

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM	ISSUED	REVISED	CHAPTER	SECTION
	Sponsoring Organizations of Homes POLICY & PROCEDURE MANUAL	12/90	6/12	12	12.1
CHAPTER Chapter 12. Complaint and Appeal Procedures		SUBJECT Actions Which Can Be Appealed			

During the course of the contract with an institution, the Bureau of Community Food and Nutrition Assistance (BCFNA) may make determinations with which the institution may not agree. For any actions impacting the institution, BCFNA will advise the institution of the grounds on which the BCFNA based its action. The notice of required action shall be sent certified mail, faxed or e-mailed to the institution's executive director and chairman of the board of directors and the responsible principals/individuals. Also included will be a statement that the institution has the right to appeal the action.

An independent institution or sponsoring organization may appeal decisions made by BCFNA. Actions which may be appealed are those that affect the participation of an institution in the Program or the institution's claim for reimbursement. Actions which may be appealed include:

- Denial of an institution's application for participation;
- Denial of an application submitted by a sponsoring organization on behalf of a facility;
- Notice of proposed termination of the participation of an institution or facility;
- Notice of proposed disqualification of a responsible principal or responsible individual;
- Suspension of an institution's participation for health or safety reasons or submission of a false or fraudulent claim;
- Denial of an institution's application for start-up or expansion payments;
- Denial of a request for advance payments;
- Recovery of all or part of an advance in excess of the claim for the applicable period;
- Denial of all or part of a claim for reimbursement;
- Demand for the remittance of an overpayment;
- Denial by the Missouri Department of Health and Senior Services to forward to the Food and Nutrition Service (FNS) an exception request by the institution or sponsoring organization for payment of a late claim or a request for an upward adjustment to a claim, or demand for remittance of an overclaim; and
- Any other action of the state agency affecting an institution's participation or its claim for reimbursement.

Actions not subject to appeal include:

- A decision by FNS to deny an exception request by an institution for payment of a late claim or for an upward adjustment to a claim;
- A determination that an institution is seriously deficient;
- Disqualification and placement on the National Disqualified List;
- Termination of a participating institution's contract, based on the disqualification of the institution by another State Agency or FNS;
- A determination that corrective action was not complete and permanent;
- A decision that corrective action is inadequate for National Disqualified List (NDL) removal;

- The State Agency's refusal to consider an application if the institution or principal is on the NDL or an application submitted on behalf of a facility on the NDL.