



SECTION 5: Monitoring Reviews

Emergency shelters participating in CACFP will be reviewed to monitor compliance with program regulations.

- Types of Reviews
- Materials Needed for a CACFP Monitoring Review
- Appeal Procedure

Monitoring Reviews

The United States Department of Agriculture (USDA) and the Department of Health and Senior Services-Community Food and Nutrition Assistance (DHSS-CFNA) require independent centers and Sponsoring Organizations (SOs) to maintain complete and accurate original Child and Adult Care Food Program (CACFP) records. DHSS-CFNA is required to ensure shelters and the SOs are accountable for all reimbursements received in compliance with program regulations. Each center and SO will be reviewed by DHSS-CFNA at least once every three years in a CACFP monitoring review, although most will be reviewed a minimum of every two years. A sponsor may be reviewed for compliance at any time.

Program monitoring reviews may or may not be announced in advance. If announced in advance, the sponsor will receive a letter, and the review will be conducted within the week specified in the letter. No advance notification will be given for unannounced reviews. The shelter may contact our office (800-733-6251) if there are days that they know they will not be available. Another responsible individual is expected to be designated to be in charge of the facility in the absence of the director. Records must be kept at the physical location noted on the Management Plan for independent shelters and multi-site SOs.

During monitoring reviews, **all original program records must be maintained on location and made available for review within one hour of arrival by state and/or federal officials.** *Failure to have CACFP records available will result in findings, corrective action and/or overclaims; DHSS-CFNA may disallow up to twelve months of claims for reimbursement the center or SO must repay.*

Shelters must maintain all required original records, not copies, on file for a period of three full fiscal years after the final claim for reimbursement for the fiscal year was submitted or longer if audit findings have not been resolved. The federal fiscal year begins October 1 and ends September 30.

The **Materials Needed for a CACFP Monitoring Review** checklist, on the next page, is provided to help organizations prepare for the review.

Technical Assistance Visit:

DHSS-CFNA wants you to be a success which is why Technical Assistance (TA) visits are offered for new CACFP organizations. After your shelter has been participating in the CACFP for a few months, you are highly encouraged to schedule a TA visit with your district nutritionist. In preparation for your TA visit, you must have submitted at least one claim. TA visits are similar to monitoring reviews but are conducted as a courtesy to your organization. The purpose of the TA Visit is to review your records and procedures with you for program compliance, answer any program questions you might have, and provide you with the guidance needed to help you be successful with CACFP. A TA visit is not punitive in nature and is strictly meant to help facilitate your organization's success. This visit can help reduce findings and the need for corrective actions in the future during monitoring reviews.

Materials Needed for a CACFP Monitoring Review

All records must be retained for 3 full fiscal years.

All facilities must retain original records.

Download forms at: www.health.mo.gov/cacfp

- Daily attendance records (CACFP-213) and meal count sheets (CACFP-225 or CACFP-225A).
- Documentation of nonprofit foodservice includes verification of food service expenditures including: food purchase receipts or invoices; labor and indirect costs (CACFP-214), and income to your food program, if applicable.
- Daily dated menus that meet CACFP requirements.
- Documentation of ethnic and race data collected through self-identification and self-reporting method (For example, enrolled sites - IEF/Enrollment, non-enrolled sites-Outreach & Beneficiary Data Survey (CACFP/SFSP-650). Compile data on Beneficiary Data Report (CACFP-226) or Sponsored Centers Site Visit Report (CACFP 404) if a sponsoring organization. Other forms may be approved by DHSS-CFNA to collect ethnic and race data through self-identification and self-reporting methods.
- Recipes for homemade menu items.
- Processed food documentation: Child Nutrition (CN) label or manufacturer's Product Formulation Statement (PFS).
 - Frankfurters/hot dogs, bologna, and other similar products are creditable without a CN label when free of byproducts, cereals, or extenders. Product ingredient list from the original package for these items must be kept on file to document compliance.
 - Documentation to verify that commercial tofu served met protein requirements, such as the product's Nutrition Facts Label (NFL). A CN label or PFS is required for processed tofu products such as links and sausages made from tofu.
- Documentation to verify whole grain-rich requirements are met, such as a product ingredient list.
- Documentation to verify that grains served met the minimum grain oz. eq. required by age. Documentation may include the product's NFL, a CN label, a PFS, or a standardized recipe.
- Documentation to verify breakfast cereals (ready-to-eat, instant, or hot) and yogurt served are within the required sugar limits, such as the product's NFL.
- If meals are catered/vended, a copy of the food service contract, most recent sanitation inspection, and production records for all catered/vended meals.
- Medical food substitution forms (CACFP-227), if applicable.
- Documentation of CACFP training (CACFP-222) conducted by the center management staff, which includes dates, locations, topics, and names of staff participants.
- A copy of the most recent sanitation inspection report conducted by the state or local health department, if applicable.
- "And Justice for All" and "Building for the Future" posters posted in a location visible to the public.
- If a sponsoring organization, documentation of site monitoring visit reports (CACFP-404) for the current and past year.
- Copy of the original contract agreement, along with contract amendments for the sponsor agency, if needed contact central office at 800-733-6251.

Child Care Centers also need original documentation of:

- CACFP enrollment records (CACFP-229) or Office of Child Care/CACFP (MO 500-3317) combined form with original date of enrollment for all children.
- Income Eligibility Form (CACFP-205) signed and dated by parent or guardian and center representative.
- CACFP Parent letter and any additional CACFP information provided to parents.
- "WIC outreach" poster posted in a location visible to the public.
- If licensed for infants, individual Infant and Toddler Feeding and Care Plan form (MO 500-3306) and individual infant meal records.
- If contracted to provide care for children enrolled in Early Head Start or Head Start Programs, an official roster from the Head Start Administrative office must be provided to verify eligibility for free meals.
- For profit centers must provide billing invoices for participants who are beneficiaries of Title XX.

Adult Day Care Centers also need original documentation of:

- Income Eligibility Form (CACFP-501) signed and dated by participant or guardian and center representative.
- CACFP enrollment records (CACFP- 635) for all participants.
- An individual plan of care for each functionally impaired participant under 60 years of age.
- For profit centers must provide billing invoices for participants who are beneficiaries of Title XX or XIX.
- CACFP Participant letter and any additional CACFP information provided to participants.

At-Risk Afterschool programs also need original documentation of:

- Enrichment program plans.
- Outreach & Beneficiary Data Survey (CACFP/SFSP-650).
- The most recent fire and sanitation inspection report.

Emergency/Homeless Shelters also need original documentation of:

- Daily resident roster documenting the participant's date of birth, the date the participant entered and left the shelter, and the dates the participant was claimed for meal reimbursement.
- Copy of most recent fire and sanitation inspection report.
- Monthly donated food log.
- Outreach & Beneficiary Data Survey (CACFP/SFSP-650).

Appeal Procedure

The request for administrative review (appeal) of adverse action taken by Department of Health and Senior Services-Community Food and Nutrition Assistance (DHSS-CFNA) must be submitted in writing to DHSS-CFNA no later than **15 calendar days** after the date the notice of action is received.

Appeals of the Department of Health and Senior Services (DHSS) actions are conducted before an independent administrative hearing officer in the DHSS Appeals Unit. To contact the DHSS Appeals Unit, call (573) 522-1699, fax (573) 751-0247, or email DHSS.Appeals@health.mo.gov.

What can be appealed?

A sponsor may appeal any of the following actions the DHSS takes relating to its participation in the Child and Adult Care Food Program (CACFP) or claims for reimbursement [7 CFR § 226.6(k)(2)]:

- Denial of a new or renewing sponsor's application for participation.
- Denial of an application submitted by a sponsoring organization on behalf of a facility.
- Notice of proposed termination of a sponsor's agreement.
- Notice of proposed disqualification of a responsible principal or responsible individual.
- Suspension of a sponsor's participation in the program.
- Denial of a sponsor's application for start-up or expansion payments.
- Denial of a request for an advance payment.
- Recovery of all or part of an advance in excess of the claim for the applicable period.
- Denial of all or a part of a sponsor's claim for reimbursement (except for a denial based on a late submission under 7 CFR § 226.10(e)).
- Decision by the DHSS not to forward to the USDA's Food and Nutrition Services (FNS) an exception request by a sponsor for payment of a late claim, or a request for an upward adjustment to a claim.
- Demand for the remittance of an overpayment.
- Any other DHSS action affecting a sponsor's participation or its claim for reimbursement.

What cannot be appealed?

A sponsor cannot appeal any of the following actions [7 CFR § 226.6(k)(3)]:

- A decision by the FNS to deny an exception request by a sponsor for payment of a late claim, or for an upward adjustment to a claim.
- A determination that a sponsor is seriously deficient.
- A determination by the DHSS that the corrective action taken by a sponsor or by a responsible principal or responsible individual does not completely and permanently correct a serious deficiency.
- Disqualification of a sponsor or a responsible principal or responsible individual, and the subsequent placement on DHSS' Seriously Deficient List and the FNS National Disqualified List (NDL).
- Termination of a participating sponsor's agreement, including termination of a participating sponsor's agreement based on the disqualification of the sponsor by another state agency or the FNS.
- A determination, by either the DHSS or by the FNS, that the corrective action taken by a sponsor or a responsible principal or responsible individual is not adequate to warrant the removal of the sponsor or the responsible principal or responsible individual from the NDL.

- The DHSS' refusal to consider a sponsor's application when either: 1) the sponsor or one of its principals is on the NDL list; or 2) the facility or one of its principals is on the NDL.

How can a sponsor appeal?

- Appeal requests must be in writing.
- A sponsor can either:
 - Email the appeal request to CACFP@health.mo.gov.
 - Fax the appeal request to 573-526-3679.
 - Mail the appeal request to:

Missouri Department of Health and Senior Services
 Community Food and Nutrition Assistance
 ATTN: CACFP Appeals
 PO Box 570
 Jefferson City, MO 65102

- The DHSS must receive the appeal request no more than 15 calendar days after the sponsor receives the notice of DHSS' action.

What should a sponsor include in its appeal request?

- The sponsor's name, telephone number, and mailing address.
- The name and title (printed or typed) of the sponsor's contact person or authorized representative (if applicable).
- The DHSS action(s) that the sponsor is appealing, the reason(s) the sponsor is appealing, and the action(s) the sponsor wants the DHSS to take instead (i.e., the remedy the sponsor is seeking).
- Whether the sponsor is requesting an abbreviated administrative review and/or an administrative hearing, unless the action being appealed is one that must go through abbreviated review.

What are the types of administrative review?

- **Abbreviated administrative review:** a review of written documentation only.
 - In an abbreviated review, both the sponsor and the DHSS submit written documentation and information for the hearing officer to consider when deciding the appeal.
 - A sponsor requesting a written review may choose to have an abbreviated administrative review even if it is entitled to a full, in-person hearing.
 - If the DHSS denies the sponsor's application or proposes to terminate a sponsor's CACFP participation based on any of the following reasons, the appeal must be an abbreviated administrative review:
 - Submission of false information on the application.
 - The sponsor or one of its principals or its facilities is on the NDL.
 - The sponsor or one of its principals or one of its facilities is ineligible to participate.
 - The sponsor or one of its principals or one of its facilities has been convicted for any activity that indicates a lack of business integrity.
 - To be considered by the hearing officer, the sponsor must submit all written documentation and information in support of its appeal to the hearing officer within 30 calendar days from the date the sponsor receives the notice of DHSS' action.

- A sponsor cannot request an in-person administrative hearing after the abbreviated administrative review has taken place.
- **Administrative hearing:** an in-person hearing at which the sponsor and the DHSS submit verbal testimony and evidence.
 - The Appeals Unit hearing officer can hold a hearing in addition to, or instead of, an abbreviated administrative review only if it qualifies for an administrative hearing and the sponsor requests a hearing in its appeal request.

Additional information:

- The DHSS will send the sponsor a letter acknowledging receipt of the appeal request within 10 days of receiving the request.
- The Appeals Unit hearing officer will send the sponsor a letter giving the date, time, and location of the administrative hearing (if an administrative hearing was requested) and/or the date any written documentation and information in support of the sponsor's appeal is due and submission information.
- If the sponsor requests an administrative hearing and fails to appear at the hearing, the sponsor waives the right to an in-person appearance before the Appeals Unit hearing officer unless the hearing officer agrees to reschedule the hearing.
- The sponsor may retain private legal counsel or may be represented by another person. *7 CFR 226.6(k)(5)(iii).*
- The DHSS will have legal counsel representation for both in-person hearings and abbreviated administrative reviews.
- The Appeals Unit hearing officer must make a decision within 60 days of the date DHSS receives the sponsor's appeal.

Remember these deadlines:

- The DHSS must receive the sponsor's appeal request within 15 calendar days of the sponsor receiving notice of the DHSS' action(s).
- The sponsor must submit any written documentation to the hearing officer within 30 calendar days of receiving the DHSS notice of action.

For more information: Call the DHSS at 800-733-6251.

