

SECTION 10: Seriously Deficient Letters

This section provides prototypes of letters that Home Sponsoring Organizations can use during the Serious Deficiency Process.

- SD Notice Home Providers
- SD Temp Deferred
- SD Proposed Termination
- SD Term and Disqualification, no appeal
- SD Temp Deferred provider wins appeal
- SD Term and Disqualification sponsor wins appeal
- SD Health Threat
- SD Suspension Term provider no appeal, health threat
- SD Suspension, Term and Disqualification sponsor wins appeal, health threat
- SD Temp Deferred, Suspension and Disqualification provider wins appeal, health threat

Prototype Serious Deficiency Notice (provider)

[*Note: Send this letter by certified mail/return receipt, 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.*]

Date

Provider Name

Provider Street Address

Provider City, State, 00000

Dear [Provider]:

This letter concerns the [*brief description of the basis for the serious deficiency determination-monitoring 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*] 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 by [**Month,Day,Year - 3 weeks from the date of this letter**], we will:

- Propose to terminate your agreement to participate in the CACFP for cause, and
- Propose to disqualify you from future CACFP participation.

In addition, 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 and the Missouri Bureau of Community Food and Nutrition Assistance, in consultation with [*sponsoring organization*] 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 section 7 CFR 226.16(l) of the CACFP regulations.

SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and the corrective action required.

SAMPLE:

Finding - Meal count records were not available for the review month (or specify dates).

Required Action:

Meals that are not supported with meal count records may not be claimed. Record the meals during the time of meal service and maintain the documentation on file.

Please send a CAP using the enclosed CAP Response Form (CACFP-230) concerning all findings listed in Serious Deficiency Determination section of this letter. Before the provider's corrective actions can be submitted, the provider must determine **WHAT** the problem is and **WHY** it is occurring. The CAP must clearly state the following:

- **HOW** the problem can be prevented or eliminated. Do not merely restate the finding or assure that the mistake will not happen again. The solution must be a process – specific steps that have been taken to correct the finding and what extra steps will be taken to make sure this problem does not occur again.
- **WHEN** the problem was corrected.
- **WHO** will be responsible for ensuring the corrections were made and written policies and/or procedures will be maintained.

[Insert discussion of serious deficiencies, required corrective action and specific actions the provider must do to correct the finding. 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 sponsoring organization-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/ 3 weeks from the date of this letter]*. *Different deadlines for different serious deficiencies may be established.*

If we do not receive the documentation of your corrective action by *[date/ 3 weeks from the date of this letter]*, 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 or propose to disqualify you, you will be able to appeal those actions and you will be advised of your appeal rights and 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.

[Insert if applicable: 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 then conduct an unannounced follow-up review to verify the adequacy of the corrective action.]

If we find in *[insert if applicable: the follow-up review or]* any subsequent review that any of these serious deficiencies 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,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Successful Corrective Action, Rescission of Serious Deficiency Notice (provider)

[Note: Send this letter by certified mail/return receipt, 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.]

Date

CERTIFIED MAIL

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns the determination in our *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP).

We have assessed that your corrective action plan, if implemented as described, should correct all your serious deficiencies fully and permanently.

SERIOUS DEFICIENCY DETERMINATION RESCINDED

Based on our assessment of your corrective action plan, we have determined that you have fully and permanently corrected the serious deficiencies that were cited in the Serious Deficiency Notice. As a result, we have rescinded our serious deficiency determination as of the date of this letter. This also means that we will not propose to terminate your agreement for cause based on this serious deficiency finding or propose to disqualify you on that basis.

ASSESSMENT OF CORRECTIVE ACTION PLAN

The following paragraphs describe the results of our assessment of your corrective action plan.

[Insert discussion of each serious deficiency and why the corrective action is adequate. Each serious deficiency discussed must include a cite to the relevant serious deficiency in the regs at §226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(1)(3)(ix) "Any other circumstance related to non-performance under the sponsoring organization-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 deferred our serious deficiency determination because we have assessed that your corrective action plan if implemented as described, will correct all your serious deficiencies fully and permanently. However, if we find in any subsequent review that any of these serious deficiencies have not been fully and permanently corrected, we will immediately propose to

terminate your agreement for cause and propose to disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Notice of Proposed Termination and Proposed Disqualification (provider) This letter must be submitted within 10 days of the CAP due date to the FDCH Manager for approval.

[Note: Send this letter by certified mail/return receipt, 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.]

Date

CERTIFIED MAIL

Provider Name

Provider Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the determination in our *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in the operation of the Child and Adult Food Care Program (CACFP).

We have conducted a follow-up review on *[date]* to review to verify the adequacy of the corrective actions you have taken to correct these serious deficiencies

Based on our follow-up review, we have determined that you have not fully and permanently corrected the serious deficiencies that were cited in the Serious Deficiency Notice.

PROPOSED TERMINATION AND PROPOSED DISQUALIFICATIONS

As a result, we are:

- Proposing to terminate your agreement to participate in the CACFP for cause effective *[date/15 days from the date of this letter]*, and
- Proposing to disqualify you from future CACFP participation effective *[date/15 days from the date of this letter]*.

[The effective date for the termination/disqualification must be after the deadline for requesting an appeal. In addition, the effective date for the disqualifications 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.]

In addition, 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. 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. You will remain on the list until such time as

the State agency determines that the serious deficiencies have been corrected, or until 7 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 section 226.16(l) of the CACFP regulations (7CFR 226.16(l)).

STATUS OF SERIOUS DEFICIENCIES

The following paragraphs detail each serious deficiency and its status based on our [date] follow-up review.

[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). These will be from the SD letter previously sent to the provider.

Each serious deficiency discussed must include a cite to the relevant serious deficiency in the regs at 226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(l)(2)(ix), “Any other circumstance related to non-performance under the sponsoring organization-day care home agreement”).]

APPEAL OF PROPOSED TERMINATION AND PROPOSED DISQUALIFICATIONS

You may appeal the proposed termination of your agreement for cause and your proposed disqualification. A copy of the appeal procedures is enclosed. If you decide to appeal the proposed actions, make sure you follow the appeal procedures exactly because the failure to do so could 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, we are proposing to terminate your CACFP agreement for cause and proposing to disqualify you.

If you appeal the proposed termination and the proposed disqualifications, the proposed actions will not take effect until the hearing official issues a decision on the appeals. If you do not make a timely request for an appeal, your agreement will be terminated for cause on [date/15 days from the date of this letter]. If you do not appeal your proposed disqualification, they will be disqualified from future CACFP participation effective [date/15 days from the date of this letter] and placed on the National Disqualified List.

You may continue to participate in the CACFP until [termination/disqualification effective date/15 days from the date of this letter] 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,

Sponsor Employee Name & Title

Enclosure
Appeal Procedures

cc: State agency

**Prototype Letter: Notice of Termination and Disqualification (following failure to appeal)
(provider)**

[Note: Send this letter by certified mail/return receipt, 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.]

Date

CERTIFIED MAIL

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns our *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification), 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 of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in its operation of the CACFP.

You received the Notice of Proposed Termination & Proposed Disqualification on *[date received]*. You had until *[insert deadline for requesting appeal]* to submit any requests for appeals of the proposed actions. No requests for appeals were submitted by that deadline.

TERMINATION AND DISQUALIFICATIONS

Because the time to request an appeal has now expired, we are:

- Terminating your agreement to participate in the CACFP for cause effective *[date allowed to appeal in prior letter]*, and
- Disqualifying you from future CACFP participation effective *[date allowed to appeal in prior letter]*.

[The effective date for the disqualifications 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.]

Upon disqualification, you will be placed on the National Disqualified List. 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. You will remain on the list until such time as the State agency, determines that the serious deficiencies have been corrected, or until 7 years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the list until the debt has been repaid.

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

SUMMARY

We are terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of your agreement 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 claims by the normal deadline.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Temporarily Deferred after provider wins appeal)

[Note: Send this letter by certified mail/return receipt, 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.]

Date

CERTIFIED MAIL

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns our *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification), 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 of Seriously Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in the operation of the CACFP.

You filed a timely appeal of the proposed termination and proposed disqualification. On *[date of hearing official's decision]*, the hearing official issued a decision on the appeal. In that decision, the hearing official overturned both of our proposed actions.

SERIOUS DEFICIENCY DETERMINATION TEMPORARILY DEFERRED

As a result, we have temporarily deferred our serious deficiency determination as of *[date of hearing official's decision]* (the date of the hearing official's decision). We are also temporarily deferring the proposed termination of your agreement for cause and your proposed disqualification as of the same date.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

**Prototype Letter: Notice of Termination and Disqualification (after sponsor wins appeal)
(provider)**

[Note: Send this letter by certified mail/return receipt, 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.]

Date

CERTIFIED MAIL

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns our *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification), 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 of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the CACFP.

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

TERMINATION AND DISQUALIFICATIONS

As a result, we are:

- Terminating your agreement to participate in the CACFP for cause effective *[date of appeal decision]*, and
- Disqualifying you from future CACFP participation effective *[date of appeal decision]*.

[The effective date for the disqualifications 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.]

In addition, if you voluntarily terminate this agreement after receiving this letter, we will disqualify you from future CACFP participation.

Upon disqualification, you will be placed on the National Disqualified List. 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. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l) of the CACFP regulations (7 CFR 226. 16(l)).

SUMMARY

We are terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of its agreement 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 to you for this period. You must submit the claims by the normal deadline.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Notice of Serious Deficiency, Suspension, and Proposed Termination and Disqualification for Providers (Combined notice, health threat)

[Note: Send this letter by certified mail/return receipt, 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.]

Date

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

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

SERIOUS DEFICIENCY DETERMINATION

Based on the *[review/audit/licensing finding, etc.]*, *[sponsoring organization]* has determined that you are seriously deficient in your operation of the CACFP.

SUSPENSION

One of the serious deficiencies 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 sponsoring organization 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) of the CACFP regulations.

PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION

As a result, we are:

- Proposing to terminate your agreement to participate in the CACFP for cause effective *[15 days from date of this letter]*, and
- Proposing to disqualify you from future CACFP participation effective *[15 days from the date of this letter]*.

[The effective date for the termination/disqualification must be after the deadline for requesting an appeal. In addition, the effective date for the disqualifications 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.]

In addition, 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 and the Missouri Bureau of Community Food and Nutrition Assistance, in consultation with [*sponsoring organization*] 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) of the CACFP regulations.

SERIOUS DEFICIENCIES

The following paragraphs detail each serious deficiency

[Insert discussion of serious deficiencies. 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 sponsoring organization-day care home agreement.]

APPEAL OF SUSPENSION, 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 sponsoring organization is suspending your CACFP participation (including all Program payments). In addition, the sponsoring organization 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 sponsoring organization will deny any portion of a claim that is determined to be invalid. Serious Deficiency, Suspension, and Appeals Page 132

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 [*15 days from date of this letter*]. You will be disqualified from future CACFP participation, and your name will be placed on the NDL.

Sincerely,

Sponsor Employee Name & Title

Enclosure
Appeal Procedures

cc: State agency

**Prototype Letter: Notice of Termination and Disqualification – Suspension for Providers
(Provider does not appeal)**

[Note: Send this letter by certified mail/return receipt, 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.]

Date

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns the *[date]* combined Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, the sponsoring organization 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 seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

You received the Notice of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification on *[date received]*. 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

Because the time to request an appeal has now expired, the *[sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective *[date of this letter]*, and
- Disqualifying you from future CACFP participation effective *[date of this letter]*.

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.

You will remain on the NDL until USDA’s Food and Nutrition Service, in consultation with the Missouri Bureau of Community Food and Nutrition Assistance, 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 section 7 CFR 226.16(l) of the CACFP regulations.

SUMMARY

The [*sponsoring organization*] is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of your agreement 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,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Notice of Termination and Disqualification for DCHs (Imminent threat to health or safety, after sponsoring organization wins appeal/prevails/is upheld)

[Note: Send this letter by certified mail/return receipt, 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.]

Date

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns the *[date]* combined Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, we 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 seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

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, the *[sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective *[date of appeal official's decision]*, and
- Disqualifying you from future CACFP participation effective *[date of appeal official's decision]*.

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.

You will remain on the NDL until USDA's Food and Nutrition Service and the Missouri Bureau of Community Food and Nutrition Assistance, in consultation with *[sponsoring organization]*, 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 is repaid.

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

SUMMARY

The [*sponsoring organization*] 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,

Sponsor Employee Name & Title

cc: State agency

Prototype Letter: Notice of Temporary Deferment of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification for Providers (Health threat, after provider wins appeal/prevails/is upheld)

[Note: Send this letter by certified mail/return receipt, 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.]

Date

Provider Name

Provider Address

Provider City, State, 00000

Dear *[Provider]*:

This letter concerns the *[date]* combined Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, we 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 seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

You filed a timely appeal of the suspension and the proposed termination and disqualification. On *[date of appeal official's decision]*, the Administrative Review Official issued a decision. In that decision, the suspension and proposed actions were overturned.

SERIOUS DEFICIENCY DETERMINATION, SUSPENSION, PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION TEMPORARILY DEFERRED

As a result, we have temporarily deferred the serious deficiency determination as of *[date of hearing official's decision]*. The sponsoring organization is also temporarily deferring the suspension, the proposed termination of your agreement for cause, and your proposed disqualification as of the same date.

Any valid claims for reimbursement submitted by you for the period of the suspension will be paid. You must submit these claims by *[insert a date that will give the provider an appropriate length of time to submit these claims]*.

However, you must still implement procedures and policies to permanently correct the serious deficiencies. If we initially determine that the corrective action is complete but later determine that the serious deficiency(s) has recurred, we **must** move to immediately issue a notice of intent to terminate for cause and disqualify you from future participation in the Program.

Sincerely,

Sponsor Employee Name & Title

cc: State agency