POLICY ALERT

Date: June 25, 2010
Reference: # CACFP ADC 2010-12
To: Child and Adult Care Food Program-Adult Day Care (CACFP ADC) Contractors
Subject: Serious Deficiency Process for Independently Disqualified Responsible Principals and Individuals (RPIs)
Effective Date: July 1, 2010

APPLIES TO SPONSORING ORGANIZATIONS AND SPONSORED FACILITIES ONLY

Purpose

ADD CACFP ADC Handbook Item 5150, Serious Deficiency Process for Independently Disqualified Responsible Principals and Individuals (RPIs).

Occasionally, it may be appropriate and necessary to place an individual on the National Disqualified List (NDL) even though the contractor with which the individual is associated has not been disqualified. For example, a sponsor may discover that a staff member at a facility they sponsor, is responsible for Program abuse or mismanagement. The sponsor, working with TDA, may pursue disqualification of the responsible principal or individual for the serious deficiency. This procedure should be used for the most egregious of serious deficiencies.

Definition

Egregious means a consistent flagrant or glaring violation of CACFP program requirements.

Implementation

July 1, 2010

Procedure

Add the following to Section 5000 of your CACFP ADC Handbook:

5150, Serious Deficiency Process for Independently Disqualified Responsible Principals and Individuals (RPIs)

If a sponsor discovers that one of their sponsored facilities is consistently violating Program requirements, and the violations are severe enough to warrant placement of the responsible principal(s) and/or responsible individual(s) of that facility in the serious deficiency process, the sponsor may request assistance from their Community Operations office in determining if the severity of the non-compliance(s) identified rises to the level of serious deficiency.

continued

This Policy Remains in Effect Until Further Notice
The sponsor must submit:

- A written request that details the serious deficiency or serious deficiencies the sponsor has identified, and any supporting documentation.
- Copies of training logs that indicate the training the facility has received.
- Copies of corrective action required by the sponsor, if any.

Upon receipt of request from a sponsor, TDA will review the documentation submitted and request additional information if necessary. During the review of the documentation submitted TDA will be assessing the sponsor’s contribution, if any, toward the serious deficiency or deficiencies.

If further documentation is not needed and TDA has determined that the sponsor did not contribute to the serious deficiency or deficiencies, TDA, in coordination with the sponsor, will conduct an unannounced review of the facility to determine if the severity of the non-compliance(s) identified rise to the level of serious deficiency and are of an egregious nature.

If TDA determines that the non-compliances rise to the level of serious deficiency the serious deficiency process as outlined in CACFP ADC Handbook Item 5220, *Serious Deficiency Process for Participating Contractors*, will be initiated by TDA for the responsible principals and individuals within the facility.

TDA will keep the sponsor informed of the progress throughout each step of the process.

Should the responsible principals and/or individuals submit acceptable corrective action, TDA, in coordination with the sponsor, will conduct a second unannounced review of the facility to ensure the corrective action has been correctly implemented. The sponsor will be required to conduct more frequent reviews of a facility that has had responsible principals and individuals in the serious deficiency process.

Should the serious deficiency process progress to proposed disqualification of a responsible principal or individual from a facility, and the responsible principal or individual appeal the action taken, the sponsor will be required to attend, and possibly provide testimony at the hearing, if applicable.

If you have any questions please contact your Community Operations office.