copy of the documentation must be sent to the State Agency at the same time.

- A copy of the Notice of Serious Deficiency MUST be sent to the State Agency.
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF SERIOUS DEFICIENCY
NOTICE FOR PROVIDERS

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the brief description of the basis for the serious deficiency determination—review, audit, etc., and date of your operation of the Child and Adult Care Food Program (CACFP).

SERIOUS DEFICIENCY DETERMINATION

Based on the review/audit, etc., the sponsoring organization (SO) has determined that you are seriously deficient in your operation of the CACFP. If you do not fully and permanently correct all of the serious deficiencies and submit documentation of the corrective action by date, we will propose to:

• Terminate your agreement to participate in the CACFP for cause.
  AND
• Disqualify you from future CACFP participation.

If you voluntarily terminate your agreement after receiving this letter, we will propose to disqualify you from future CACFP participation. If disqualified, provider will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education (the State Agency), determines that the serious deficiencies have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to 7 CFR 226.16(l).
SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and the corrective action required. **Insert discussion of serious deficiencies and required corrective action. Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l)(2). If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstances related to nonperformance under the SO/day care home agreement.**

SUMMARY

We have determined that you are seriously deficient in your operation of the CACFP. Documentation showing the corrective action for each of the serious deficiencies cited in this letter is required. The documentation must be RECEIVED (not just postmarked) by corrective action deadline. **Different deadlines for different serious deficiencies may be established.**

If we do not RECEIVE the documentation of your corrective action by date, or if we determine that the actions taken do not fully and permanently correct all of the serious deficiencies, we will propose to terminate your CACFP agreement for cause and disqualify you.

You may not appeal the serious deficiency determination. However, if we propose to terminate your agreement for cause and disqualify you, you will be able to appeal those actions and you will be advised the appeal procedures at that time.

You may continue to participate in the CACFP during the corrective action period. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

If we receive the documentation of your corrective action by the due date and determine that it fully and permanently corrects all of the serious deficiencies, we will temporarily defer the serious deficiency determination. We may conduct an unannounced follow-up review to verify the adequacy of the corrective action. If we find in the follow-up review, or any subsequent review, that the serious deficiency(ies) has/have not been fully and permanently corrected, we will immediately propose to terminate your agreement for cause and disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsoring Organization Employee Name and Title

Enclosure: Corrective Action Plan

cc: State Agency
NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the date Notice that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP). On date, insert if applicable: before the corrective action deadline, we received the documentation you sent us detailing the actions you have taken to correct this/these serious deficiency(ies).

SERIOUS DEFICIENCY DETERMINATION TEMPORARILY DEFERRED

Based on our review of the documentation, we have determined that you have fully and permanently corrected the serious deficiency(ies). As a result, we have temporarily deferred our serious deficiency determination as of the date of this letter. NOTE: Conducting a follow-up review is not required to accept a corrective action and should NOT delay the temporary deferral of a serious deficiency determination. This also means that we will not propose to terminate your agreement for cause based on this serious deficiency finding or disqualify you.

ADEQUACY OF CORRECTIVE ACTIONS (Optional)

The following paragraphs describe the results of our review of the corrective action. Insert discussion of each serious deficiency and why the corrective action is adequate. Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l)(2). If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstance related to nonperformance under the SO/day care home agreement. Insert if appropriate: Our report on the date follow-up review will be provided to you in a separate letter.
SUMMARY

We have temporarily deferred our serious deficiency determination. We may conduct an unan-
ounced review to determine the adequacy of your corrective action(s). If we find on the fol-
low-up review or, in any subsequent review, that the serious deficiency(ies) has/have not been
fully and permanently corrected, we will immediately propose to terminate your agreement for
cause and to disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF PROPOSED TERMINATION AND DISQUALIFICATION
FOR PROVIDERS—NO CORRECTIVE ACTION SUBMITTED

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date
Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the date Notice that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP).

On or before date, you were required to submit the documentation detailing the actions taken to correct the serious deficiency(ies). As of this date, you have not submitted the required correction(s).

PROPOSED TERMINATION AND DISQUALIFICATION

As a result, effective date, we propose to:

• Terminate your agreement to participate in the CACFP for cause.

AND

• Disqualify you from future CACFP participation.

The effective date for the termination/disqualification must be after the deadline for requesting an appeal.

If you voluntarily terminate your agreement after receiving this letter, we will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education, determines that the serious deficiencies have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.
These actions are being taken pursuant to 7 CFR 226.16(l).

**STATUS OF SERIOUS DEFICIENCY(IES) (Optional)**

The following paragraphs detail each serious deficiency and its status based on your failure to submit the corrective action(s) documentation. *Insert discussion of each serious deficiency and the reasons why corrective action was inadequate (the corrective action may be adequate for some items and not for others; make sure you specify the status of the corrective action for each serious deficiency).* Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l) (2). *If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstance related to non-performance under the SO/day care home agreement.*

**APPEAL OF PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION**

The proposed termination of your agreement for cause and your disqualification may be appealed. A copy of the appeal procedures is enclosed. If you choose to appeal the proposed actions, follow the appeal procedures exactly as failure to do so may result in the denial of your request for an appeal.

**SUMMARY**

You have not fully and permanently corrected the serious deficiencies identified in the Serious Deficiency Notice. For this reason, the *Sponsoring Organization* is proposing to terminate your CACFP agreement for cause and to disqualify you from future program participation.

If you appeal the proposed termination and disqualification, the actions will not take effect until the hearing official issues a decision. If you do not make a timely request for an appeal, your agreement will be terminated for cause. You will be disqualified from future CACFP participation effective *date* and placed on the NDL.

You may continue to participate in the CACFP until *termination/disqualification effective date* or if you appeal the proposed actions until the hearing official issues a decision on the appeal. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Sincerely,

*Sponsoring Organization Employee Name and Title*

Enclosure: Appeal Procedures

cc: State Agency
Notice of Proposed Termination and Disqualification for Providers—Required Corrective Action Not Acceptable

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, or e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the date Notice that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP).

On date, we received the documentation detailing the actions taken to correct the serious deficiency(ies). Based on our review of the documentation, we have determined that you have not fully and permanently corrected the serious deficiency(ies) stated in the Notice.

PROPOSED TERMINATION AND DISQUALIFICATION

As a result, we propose to:

• Terminate your agreement to participate in the CACFP for cause. AND
• Disqualify you from future CACFP participation.

The effective date for the termination/disqualification must be after the deadline for requesting an appeal.

If you voluntarily terminate your agreement after receiving this letter, we will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education, determines that the serious deficiencies have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.
These actions are being taken pursuant to 7 CFR 226.16(l).

**STATUS OF SERIOUS DEFICIENCY(IES)**

The following paragraphs detail each serious deficiency and its status based on our review of the corrective action(s) documentation. *Insert discussion of each serious deficiency and the reasons why corrective action was inadequate (the corrective action may be adequate for some items and not for others; make sure you specify the status of the corrective action for each serious deficiency).* Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l)(2). *If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstance related to nonperformance under the SO/day care home agreement.*

**APPEAL OF PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION**

The proposed termination of your agreement for cause and your disqualification may be appealed. A copy of the appeal procedures is enclosed. If you choose to appeal the proposed actions, follow the appeal procedures exactly as failure to do so may result in the denial of your request for an appeal.

**SUMMARY**

You have not fully and permanently corrected the serious deficiencies identified in the Serious Deficiency Notice. For this reason, the *Sponsoring Organization* is proposing to terminate your CACFP agreement for cause and to disqualify you from future program participation.

If you appeal the proposed termination and disqualification, the actions will not take effect until the hearing official issues a decision. If you do not make a timely request for an appeal, your agreement will be terminated for cause. You will be disqualified from future CACFP participation effective *date* and placed on the NDL.

You may continue to participate in the CACFP until *termination/disqualification effective date* or if you appeal the proposed actions until the hearing official issues a decision on the appeal. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Sincerely,

Sponsoring Organization Employee Name and Title

Enclosure: Appeal Procedures

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF TERMINATION AND DISQUALIFICATION
FOR PROVIDERS—PROVIDER DOES NOT APPEAL

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date
Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the determination in sponsoring organization’s (SO) Notice which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, we also proposed to disqualify you from further CACFP participation. These actions were based on your failure to submit acceptable corrective action(s) for the serious deficiency(ies) noted in our date Notice of Serious Deficiency.

You received the Notice of Proposed Termination and Disqualification on date received. You had until insert deadline for requesting appeal to submit a request for an appeal of the proposed actions. No request for an appeal was submitted by that deadline.

TERMINATION AND DISQUALIFICATION

Because the time to request an appeal has now expired, the SO is:

• Terminating your agreement to participate in the CACFP for cause.
  AND
• Disqualifying you from future CACFP participation, effective date.

The effective date for the disqualification should generally be the same as the agreement termination date and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.

As a result of your disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.
These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

You will remain on the NDL unless USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education, determines that the serious deficiency(ies) has/have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

SUMMARY

The SO is terminating your CACFP agreement for cause and disqualifying you. You MAY NOT APPEAL the termination for cause or the disqualification. You may continue to participate in the CACFP until termination/disqualification effective date. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF TERMINATION AND DISQUALIFICATION
FOR PROVIDERS—SPONSORING ORGANIZATION PREVAILS IN APPEAL

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns our date Notice which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, we also proposed to disqualify you from further CACFP participation. These actions were based on the determination in our date Notice that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the proposed termination and disqualification. On date of hearing official’s decision, the hearing official issued a decision on the appeal. In that decision, the hearing official upheld our proposed actions.

TERMINATION AND DISQUALIFICATION

As a result, the SO is:

• Terminating your agreement to participate in the CACFP for cause.

AND

• Disqualifying you from future CACFP participation, effective date.

The effective date for the termination/disqualification should generally be the same as the agreement termination date and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.

As a result of your disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or
These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

You will remain on the NDL unless USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education (the State Agency), determines that the serious deficiency(ies) has/have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

SUMMARY

The SO is terminating your CACFP agreement for cause and disqualifying you. You MAY NOT APPEAL the termination for cause or the disqualification. You may continue to participate in the CACFP until termination/disqualification effective date. We will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF TEMPORARY DEFERMENT OF SERIOUS DEFICIENCY AND TERMINATION AND DISQUALIFICATION—PROVIDER PREVAILS IN APPEAL

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns our date Notice which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, we also proposed to disqualify you from further CACFP participation. These actions were based on the determination in our date Notice that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the proposed termination and disqualification. On date of hearing official's decision, the hearing official issued a decision on the appeal. In that decision, the hearing official overturned our proposed actions. Therefore, name of sponsoring organization (SO) is prohibited from terminating your agreement and disqualifying your future participation in the program.

SERIOUS DEFICIENCY DETERMINATION TEMPORARILY DEFERRED

You must still implement procedures and policies to permanently correct the serious deficiency(ies). Upon approval of an acceptable corrective plan, the SO will temporarily defer the determination that institution and its RPIs are seriously deficient. If the SO initially determines that the corrective action is complete but later determines that the serious deficiency(ies) has/have recurred, the SO MUST move to immediately issue a notice of intent to terminate and disqualify the institution and RPIs.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF SERIOUS DEFICIENCY, SUSPENSION, AND PROPOSED TERMINATION AND DISQUALIFICATION FOR PROVIDERS—COMBINED
NOTE FOR IMMINENT THREAT TO HEALTH AND SAFETY

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

This letter concerns the brief description of the basis for the serious deficiency determination—review, audit, etc.—and date of your operation of the Child and Adult Care Food Program (CACFP).

SERIOUS DEFICIENCY DETERMINATION

Based on the review/audit, etc., sponsoring organization (SO) has determined that you are seriously deficient in your operation of the CACFP.

SUSPENSION

The serious deficiency identified is the imminent threat to the health or safety of CACFP participants or the public (for details, see the description of the serious deficiencies later in this letter). Because of this imminent risk, the SO is suspending your CACFP participation (including all program payments).

The suspension of CACFP participation (including all program payments) will take effect on the date of this letter. This action is being taken pursuant to 7 CFR 226.16(l)(4).

TERMINATION AND DISQUALIFICATION

As a result, effective date we propose to:

• Terminate your agreement to participate in the CACFP for cause. AND
• Disqualify you from future CACFP participation, effective date.

The effective date for the termination and disqualification must be after the deadline for requesting an appeal.
If you voluntarily terminate your agreement after receiving this letter, we will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List (NDL). While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

You will remain on the NDL until USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education (the State Agency), determines that the serious deficiency(ies) has/have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

**SERIOUS DEFICIENCIES**

The following paragraphs detail each serious deficiency. Insert discussion of each serious deficiency. Each serious deficiency discussed must include a citation for the relevant serious deficiency in the regulations at 7 CFR 226.16(l) (2). If the serious deficiency is not specifically listed, cite: 7 CFR 226.16(l)(2)(ix), any other circumstance related to nonperformance under the SO/day care home agreement.

**APPEAL OF PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION**

You may appeal the suspension, the proposed termination of your program agreement for cause and your proposed disqualification. A copy of the appeal procedures is enclosed. If you choose to appeal the proposed actions, follow the appeal procedures exactly as failure to do so may result in the denial of your request for an appeal.

**SUMMARY**

The SO is suspending your CACFP participation (including all program payments). In addition, name of SO is proposing to terminate your agreement for cause and to disqualify you.

The suspension will remain in effect during the period of any appeal. However, if you request an appeal and the hearing official overturns the suspension, all valid claims for reimbursement submitted by you for the period of the suspension will be paid. As always, the SO will deny any portion of a claim that is determined to be invalid.

If you appeal the proposed termination and disqualification, these actions will not take effect until the hearing official issues a decision. If you do not make a timely request for an appeal, your agreement will be terminated for cause on date. You will be disqualified from future CACFP participation and your name placed on the NDL.

Sincerely,

Sponsoring Organization Employee Name and Title

c: State Agency
EXAMPLE
SPONSOR LETTERHEAD

NOTICE OF TERMINATION AND DISQUALIFICATION
SUSPENSION AND PROPOSED TERMINATION AND DISQUALIFICATION—
PROVIDER DOES NOT APPEAL

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date

Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

On date received, you received a combined Notice of Serious Deficiency, Suspension, Proposed Termination and Disqualification. This letter concerns that Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that Notice, name of sponsoring organization (SO) also proposed to terminate your CACFP agreement for cause and to disqualify you from further CACFP participation. These actions were based on the determination that you were operating under conditions that posed an imminent threat to the health and safety of program participants, if applicable, or the day care home had engaged in activities that threaten the public health or safety.

You had until insert deadline for requesting appeal to submit a request for an appeal. No request for an appeal was submitted by that deadline.

TERMINATION AND DISQUALIFICATION

As a result of this decision, effective date, the name of SO is:

- Terminating your agreement to participate in the CACFP for cause.
AND
- Disqualifying you from future CACFP participation, effective date.

As a result of your disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.
These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

You will remain on the NDL unless USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education (the State Agency), determines that the serious deficiency(ies) has/have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

SUMMARY

The SO is terminating your CACFP agreement for cause and disqualifying you. You MAY NOT APPEAL the termination for cause or the disqualification. Since your participation was suspended, you may only claim reimbursement for valid meals served up until insert date of suspension. You must submit a claim for these meals by insert a date that will give the provider an appropriate length of time to submit these claims.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
EXAMPLE
SPONSOR LETTERHEAD
NOTICE OF TERMINATION AND DISQUALIFICATION—IMMINENT THREAT TO HEALTH OR SAFETY AFTER SPONSORING ORGANIZATION PREVAILS IN APPEAL

NOTE: Send this letter by certified mail/return receipt requested, an equivalent private delivery service (such as FedEx), fax, OR e-mail as required by 7 CFR 226.2, definition of notice in the regulations. A copy of the documentation must be sent to the State Agency at the same time.

Date
Provider Name
Provider Street Address
Provider City, State 00000-0000

Dear Provider:

On date received, you received a combined Notice of Serious Deficiency, Suspension, Proposed Termination and Disqualification. This letter concerns that Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that Notice, name of sponsoring organization (SO) also proposed to terminate your CACFP agreement for cause and to disqualify you from further CACFP participation. These actions were based on the determination that you were operating under conditions that posed an imminent threat to the health and safety of program participants, if applicable, or the day care home had engaged in activities that threaten the public health or safety.

You filed a timely appeal of the suspension and proposed termination and disqualification. On date of appeal official's decision, the Administrative Review official issued a decision on all of the appeals. In that decision, the suspension and proposed actions were upheld.

TERMINATION AND DISQUALIFICATION

As a result of this decision, effective date, the name of SO is:

• Terminating your agreement to participate in the CACFP for cause. AND
• Disqualifying you from future CACFP participation, effective date.
As a result of your disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

These actions are being taken pursuant to 7 CFR 226.16(l) of the CACFP regulations.

You will remain on the NDL unless USDA’s Food and Nutrition Service (FNS), in consultation with the Oklahoma State Department of Education (the State Agency), determines that the serious deficiency(ies) has/have been corrected or until seven years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

SUMMARY

The name of SO is terminating your CACFP agreement for cause and disqualifying you. You MAY NOT APPEAL the termination for cause or the disqualification. Since your participation was suspended, you may only claim reimbursement for valid meals served up until insert date of suspension. You must submit a claim for these meals by insert a date that will give the provider an appropriate length of time to submit these claims.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
You must still submit a corrective action plan to implement procedures and policies to permanently correct the serious deficiency(ies). Upon approval of an acceptable corrective plan, the SO will temporarily defer the determination that you are seriously deficient. If the SO initially determines that the corrective action is complete but later determines that the serious deficiency(ies) has recurred, the SO must move immediately to issue a notice of intent to terminate and disqualify you.

Sincerely,

Sponsoring Organization Employee Name and Title

cc: State Agency
PROVIDER APPEAL PROCEDURES

A family day care home (FDCH) must be provided an opportunity to appeal to the sponsor when there is:

- **PROPOSED** termination of a provider’s agreement for cause and the related **PROPOSED** disqualification of the home.

- The suspension of an FDCH’s participation for serious health or safety violations.

The law does not require an opportunity to appeal other actions, such as the denial of claims or the recovery of overpayments.

Regulations require that a provider have the opportunity to appeal a decision to terminate its agreement for cause **BEFORE** the termination takes effect. Thus, the **Proposed to Terminate** action is appealable.

Regulations require that providers be given a copy of the appeal procedures:

- On an annual basis, in the sponsor/provider application/agreement.

- Whenever an appealable action is taken.

- Upon request.

**Minimum Appeal Procedures**

Sponsors must follow the procedures established in the regulations when providing appeals to homes.

- **Uniformity.** The same procedures apply to all homes.

- **Representation.** Providers may:
  - Represent themselves.
  - Retain legal counsel.
  - Be represented by any other person of their choosing.

- **Review of the Record and Opposition.** The provider must have the opportunity to review the record on which the sponsor’s action was based and refute the action in writing. Sponsors may establish a requirement that the sponsor taking the action has the opportunity to review any documentation or evidence the provider intends to offer to dispute the sponsor’s action.

- **In-Person Hearing.** Sponsors may choose to offer in-person hearings, but there is no requirement that they do so. A review of the written record provides a sufficient opportunity for providers to contest an appealable action by their sponsor.
• **Hearing Official.** The person hearing the appeal must be:

— Independent.
— Impartial.

This means that they must **NOT** have been involved in the action that is the subject of the appeal. Also, they must **NOT** have a direct personal or financial interest in the outcome.

A hearing official may be:

— An employee or board member of the sponsor.

  **OR**

— A contractor, such as member of a statewide sponsor association.

• **Deadline for Requesting an Appeal.** This time frame is an administrative requirement for sponsors.

• **Deadline for Submitting Written Documentation.** This time frame is an administrative requirement for sponsors.

• **Basis for Decision.** The hearing official must make a determination based only on the information provided by the sponsor and the provider and on federal laws, regulations, policies, and procedures governing the Program.

• **Time for Issuing a Decision.** The hearing official must inform the sponsor and the provider of the appeal’s outcome within the period of time specified in the sponsor’s appeal procedures. This time frame is an administrative requirement for sponsors and may not be used as a basis for overturning the termination if a decision is not made within the specified time frame.

• **Final Decision.** The determination made by the hearing official is the final administrative determination to be afforded the home. The home may not then appeal the decision to the State Agency.

  This does not preclude, however, a provider from pursuing the matter through a court of law. In fact, a court may refuse to hear a case until such time as all administrative remedies have been exhausted.
SPONSOR LETTERHEAD

APPEAL PROCEDURES

1. A provider will be notified in writing by certified mail, return receipt requested, of the grounds upon which the sponsor based its action. The notice will inform the provider of its right to appeal. Two types of appeals are authorized:

   a. The provider may request a review of the records. Upon receipt of such a request, the sponsor will appoint a review official to conduct the review.

   OR

   b. The provider may request a hearing, but there is no requirement that the sponsor must offer this type of appeal. Upon receipt of a request for a hearing, the sponsor will appoint a review official to conduct the hearing.

2. The written request for a review of records or for a hearing must be filed by the provider no later than 15 calendar days from the date the provider receives the notice of action. The 15 days shall begin on the day the notice of action was received. A hearing will be held by the review official in addition to, or in lieu of, a review of written information submitted by the provider only if the provider so specifies in the letter requesting the appeal. Therefore, the written request must specify which type of appeal is requested. The sponsor will acknowledge the receipt of the request for appeal within 10 calendar days.

3. The provider may refute the information contained in the notice of action in person or by written documentation presented to the review official. The provider must have the opportunity to review the record on which the sponsor’s action was based. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the provider received the notice of action. The 30 days shall begin on the day the notice of action was received. The provider may be represented by legal counsel or another person. The following applies to the two types of appeals:

   a. **Review of Records**

      • Upon receipt of an appeal requesting a review of the records, the review official will notify the provider and the sponsor of the timelines for submission of documents.

      • Failure to submit written documentation to refute the action taken by the sponsor within the 30-day time period will constitute the provider’s waiver of the appeal, resulting in the action taken by the sponsor being upheld

   b. **Hearing**

      • Upon receipt of an appeal requesting a hearing, the review official will notify the provider and the sponsor of the timelines for submission of documents.
- Written documentation submitted after the 30-day time period will not be considered at any point during the appeal process, including the hearing.

- If the provider chooses to be represented by legal counsel, it will notify the sponsor of the counsel’s name and address.

- The review official will notify the provider and the sponsor by certified mail of the time, date, and place of the hearing. The notice must be provided at least 10 calendar days prior to the hearing.

- The provider must be permitted to contact the administrative review official directly if he/she so desires.

- Failure of the provider or his/her representative to appear at a scheduled hearing will constitute the provider’s waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing.

- The sponsor will have representatives in attendance at the hearing who may provide information and documentation supporting the action taken.

4. Sponsor documents and information relating to the provider and the action taken will be available for inspection and copying pursuant to the Open Records Fee Schedule at the office of the sponsor.

5. The review official will be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal.

6. The review official will make a determination based on information provided by the sponsor, the provider, and the laws and regulations governing the Child Nutrition Programs (CNP).

7. Within 60 calendar days of receipt of the request for appeal, the review official’s determination must be delivered to the provider and the sponsor.

8. Participating providers may continue to operate under the Program during an appeal of proposed termination unless the action is based on imminent danger to the health or welfare of participants. If the provider has been terminated for this reason, the sponsor must specify this in its notice of action.

9. The determination by the review official is the final administrative determination to be afforded to the provider.

10. Pursuant to the federal regulations, appeals will not be allowed on decisions made by Food and Nutrition Service (FNS).
**EXAMPLE**

Child and Adult Care Food Program (CACFP)

Report of Disqualification From Participation

Family Day Care Home (FDCH) Provider

State Agency (SA) Imposing Disqualification: Oklahoma State Department of Education (OSDE)

Name of Provider: Last Name **Biggs** First Name/MI: **Bertha**

Also Known As (AKA): **N/A**

Address of Provider: **311 Sunshine Drive, Anywhere, OK 01230**

Date of Birth (DOB) of Provider: **08/04/YYYY**

Termination Date: **February 14, YYYY**

Has the PROVIDER failed to repay debts owed under the Program? **Yes/No** (Circle One)

Amount: **$1000.00**

Sponsoring Organization (SO) Name: **Big Bucks**

SO Address: **112 Fast Lane Drive, Anywhere, OK 01230**

<table>
<thead>
<tr>
<th>Reason(s) for Disqualification: (Check all that apply)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Submission of false information on application</td>
<td>☐ Failure to keep required records</td>
</tr>
<tr>
<td>☑ Submission of false claims for reimbursement</td>
<td>☑ Conduct or conditions that threaten the health or safety of children in care or the public</td>
</tr>
<tr>
<td>☐ Simultaneous participation under more than one SO</td>
<td>☐ Noncompliance with Program meal pattern</td>
</tr>
<tr>
<td>☐ A determination that the FDCH has been convicted of any activity that occurred during the past 7 years and that indicated a lack of business integrity. A lack of business integrity includes fraud, forgery, bribery, falsification or destruction of records, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the SA, or concealment of such a conviction.</td>
<td>☐ Any other circumstances related to nonperformance under the SO-FDCH agreement, as specified by the SO or the SA.</td>
</tr>
<tr>
<td>☐ Other:</td>
<td>☐ Failure to participate in training</td>
</tr>
</tbody>
</table>
Child and Adult Care Food Program (CACFP)
Report of Disqualification From Participation
Family Day Care Home (FDCH) Provider

Comments: Provider reported to DHS that she would be closed the week of December 5-9, YYYY. However, 5 children were claimed that week. Licensing was called due to unsanitary conditions for food service. Electricity had been shut off at the time of monitor review, and refrigerator temp was 70°F.

Janie Smith
Print Name of Sponsoring Organization
Authorized Representative

Janie Smith
Signature of Sponsoring Organization
Authorized Representative

CACFP Coordinator

02/14/YYYY
Date (mm/dd/yyyy)
Child and Adult Care Food Program (CACFP)
Report of Disqualification From Participation
Family Day Care Home (FDCH) Provider

State Agency (SA) Imposing Disqualification: Oklahoma State Department of Education (OSDE)

Name of Provider: Last Name ___________________ First Name/MI: ___________________

Also Known As (AKA): ___________________________________________________

Address of Provider: ___________________________________________________

Date of Birth (DOB) of Provider: ________________________(mm/dd/yyyy)

Termination Date: __________________________________(mm/dd/yyyy)

Has the PROVIDER failed to repay debts owed under the Program? Yes/No (Circle One) Amount: $________________

Sponsoring Organization (SO) Name: ________________________________________

SO Address: __________________________________________________________

Reason(s) for Disqualification: (Check all that apply)

| ☐ Submission of false information on application | ☐ Failure to keep required records |
| ☐ Submission of false claims for reimbursement | ☐ Conduct or conditions that threaten the health or safety of children in care or the public |
| ☐ Simultaneous participation under more than one SO | ☐ Noncompliance with Program meal pattern |
| ☐ A determination that the FDCH has been convicted of any activity that occurred during the past 7 years and that indicated a lack of business integrity. A lack of business integrity includes fraud, forgery, bribery, falsification or destruction of records, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the SA, or concealment of such a conviction. | ☐ Any other circumstances related to nonperformance under the SO-FDCH agreement, as specified by the SO or the SA. |
| ☐ Other: | ☐ Failure to participate in training |
Child and Adult Care Food Program (CACFP)
Report of Disqualification From Participation
Family Day Care Home (FDCH) Provider

Comments: ___________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

________________________________ ______________________________
Print Name of Sponsoring Organization        Signature of Sponsoring Organization
Authorized Representative     Authorized Representative

_______________________________
Title        Date (mm/dd/yyyy)
Notes: