

Section 9000

Terms, Definitions and

Acronyms

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Terms, Definitions and Acronyms

9100 Terms and Definitions

Accountable – The new or renewing contracting entity has in place internal controls to assure that Program funds for meals and administrative expenses are properly spent.

Administrative Costs – Costs incurred by a contracting entity related to planning, organizing, and managing a food service under the Program, and allowed by TDA.

Administrative Review Official – The independent and impartial official who conducts a fair hearing or an appeal.

Administratively Capable – The new or renewing contracting entity has documented they have the staffing and expertise to meet all of the Program's requirements.

Adult – Any individual 21 years of age or older.

Adult Day Care Center – Any public or private nonprofit organization or any for-profit center which:

- a) Is licensed or approved by Federal, State or local authorities to provide nonresidential adult day care services to functionally impaired adults or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis; and
- b) Provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related support services to enrolled adult participants through an individual plan of care.

Adult Day Care Site – A licensed or approved adult day care center under the sponsorship of a contracting entity.

Adult Participant – A person enrolled in an adult day care center who is functionally impaired or is 60 years of age or older.

Advance Payments – Financial assistance made available to a contracting entity for its Program costs prior to the month in which such costs will be incurred.

Affiliated Site- A site that is part of the same legal entity as the contracting entity. For-profit contracting entities may only sponsor affiliated sites.

Aggregate – The whole sum or amount (i.e., the total meal count by types for any day).

Agreement – An understanding between two or more parties that is duly executed and legally binding.

Alternate Form – A form developed by an entity other than TDA to be used in place of a TDA form.

Annually – Once during each Program Year.

Appeal – The fair hearing provided upon request to:

- a) A contracting entity that has been given notice by the TDA of any action or proposed action that will affect the contracting entity's participation or reimbursement under the Program; and
- b) A principal or individual responsible for a contracting entity's serious deficiency after the responsible principal or responsible individual has been given a notice of intent to disqualify them from the Program.

Business Related Offense – A business related offense 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.

CACFP – The Child and Adult Care Food Program.

Center – An adult day care center. Also referred to as a site.

Claiming Percentage – The ratio of the number of enrolled adults in each eligibility category (free, reduced-price or paid) to the total of enrolled adults in the center or site.

Commodities – Foods donated by the United States Department of Agriculture (USDA).

Complete Monitoring Review – A monitoring review that covers all the requirements on Form H1602, *Monitor Review (Adult Day Care)*.

Contract – A binding agreement where there is an “exchange of legal consideration” (i.e., legally enforceable).

Contracting Entity – A sponsoring organization or an independent center that enters into an agreement with TDA to assume final administrative and financial responsibility for Program operations.

Current Income – Income received during the month prior to application for free or reduced-price meals. If such income does not accurately reflect the household's annual income, income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

Days – Calendar days, unless otherwise specified.

Disabled Adult Participant– An adult participant who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Disqualified – The status of a contracting entity or responsible principal or responsible individual that was declared seriously deficient and placed on the National Disqualified List.

Economic Unit – A group of related or unrelated people who share housing and all other significant income and expenses.

Edit Check – A method of comparing information on a claim to other available information to determine the validity of the claim.

Egregious – A consistent flagrant or glaring violation of CACFP requirements.

Enrolled Participant – An “Adult Participant” (excluding institutionalized individuals) for whom a signed document has been submitted indicating that the adult is enrolled for day care.

Expendable Equipment – All equipment, other than nonexpendable equipment, with a useful life of less than one year.

Family – A group of related or unrelated individuals who live together as one economic unit. Residents of an institution or boarding house are not included.

FDPIR Household – Any individual or group of individuals that is currently certified to receive assistance as a household under the Food Distribution Program on Indian Reservations.

Financially Viable – The new or renewing contracting entity has the financial resources to meet all of the Program’s requirements.

Firm Fixed-Price Contract – A contract in which the price paid the supplier is based on a lump sum or unit basis.

Fiscal Year – A period of 12 calendar months that constitutes as a contracting entity’s accounting year.

Five-day Reconciliation – A comparison of meal counts to enrollment and attendance records over a period of five consecutive days.

Food Component – One of the food groups that contributes to the reimbursable meal (example: vegetable/fruit).

Food Item – One of the food servings that contributes to the reimbursable meal (example: two servings of vegetables or fruits, or one of each).

Food Service Management Company – An organization, other than a public or private nonprofit school, with which a contracting entity may sign a contract for preparing, and unless otherwise provided for, delivering meals, with or without milk, for use in the CACFP.

For-profit Center/Site – An adult day care center providing nonresidential care to adults that does not qualify for tax-exempt status under the Internal Revenue Code of 1986. A for-profit center serving adults must meet the definition of adult day care center and, during the calendar month preceding initial application or reapplication, the center receives compensation from amounts granted to the States under title XIX or title XX and twenty-five percent of the adults enrolled in care are beneficiaries of title XIX, title XX, or a combination of titles XIX and XX of the Social Security Act.

Free Meal – A meal served under the Program to an adult participant who is automatically eligible for free meals by virtue of SNAP , TANF or FDPIR reciprocity or is a SSI or Medicaid participant.

Frontloading – Conducting a majority of monitoring reviews early in the Program Year.

Functionally Impaired Adult – Chronically impaired disabled persons 18 years of age or older, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, who are physically or mentally impaired to the extent that their capacity for independence and their ability to carry out activities of daily living is markedly limited. Activities of daily living include, but are not limited to, adaptive activities such as cleaning,

shopping, cooking, taking public transportation, maintaining a residence, caring appropriately for one's grooming or hygiene, using telephones and directories, or using a post office. Marked limitations refer to the severity of impairment, and not the number of limited activities, and occur when the degree of limitation is such as to seriously interfere with the ability to function independently.

Governing Body – The elected or appointed members of an organization who jointly oversee the activities of the organization, sometimes referred to as the Board of Directors or Executive Board. In the case of for-profit organizations, the Governing Body could consist of the owner or owners of the organization.

Group Living Arrangement – Residential communities which may or may not be subsidized by federal, State or local funds but which are private residences housing an individual or a group of individuals who are primarily responsible for their own care and who maintain a presence in the community but who may receive on-site monitoring.

Historically Underutilized Business – Any legal entity, including a corporation, sole proprietorship, or joint venture that is formed for the purpose of making a profit and in which at least 51 percent of all ownership interest in the entity is owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including African Americans, Hispanic Americans, Native (Indian) Americans, and women. In addition to 51 percent ownership, individuals who are members of at least one of the above groups must have a proportionate interest and demonstrate active participation in the control, operation, and management of the entity's affairs.

Household – See "Family."

Income Standards – The family size and income standards prescribed annually by USDA for determining eligibility for free and reduced-price meals according to the National School Lunch Act.

Income to the Program – Any funds used in a contracting entity's food service except Program payments. Examples include, but are not limited to, funds from other government sources, income from food sales to adults, cash donations and grants from organizations or individuals.

Independent Center – An adult day care center that enters into an agreement with TDA to assume final administrative and financial responsibility for Program operations.

Independent Governing Board of Directors - In the case of a nonprofit organization; or in the case of a for-profit organization required to have a board of directors, a governing board which meets regularly and has the authority to hire and fire the institution's executive director.

Institution – A sponsoring organization or adult day care center that enters into an agreement with TDA to assume final administrative and financial responsibility for Program operations. Also referred to as Contracting Entity.

Internal Controls – The policies, procedures, and organizational structure of a contracting organization designed to reasonably assure that:

- a) The Program achieves its intended result;
- b) Program resources are used in a manner that protects against fraud, abuse, and mismanagement and in accordance with law, regulations, and guidance; and
- c) Timely and reliable Program information is obtained, maintained, reported, and used for decision-making.

Key Activities – Essential CACFP activities, as defined by F&N, performed to meet the requirements of the Program.

Lactose Intolerance – A term used to describe the inability to digest or absorb lactose, a type of sugar found in milk and milk foods.

Licensed Physician – A person licensed to practice medicine in Texas. Licensed physicians include Doctors of Osteopathy.

Major Life Activities – Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Meals – Food that is served to enrolled adult participants at a center and which meets Program requirements.

Medicaid – Title XIX of the Social Security Act.

Medicaid Recipient – An adult participant who receives assistance under title XIX of the Social Security Act, the Grant to States for Medical Assistance Programs - Medicaid.

Milk – Pasteurized fluid types of unflavored or flavored whole milk, low fat milk, skim milk, or cultured buttermilk that meet state and local standards. Milk must contain vitamins A and D at levels specified by the Food and Drug Administration (FDA).

Monitoring Review Averaging – Conducting the same total number of annual monitoring reviews (three times the number of sponsored sites) by reviewing some sites twice a year and other sites three or more times per year.

Monitoring Review Cycle – How often sites must be reviewed.

National Disqualified List – The list, maintained by USDA, of organizations, responsible principals and responsible individuals disqualified from participation in the Program.

New Center – An approved center that has not begun participation in the Program either under a sponsoring organization or as an independent center.

Nonexpendable Equipment – All equipment with a useful life of more than one year.

Nonpricing Program – An institution, child care center or adult day care center in which there is no separate identifiable charge made for meals served to participants.

Nonprofit Food Service – All food service operations conducted by the contracting entity principally for the benefit of adult participants, and from which all of the Program reimbursement funds are used solely for the operations or improvement of such food service.

Nonresidential Site – A site that does not keep the same adults for more than 24 hours on a regular basis.

Operating costs – Expenses incurred by a contracting entity serving meals to adults under the Program.

Participants – See “Adult Participant.”

Participating Center – A center that claims meals for a given month is considered to be “participating in the Program for the claim month.” This includes sponsored sites.

Personal property – Property of any kind, except real property. Property may be tangible (having physical existence such as fax machines, printers or copiers) or intangible (having no physical existence, such as patents, inventions and copyrights).

Persons with Disabilities – Persons of any age who have one or more disabilities, as determined by the State, and who are enrolled in an institution or child care center serving a majority of persons who are age 18 and under.

Potential Contracting Entity – A sponsoring organization or independent center applying to participate in the Program for the first time or applying to participate in the Program after a lapse in participation.

Pricing Program – An institution, child care center, or adult day care center in which a separate identifiable charge is made for meals served to participants.

Principal – Any individual who holds a management position within, or is an officer of, a contracting entity, including all members of the contracting entity’s board of directors.

Private, Nonprofit Organization – A private organization that is legally established as a non-profit organization and is tax-exempt under 501(c)(3) of the Internal Revenue Code.

Procurement – An orderly process of acquiring food, meals, equipment and other goods and services, whether by lease or purchase.

Program – The Child and Adult Care Food Program authorized by Section 17 of the National School Lunch Act, as amended.

Program Payments – Financial assistance in the form of advance payments or reimbursement paid or payable to contracting entities for operating costs and administrative costs.

Program Year (PY) – A period of 12 calendar months beginning October 1 of any year and ending September 30 of the following year.

Proprietary Title XIX Center – Any private, for-profit center providing non-residential adult day care services, and in which at least 25 percent of all enrolled participants received Title XIX/Title XX benefits during the calendar month preceding initial application or annual reapplication for Program participation.

Proprietary Title XX Center – Any private, for-profit center providing non-residential adult day care services, and in which at least 25 percent of all enrolled participants received Title XIX/Title XX benefits during the calendar month preceding initial application or annual reapplication for Program participation.

Publicly Funded Program – Any program or grant funded by public funds including, but not limited to, federal, state, or local government funds.

Recognized Medical Authority – Includes licensed physicians, physician assistants and nurse practitioners.

Reduced-Price Meal – A meal served under the Program to a participant from a family that meets the income standards for reduced-price school meals. Any separate charge imposed must be less than the full price of the meal, but in no case more than 40 cents for a lunch or supper, 30 cents for a breakfast, and 15 cents for a snack. Neither the participant nor any member of his family may be required to work in the food service program for a reduced-price meal.

Reimbursement – Federal financial assistance paid or payable to contracting entities for Program costs within the rates assigned by the USDA.

Renewing Contracting Entity – A sponsoring organization or independent center that is participating in the Program at the time it submits a renewal application.

Responsible Principal or Responsible Individual –

- a) A principal, whether compensated or uncompensated, who F&N or USDA determines to be responsible for a contracting entity's serious deficiency;
- b) Any other individual employed by, or under contract with, a contracting entity who F&N or USDA determines to be responsible for the serious deficiency; or
- c) An uncompensated individual who F&N or USDA determines to be responsible for a contracting entity's serious deficiency.

Secondary Verification – A means of verifying information, either when the first or primary means of verifying the information has failed or was inconclusive, the first means of verification is not applicable, or the situation requires two or more means of verification.

Seriously Deficient – The status of a contracting entity that has been determined to be non-compliant in one or more aspects of its operation of the Program.

Site – A sponsored affiliated or unaffiliated adult day care.

Site Profile – The criteria established by a sponsoring organization that has implemented monitoring review averaging, to determine which sites receive two, three or four monitoring reviews.

Snack – A meal supplement that meets the meal pattern requirements.

Sponsoring Organization (Sponsor) – A *public or nonprofit private organization* that is entirely responsible for the administration of the food program in:

- a) One or more day care homes;
- b) A child care center, emergency shelter, at-risk afterschool snack program care center, outside-school-hours care center, or adult day care center, which is a legally distinct entity (i.e., unaffiliated) from the Sponsoring Organization;
- c) Two or more child care centers, emergency shelters, at-risk afterschool snack program care centers, outside-school-hours care centers or adult day care centers; or
- d) Any combination of child care centers, emergency shelters, at-risk afterschool snack program care centers, outside-school-hours care centers, adult day care centers and day care homes.

The term *sponsoring organization* also includes an organization that is entirely responsible for administration of the Program in any combination of two or more child care centers, at-risk

afterschool care centers, adult day care centers or outside-school-hours care centers, which meet the definition of *For-profit center* and are of the same legal entity as the sponsoring organization.

SSI Participant – An adult participant who receives assistance under title XVI of the Social Security Act, the Supplemental Security Income (SSI) for the Aged, Blind and Disabled Program.

State Agency – The Texas Department of Agriculture (TDA).

Supplemental Nutrition Assistance Program (SNAP) Household – Any individual or group of individuals that is currently certified to receive assistance as a household under SNAP.

TANF Recipient – An individual or household receiving assistance under a State-administered Temporary Assistance to Needy Families program.

Temporarily Defer – To postpone the serious deficiency process until or unless it is determined that the serious deficiency or serious deficiencies were not fully and permanently corrected.

Termination by Mutual Consent – The termination of a contracting entity's Program agreement by either the contracting entity or F&N due to considerations unrelated to either party's performance of Program responsibilities under the agreement.

Termination for Cause – The termination of a contracting entity's Program agreement by F&N due to a determination of serious deficiency in the organization's operation of the Program.

Title XVI – Title XVI of the Social Security Act that authorizes the Supplemental Security Income for the Aged, Blind, and Disabled Program - SSI.

Title XIX – Title XIX of the Social Security Act that authorizes the Grants to States for Medical Assistance Programs - Medicaid.

Title XX – Title XX of the Social Security Act.

Unaffiliated Site – A legally distinct entity from the sponsoring organization.

Unannounced Review – An on-site review for which no prior notification is given to the contracting entity or sponsored site.

USDA – The United States Department of Agriculture.

Verification – A review of the information reported by the contracting entities to TDA regarding the eligibility of participants for free or reduced-price meals.

9200 Acronyms

ADA	Americans with Disabilities Act
ADC	Adult Day Care
ADP	Average Daily Participation
ARO	Administrative Review Official
CACFP	Child and Adult Care Food Program
CAP	Corrective Action Plan
CCC	Child Care Center
CCFP	Child Care Food Program
CFR	(U.S.) Code of Federal Regulations
CN	Child Nutrition
CSFP	Commodity Supplemental Food Program
DAHS	Day Activity and Health Services
DFPS	(Texas) Department of Family and Protective Services
EIN	Employee Identification Number
FCS	USDA Food and Consumer Service
FDA	Food and Drug Administration
FDP	Food Distribution Program
FND	Food and Nutrition Division
FNS	USDA Food and Nutrition Service
FSMC	Food Service Management Company
FY	Fiscal Year
F&N	Food and Nutrition
GAAP	Generally Accepted Accounting Principles
HUB	Historically Underutilized Business
IFB	Invitation for Bid
IRS	U.S. Internal Revenue Service
ISD	Independent School District
NDL	National Disqualified List
NGO	Non-Governmental Organization
NSLP	National School Lunch Program
OMB	Office of Management and Budget

PNO	Private Nonprofit Organization
PY	Program Year
RDA	Recommended Dietary Allowance
RFP	Request for Proposals
SAE	State Administrative Expense
SBP	School Breakfast Program
SFA	School Food Authority
SFSP	Summer Food Service Program
SMP	Special Milk Program
SNAP	Supplemental Nutrition Assistance Program
SO	F&N State Office or Sponsoring Organization
SSI	Supplemental Security Income
SSN	Social Security Number
TAC	Texas Administrative Code
TANF	Temporary Assistance for Needy Families
TDA	Texas Department of Agriculture
TDD	Telecommunications Display Device
TEA	Texas Education Agency
TMP	Total Monthly Participation
TX-ID	Texas Identification Number
TEXCAP	Texas Commodity Assistance Program
TX-UNPS	Texas Unified Nutrition Programs System
UCN	Uniform Contract Number
USDA	United States Department of Agriculture
USPS	United States Postal Service
WIC	Special Supplemental Nutrition Program for Women, Infants and Children