

# STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES

CITIZENS PLAZA BUILDING 400 DEADERICK STREET NASHVILLE, TENNESSEE 37243-1403

TELEPHONE: 615-313-4700 FAX: 615-741-4165 TTY: 1-800-270-1349 www.tn.gov/humanservices

BILL HASLAM GOVERNOR DANIELLE W. BARNES
COMMISSIONER

May 24, 2017

Reginald Peyton, Owner South Parkway East Kiddie Learning Center 4210 Millbranch Road Memphis, Tennessee 38116-6748

Dear Mr. Peyton:

The Department of Human Services Audit Services staff conducted an on-site unannounced review of the Child and Adult Care Food Program (CACFP) at South Parkway East Kiddie Learning Center (Sponsor), Application Agreement 00502, on April 19, 2017. We reviewed the Sponsor's records of reimbursements and expenditures for March 2017. The purpose of this review was to determine if the Sponsor complied with *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, application agreement, and applicable Federal and State regulations.

# Background

CACFP sponsors utilize meal count sheets to record the number of meals served for breakfast, lunch, supper and supplements meals served. Meals served by participating sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The CACFP sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) system to seek reimbursement. We inspected meal counts sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed compliance with civil rights requirements, and observed a meal service on April 19, 2017

Our review of the Sponsor's records for the test month of March 2017 disclosed the following:

# 1. The number of participants reported in the reduced- price and paid categories was incorrect

## Condition

The Claim for Reimbursement for the test month reported 63 participants in the free category, 8 participants in the reduced-price category, and 1 participant in the paid category. However, our review of the sponsor's records verified there were 63 participants in the free category, 2 participants in the reduced-price category, and 9 participants in the paid category. The differences were based on the following:

- There were 4 participants reported in the free and 1 reported in the reduced-price category whose applications did not have a Families First assistance number or the household income listed on the applications. These 5 participants were reclassified as paid.
- There were 2 participants reported in the free category whose application did not have a
  date for the determining official's signature. These 2 participants were reclassified as
  paid.
- There were 2 participants reported in the free category whose applications did not have a Families First assistance number, household income or the last four digits of the parent's Social Security number on the applications. These 2 participants were reclassified as paid.
- There was 1 participant reported in the free category. However, based on our review of their household income, they were reclassified to the reduced-price category.
- There were 6 participants reported in the reduced-priced category. However, based on our review of their applications, they were reclassified as free.
- The number of participants reported in the free category was under reported by 3, and the number of participants reported in the paid category was over reported by 1.

The total number of participants reported in the program was 72. However, based on our review of the Sponsor's documentation, we found that there were 74 participants in the program.

(See Exhibit)

#### Criteria

Title 7 of the Code of Federal Regulations, Section 226.15(e)(2) states, "Documentation of the enrollment of each participant at centers (except for outside-school-hours care centers, emergency shelters, and at-risk afterschool care centers). All types of centers, except for emergency shelters and at-risk afterschool care centers, must maintain information used to determine eligibility for free or reduced-price meals in accordance with §226.23(e)(1). For child care centers, such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include information on each child's normal days and hours of care and the meals normally received while in care."

The <u>State of Tennessee Child and Adult Care Food Program Policies and Procedures Manual</u>, page 23, states an institution must maintain, "A properly completed application for CACFP income eligibility for each enrolled participant who is determined eligible for free or reduced-price meal reimbursement."

#### Recommendation

The Sponsor should ensure that each participant in the CACFP is classified and reported according to the income eligibility application for child care center participants.

This is a repeat finding from a previous report dated July 14, 2016.

# 2. Menus did not meet USDA component requirements

# Condition

Our review of the Sponsor's menus disclosed the following:

- The supplement menu on March 3, 2017 listed apple juice and assorted chips.
   The assorted chips are not creditable. As a result, the cost reimbursed for 57 supplements will be disallowed.
- The lunch menu on March 10, 2017 listed milk, sweet and sour chicken, rice pilaf, a wheat roll, and fruit cocktail. Rice is not a vegetable. The menu did not document that a second creditable fruit or vegetable was served. As a result, the cost reimbursed for 44 lunches will be disallowed.

# Criteria

Title 7 of the Code of Federal Regulations Section 226.17(b)(4) states. "Each child care center participating in the Program shall claim only the meal types specified in its approved application in accordance with the meal pattern requirements specified in §226.20 ..."

The USDA <u>Crediting Handbook for the Child and Adult Care Food Program (January 2014)</u>, page 33 states "Snack chips such as banana, fruit, vegetable, and potato chips may not be credited as a fruit or vegetable."

The USDA <u>Crediting Handbook for the Child and Adult Care Food Program (January 2014)</u>, page 39 states "Rice is not a vegetable. See rice in the grains/breads section for crediting information."

## Recommendation

The Sponsor should ensure all meals prepared meet the meal patterns established by the USDA, and menus should be reviewed to ensure they contain all required meal components to be eligible as a reimbursable meal.

# 3. There were menus that did not have the specific names of components

#### Condition

There were menus that did not have the specific name of the cereal that was served. The receipts did show the specific names of the cereal purchased. However, the Sponsor should document the specific type of cereal that is served on their menus.

# <u>Criteria</u>

The Tennessee <u>Child and Adult Care Food Program Policies and Procedures Manual</u> (p. 24) states, "It is recommended that the specific names of all breads or bread alternates, meats or meat alternates, vegetables, fruits and juices be identified on the menus supporting all meal services."

# Recommendation

The Sponsor should ensure that specific names of all cereals are identified on the menus. This information should be verified before the submission of a claim.

This is a repeat finding from a previous report dated July 14, 2016.

# The lunch observed on April 19, 2017 was served outside the Sponsor's approved meal service time

# Condition

The Department of Human Services Audit Services staff conducted a lunch meal service observation on April 19, 2017. Lunch was served from 10:30 a.m. to 11:00 a.m. The approved meal service was from 11:00 a.m. -12:00 p.m.

# Criteria

The State of Tennessee Child and Adult Care Food Program Policies and Procedures Manual, p. 33 (2014) in item 11 under Meal Service Restrictions states, "Child centers are subject to the following meal service restrictions:...."11. Must serve all meals during the times identified in applications approved by the TDHS."

# Recommendation

If the Sponsor desires to change any meal service time, the Sponsor should request, within TIPS, approval from the Food program management for a new service time before implementing the new meal service time.

#### Disallowed Meal Costs

Based on our review, we determined that the sponsor's noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed meals cost of \$716.00.

#### Corrective Action

South Parkway East Kiddie Learning Center must complete the following actions within 30 days from the date of this report:

- Login to the Tennessee Information Payment System (TIPS) and revise the claim submitted for March 2017 which contains the claim data from the enclosed exhibit.
- Remit a check payable to the Tennessee Department of Human Services in the amount of \$716.00 for recovery of the amounts disallowed in this report. <u>Please return</u> the attached billing notice with your check; and
- Prepare and submit a corrective action plan to address the deficiencies identified in this
  report. The corrective action plan template is attached. Please return the corrective
  action plan to:

## AuditServices.CAPS.DHS@tn.gov

If you have questions relative to the correction action plan, please contact:

Allette Vayda, Director
Child and Adult Care Food Program
8th Floor Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243
Allette.Vayda@tn.gov
(615) 313-3769

Please note that the amount of disallowed cost is subject to an interest charge. The interest charge will be waived if your revised claim within 30 days from the date of this report. If the revised claim is not completed by the 30-day deadline, an interest charge may be billed to your institution. Please mail your check and the billing notice to:

Child and Adult Care Food Program
Fiscal Services
11th Floor, Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243

In accordance with the federal regulation found at 7 CFR Part 226.6 (k), your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

Tennessee Department of Human Services Appeals and Hearings Division, Clerk's Office P.O. Box 198996 Nashville, TN 37219

If the Institution decides to appeal the amount of disallowed administrative and meals cost, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

We appreciate the assistance provided during this review. If you have any questions regarding this report, please contact Jackie Yokley, Audit Director 2, at 615-837-5035 or <a href="mailto:Jackie.D.Yokley@tn.gov">Jackie.D.Yokley@tn.gov</a>.

Sincerely.

Sam O. Alzoubl, CFE Director of Audit Services

#### Exhibit

cc: Marcus Harris, Director of Operations, South Parkway East Kiddie Learning Center Allette Vayda, Director, Child and Adult Care Food Programs
Brian Anthis, Program Coordinator, Child and Adult Care Food Program
Sean Baker, Director of Quality Assurance
Constance Moore, Program Specialist, Child and Adult Care Food Program
Marty Widner, Program Specialist, Child and Adult Care Food Program
Comptroller of the Treasury, State of Tennessee

# **EXHIBIT**

# Verification of CACFP Independent Center Claim (Claiming Percentages)

Sponsor: South Parkway East Kiddie Learning Center

Review Month/Year: March 2017

Total Meal Reimbursement Received: \$6,994.93

Program Area	Reported on Claim	Verified By Monitoring Review
Number of Days that CACFP Food Service was operated	23	23
Total Attendance	1,445	1, <b>444¹</b>
Percentage of Participants in the Free or Reduced-price Category (For Proprietary Center Only)	xxxxxx	88%
Number of Breakfasts Served	1,325	1,325
Number of Lunches Served	1,131	1,087²
Number of Supplements Served	1,330	1,273²
Number of Participants in Free Category	63	63
Number of Participants in Reduced- Price Category	8	2³
Number of Participants in Paid Category	1	93
Total Number of Participants	72	74³
Total Amount of Eligible Food Costs	xxxxxxx	\$3,137.67
Total Amount of Eligible Food and Non-Food Costs	xxxxxxx	\$5,416.07

<sup>&</sup>lt;sup>1</sup>The difference is due to a reporting error. (Finding 4)
<sup>2</sup>The differences are due to menu deficiencies. (Finding 2)
<sup>3</sup> The differences are due to application and reporting errors. (Finding 1)



# STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES

CITIZENS PŁAZA BUILDING 400 DEADERICK STREET NASHVILLE, TENNESSEE 37243-1403

TELEPHONE: 615-313-4700

FAX: 615-741-4165

TTY: 1-800-270-1349 www.tn.gov/humanservices

BILL HASLAM GOVERNOR DANIELLE W. BARNES

COMMISSIONER

May 24, 2017

Reginald Peyton, Owner South Parkway East Kiddie Learning Center 4210 Millbranch Road Memphis, Tennessee 38116-6748

Notice of payment due to findings disclosed in the monitoring report dated May 24, 2017, for Child and Adult Care Food Program (CACFP).

Institution Name:	South Parkway East Kiddie Learning Center
Institution Address:	4210 Millbranch Road Memphis, Tennessee 38116-6748
Agreement Number:	00502
Amount Due:	\$716.00
Due Date:	June 23, 2017

Based on the monitoring report issued on May 24, 2017, by the Audit Services Division within the Tennessee Department of Human Services, the Community and Social Services- Food Programs- CACFP & SFSP management has agreed with the findings which requires your institution to reimburse the Department of Human Services for disallowed meals cost.

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount of \$716.00 by the due date to:

Tennessee Department of Human Services
Fiscal Services 11<sup>th</sup> Floor
Citizens Plaza Building
400 Deaderick Street
Nashville, Tennessee 37243-1403

Please note that the unallowed cost / overpayment of the CACFP is subject to an interest charge. The interest charge will be waived if the payment is received by the due date. If payment is not received by the end of 5th day of the due date, an interest charge may be added to the original amount due and will be billed to your entity.

If you have any questions regarding this notice, please feel free to contact Allette Vayda, Director, Community and Social Services- Food Programs- CACFP & SFSP at (615) 313-3769 or Allette.Vayda@tn.gov

Thank you for your attention

# ACRE OF THE PARTY OF THE PARTY

# **Tennessee Department of Human Services**

# **Corrective Action Plan for Monitoring Findings**

**Instructions:** Please print in ink or type the information to complete this document. Enter the date of birth for each Responsible Principal and/or Individual in Section B. Attach the additional documentation requested. Enter your name, title and date of signature on the last page. Please sign your name in ink. **Please return ALL pages of the completed Corrective Action Plan form.** 

## Section A. Institution Information

	☐ SFSP ☑ CACFP		
nessee 38116-6748			
ual(s)	Date of Birth: / /		
	Date of Birth.		
/Corrective Action Plan			
ring Report: 05/24/2017 Corrective Action Plan: 05/24/2017			
- -	t/Corrective Action Plan		

# Section D. Findings

#### Findings:

- 1. The number of participants reported in the reduced-price and paid categories was incorrect.
- 2. Menus did not meet USDA component requirements.
- 3. There were menus that did not have the specific names of components.
- 4. The lunch observed on April 19, 2017 was served outside the Sponsor's approved meal service time.

The following measures will be completed within **30 calendar days** of my institution's receipt of this corrective action plan:

Measure No. 1: The number of participants reported in the reduced-price and paid categories was incorrect.

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: Position Title:

Name:	Position Title:
Describe below the step-by-step procedures that will be implemented to correct the finding:	
	for addressing the finding be implemented? Provide a timeline below for es (i.e., will the procedures be done daily, weekly, monthly, or annually, and when
· <u>-</u>	
Where will the Corrective A	ction Plan documentation be retained? Please identify below:
How will new and current st Handbook, training, etc.)?	raff be informed of the new policies and procedures to address the finding (e.g., Please describe below:

# Measure No.2: Menus did not meet USDA component requirements.

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected: Name: Position Title: Name: Position Title: Describe below the **step-by-step** procedures that will be implemented to correct the finding: When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?): Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be Handbook, training, etc.)? Please	informed of the new policies and procedures to address the finding (e.g., e describe below:
Measure No. 3: There were men	us that did not have the specific names of components.
The finding will be fully and permandentify the name(s) and position to sufficiently and permanently corrected:	tle(s) of the employee(s) who will be responsible for ensuring that the finding
Name:	Position Title:
Name:	Position Title:
Describe below the sten-hy-sten	procedures that will be implemented to correct the finding:
DOCUMENT STOP BY STOP	procedures that will be implemented to correct the finding.
	ressing the finding be implemented? Provide a timeline below for e., will the procedures be done daily, weekly, monthly, or annually, and when
, , , , , , , , , , , , , , , , , , , ,	

	an documentation be retained? Please identify below:
How will new and current staff be in Handbook, training, etc.)? Please	nformed of the new policies and procedures to address the finding (e.g., describe below:
Measure No. 4: The lunch observe service time.	ed on April 19, 2017 was served outside the Sponsor's approved meal
<b></b>	
The finding will be fully and permane Identify the name(s) and position title is fully and permanently corrected:	ently corrected. e(s) of the employee(s) who will be responsible for ensuring that the finding
Name:	Position Title:
Name:	Position Title:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the <b>step-by-step</b> p	rocedures that will be implemented to correct the finding:
Describe below the <b>step-by-step</b> p	procedures that will be implemented to correct the finding:
Describe below the <b>step-by-step</b> p	rocedures that will be implemented to correct the finding:
Describe below the <b>step-by-step</b> p	procedures that will be implemented to correct the finding:
Describe below the <b>step-by-step</b> p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:
Describe below the step-by-step p	procedures that will be implemented to correct the finding:

will they begin?):

			10000000
Where will the Corrective Action Plan documentation be retained? Please identify	below:	•	
	<del></del>		
How will new and current staff be informed of the new policies and procedures to Handbook, training, etc.)? Please describe below:	address t	he f	inding (e.g.,
I certify by my signature below that I am authorized by the institution to sign this document. As an authorized representative of the institution, I fully understand the corrective measures identified above and agree to fully implement these measures within the required time frame. I also understand that failure to fully and permanently correct the findings in my institution's CACFP or SFSP will result in its termination from the program, and the placement of the institution and its responsible principals on the National Disqualified List maintained by the U.S. Department of Agriculture.			
Printed Name of Authorized Institution Official:	Position	n:	
Signature of Authorized Institution Official:	Date:	1	1
Signature of Authorized TDHS Official:	Date:	1	1

# APPEAL PROCEDURES FOR CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES

# Appeal Procedures

- 1. Pursuant to 7 CFR §226.6(k)(4), the TN Department of Human Services (TDHS) must provide administrative review procedures to institutions and responsible principals and responsible individuals as follows:
  - (a) Annually to all institutions;
  - (b) To an institution and to each responsible principal and responsible individual when the State agency takes any action subject to an administrative review as described in 7 CFR §226.6(k)(2); and
  - (c) Any other time upon request.
- 2. Pursuant to 7 CFR 226.6(k)(3) and (k)(9), some administrative actions are not subject to administrative review. Those actions are listed in paragraph 2.(a). Other administrative actions may be administratively appealed. Those actions are listed in paragraph 2.(b) and (c). All institutions and sponsoring agencies may appeal any adverse administrative action listed in paragraph 2.(b) which are taken by the TDHS by requesting a fair hearing to appear in person to refute the action, or by requesting a review of written information in lieu of a fair hearing.
  - (a) Pursuant to 7 CFR Part 226.6 (k)(3) TDHS is prohibited from offering administrative reviews of the following actions:
    - (i) FNS decisions on claim deadline exceptions and requests for upward adjustments to a claim.
    - (ii) Determination of serious deficiency.
    - (iii) State agency determination that corrective action is inadequate.
    - (iv) Disqualification and placement on State agency list and National disqualified list.
    - (v) Termination.
    - (vi) State agency or FNS decision regarding removal from the National disqualified list.
    - (vii) State agency's refusal to consider an application submitted by an institution or facility on the National disqualified list.
  - (b) Pursuant to 7 CFR Part 226.6(k)(9), an abbreviated appeal process is available for the following actions. TDHS must limit the administrative review to a review of written submissions by the TDHS and institutions or sponsoring agencies concerning the accuracy of the State agency's determination if the application was denied, or the State agency proposes to terminate the institution's agreement because:
    - (viii) The information submitted on the application was false;
    - (ix) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is on the national disqualified list;
    - (x) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program;

- (xi) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities has been convicted for any activity that indicates a lack of business integrity;
- (c) Administrative review is also available if the State agency notifies the institution and responsible principal or responsible individual of the following actions: proposed disqualification of a responsible principal or responsible individual, denial of a budget, denial of a line item within a budget, downward adjustment of the amount approved in a budget, suspension of an institution's participation, denial of start-up or expansion funds, denial of a request for advanced payment, recovery of an advance in excess of a claim, denial of a claim for reimbursement (except for late submission), decision not to forward an exception request for payment of a late claim, overpayment demand, denial of a new or renewing institution's application for participation, denial of sponsored facility application, notice of proposed termination, claim denial, claim deadline exceptions and requests for upward adjustments to a claim, or any other action affecting an institutions participation or claim for payment.
- 3. All appeal requests must be presented in writing to the TDHS Division of Appeals and Hearings not later than 15 calendar days after the date the institution or sponsoring agency receives the notice of adverse administrative action.
- 4. The date of an institution's or sponsoring agency's receipt of a notice of suspension and/or proposed termination and disqualification will be governed by the federal regulation at 7 CFR Part 226.2. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee's last known mailing address, facsimile number, or email address.
- 5. The TDHS Division of Appeals and Hearings will acknowledge the receipt of the appeal request within 10 calendar days of the receipt of the institution's or sponsoring agency's request for review. The written request for review should state if a fair hearing is requested or if a review of written information in lieu of a fair hearing is requested. If the appeal request from the institution or sponsoring agency does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If a fair hearing is requested and the institution or sponsoring agency's representative fails to appear, the right to a personal appearance is waived.
- 6. If an institution or sponsoring agency does not request a fair hearing or a review of written information in lieu of the hearing within 15 calendar days from the date the institution or sponsoring agency receives a Notice of Proposed Termination, the TDHS will issue a letter advising the institution or sponsoring agency that it is terminated from the CACFP effective on the 16th calendar day following the institution's or sponsoring agency's receipt of the notice, and that the responsible principals and individuals of the institution or sponsoring agency are disqualified from participation.
- 7. To be considered for a fair hearing or for a review of written information in lieu of a fair

Appeal Procedures for Child and Adult Care Food Program-Institutions Revised March 2017

hearing, all written documents must be submitted to the TDHS Division of Appeals and Hearings not later than 30 days after receipt of the notice of adverse administrative action.

- 8. The action of the TDHS must remain in effect during the administrative review. The effect of this requirement on particular actions by TDHS is as follows:
  - (i) Overpayment demand. During the period of the administrative review, TDHS is prohibited from taking action to collect or offset the overpayment. However TDHS must assess interest beginning with the initial demand for remittance of the overpayment and continuing through the period of administrative review unless the administrative review official overturns the TDHS's action.
  - (ii) Recovery of advances. During the administrative review, TDHS must continue its efforts to recover advances in excess of the claim for reimbursement for the applicable period. The recovery may be through a demand for full repayment or an adjustment of subsequent payments.
  - (iii) Program payments. The availability of Program payments during an administrative review of the denial of a new institution's application, denial of a renewing institution's application, proposed termination of a participating institution's agreement, and suspension of an institution are addressed in paragraphs (c)(1)(iii)(D), (c)(2)(iii)(D), (c)(3)(iii)(D), (c)(5)(i)(D), and (c)(5)(ii)(E), respectively, of 7 CFR §226.6.
- 9. The institution or sponsoring agency must refute the charges contained in the notice during the fair hearing or in the written information that is provided in lieu of the hearing.
- 10. The institution and the responsible principals and responsible individuals may retain legal counsel, or may be represented by another person.
- 11. If a fair hearing is requested, the institution or sponsoring agency will be notified in writing of the time, date and place of the fair hearing at least 10 calendar days in advance.
- 12. Any information which supports an adverse administrative action taken by the TDHS shall be available to the institution or sponsoring agency for inspection from the date of the receipt of the request for a fair hearing or a review of written information in lieu of the hearing.
- 13. In accordance with 7 CFR Part 226.6 (k)(8), the TDHS Division of Appeals and Hearings must conduct the administrative review of the proposed disqualification of the responsible principals and responsible individuals as part of the administrative review of the application denial, proposed termination, and/or proposed disqualification of the institution with which the responsible principals or responsible individuals are associated. However, at the administrative review official's discretion, separate administrative reviews may be held if the institution does not request an administrative review or if either the institution or the responsible principal or responsible individual demonstrates that their interests conflict.
- 14. The procedures contained in the Uniform Administrative Procedures Act found at TCA 4-5-301 et seq. shall be followed in rendering a decision on all appeals. The decision of the hearing officer is the final administrative determination to be afforded to the institution or sponsoring agency, and shall be rendered in a timely manner not to exceed 60 calendar days from the date of the receipt of the request for a fair hearing.
- 15. The processing limits for administrative appeals MUST be met. In the event a continuance is requested by a party, one continuance may be granted at the Hearing Official's discretion. This

Appeal Procedures for Child and Adult Care Food Program-Institutions Revised March 2017

continuance shall not be for a period longer than ten (10) calendar days unless there are exceptional circumstances. Exceptional circumstances must be detailed in the order of continuance and the order must contain a date certain for the hearing, to be set as soon as possible. A report of pending CACFP desk review and fair hearing requests will be generated and reviewed daily by the Clerk's Office and the Legal Director for Appeals and Hearings who will monitor the dates for timeliness. In the event a decision has not been rendered within forty-five (45) calendar days of the date of receipt of the request for fair hearing or desk review, the Legal Director for Appeals and Hearings or their back-up shall notify the hearing official to take appropriate action.

16. All requests for a fair hearing or for a review of written information in lieu of a hearing must be submitted to:

Tennessee Department of Human Services
Division of Appeals and Hearings
PO Box 198996, Clerk's Office
Nashville, TN 37219-8996

Fax: (615) 248-7013 or (866) 355-6136 E-mail: <u>AppealsClerksOffice.DHS@tn.gov</u>

17. If a termination action is upheld by the hearing officer, the TDHS will issue a letter to the institution or sponsoring agency and its responsible principals and individuals advising that the termination and disqualification are effective on the date of the ruling issued by the hearing officer. The agency maintains searchable records of all administrative reviews and their dispositions for a period of five (5) years.

18. As required by 7 CFR Part 226.6 (c)(7), each disqualified institution, sponsoring agency, principal and individual will be placed on the National Disqualified List maintained by the U.S. Department of Agriculture (USDA). Once included on the National Disqualified List, an institution, sponsoring agency, principal and individual shall remain on the list until such time as the USDA, in consultation with the TDHS, determines that the serious deficiencies that led to their placement on the list have been corrected, or until seven years have elapsed since they were disqualified from participation. However, if the institution, sponsoring agency, principal or individual has failed to repay debts owed under the program, they will remain on the list until the debt has been paid.

# TENNESSEE DEPARTMENT OF HUMAN SERVICES **CLAIM FOR REIMBURSEMENT** 1. Check Appropriate Claim Type CHILD AND ADULT CARE FOOD PROGRAM 2. AGREEMENT NUMBER Original Claim Revised Claim Read INSTRUCTIONS carefully before completing claim. 3.NAME AND ADDRESS OF INSTITUTION 4. MONTH AND YEAR CLAIMED 5. TOTAL NUMBER OF DAYS FOOD SERVICE WAS PROVIDED FOR MONTH **YEAR** PERIOD CLAIMED 6. TOTAL ATTENDANCE FOR CLAIM PERIOD 7. TOTAL NUMBER OF ELIGIBLE A. CHILD OR ADULT CARE CENTERS 8. OUTSIDE SCHOOL HOUR C. ELIGIBLE PROPRIETARY TITLE XX/ PROPRIETARY TITLE XX CENTERS (CHILD) TITLE XIX CENTERS OT TITLE XIX CENTERS (ADULT) ALS SERVED TO PARTICIPANTS IN CHILD/ADD A. BREAKFAST **B. LUNCHES** C. SUPPERS D. SUPPLEMENTS 2. FREE REDUCED 10. PAID (REQUIRED FOR ALL CENTER CLASMS) 11. TOTAL 12. TOTAL NUMBER OF PARTICIPANTS ENROLLED IN CENTERS FOR THIS CLAIM PERIOD BY INCOME GROUP FREE REDUCED PAID REMARKS I CERTIFFY that to the best of my knowledge and belief, this claim is true and correct in all respects, that records are available to support this claim, that i is in accordance with the terms of existing Agreement(s); I recognize that I will be fully responsible for any excess amounts which may result from erroneous or neglectful reporting herein. I further certify that claims submitted for meals served in proprietary centers meet the requirements for reimbursement as established by the Federal Regulations as 7CFR Part226. I further certify that all claims for reimbursement shall be submitted to the State Office no later than 30 days after end of the claim month. I understand that failure to submit claims within the 30 day deadline may result in such ciaims not being paid. 15. PREPARATION DATE 14. TITLE 14. SIGNATURE OF AUTHORIZED DAY YFAR MO REPRESENTATIVE No further reimbursement shall be paid under the CACFP for the period All receipts, invoice and other evidence of purchase must be retained and covered by this claim unless this is completed and filed as required by the available for future audit for a period of 3 years after the end of the fiscal Tennessee Department of Human Services and the Federal Regulations at year to which they pertain. 7 CFR Part 226