

Serious Deficiency Process - Update



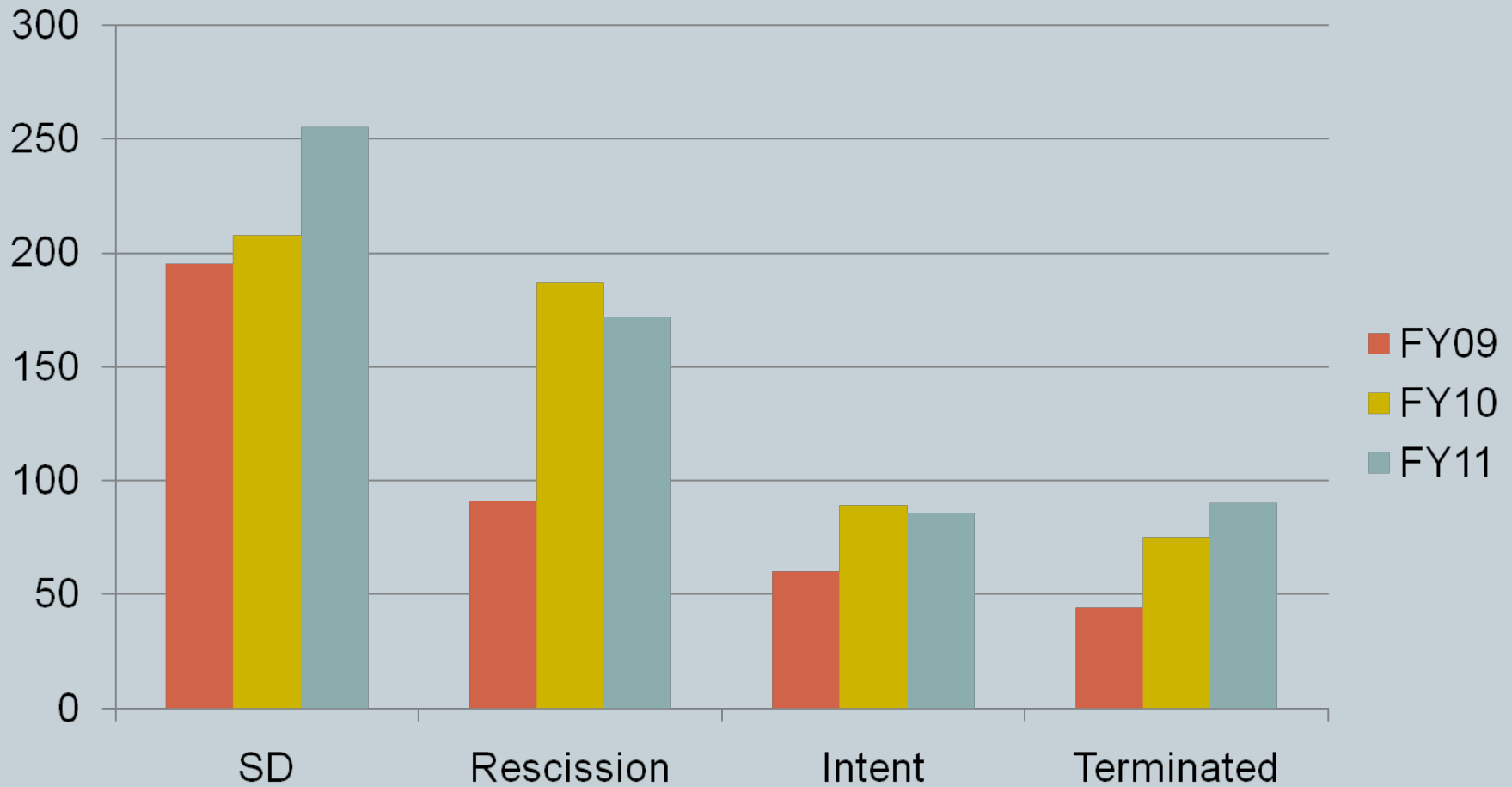
ILLINOIS STATE BOARD OF EDUCATION
NUTRITION PROGRAMS
CHILD AND ADULT CARE FOOD PROGRAM
DAY CARE HOMES
JUNE 23, 2011

Overview



- Update on the Status of Serious Deficiency (SD) Process
- Comments from the last USDA Management Evaluation
- Timelines
- Scenarios of Non-compliance Practices and the SD Process

Update on Status of SD



Comments of USDA



- **7 CFR 226.2.**

Notice – means a letter sent by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email, that describes an action proposed or taken by a Sponsoring Organization (SO) with regard to a Day Care Home's (DCH) participation.

If the notice is undeliverable, it is considered to be received by the institution, responsible individual or DCH **five (5) days** after being sent to the addressee's last known mailing address, facsimile number or email address.

Comments of USDA



- **7CFR226.16(I). Termination of agreements for Cause**

The SO must initiate action to terminate the agreement of a DCH for cause if the SO determines the DCH has committed one or more serious deficiency as listed in 7CFR226.16(I)(2).

List of Serious Deficiencies for Day Care Homes (7CFR 226.16(I)(2))



- (i) Submission of false information on the application;
- (ii) Submission of false claims for reimbursement;
- (iii) Simultaneous participation under more than one sponsoring organization;
- (iv) Non-compliance with the Program meal pattern;
- (v) Failure to keep required records;
- (vi) Conduct or conditions that threaten the health or safety of a child(ren) in care, or the public health or safety;

List of Serious Deficiencies for Day Care Homes

7CFR 226.16(I)(2)



- (vii) A determination that the DCH has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, anti-trust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, destruction of justice, or any other activity including a lack of business integrity as defined by the state agency, or the concealment of such a conviction.

List of Serious Deficiencies for Day Care Homes (7CFR 226.16(I)(2))



- (viii) Failure to participate in training;
- (ix) Any other circumstance related to non-performance under the sponsoring organization day care home agreement, as specified by the sponsoring organization or the State agency. This may include, but not limited to, continuous submission of late and/or incomplete claims for reimbursement and failure to comply with civil rights laws.

Notice of Serious Deficiency



7CFR226.16(l)(3)(i)(C). Notice of Serious Deficiency

- ISBE monitors' review is valid and should generate an SD and a Corrective Action (CA) plan should be requested from the provider.

Timelines



- The time allotted to correct the serious deficiency(ies) (as soon as possible, but not to exceed 30 days). 7CFR226.16(l)(3)(i)(C)
- Follow up visits to determine the adequacy of the corrective action should be conducted within 30 days but not to exceed 60 days. Effective 10/1/2011

Agreement Termination and Disqualification



- **7 CFR 226.16(l)(3)(v)**

The Sponsoring Organization (SO) must immediately terminate the day care home's (DCH) agreement and disqualify the day care home when:

- the administrative review official upholds the SO's proposed termination and proposed disqualification, or
- when the DCH's opportunity to request an administrative review expires.

At the same time the notice is issued, the SO must provide a copy of the termination and disqualification letter to the state agency.

Update in IWAS CN ACES



The screenshot displays a Windows Internet Explorer browser window titled "Child Nutrition System Site Application - Windows Internet Explorer". The address bar shows the URL: <http://webprod.isbe.net/CNSWeb/webcode/asp/CACHSite>. The browser interface includes a menu bar (File, Edit, View, Favorites, Tools, Help), a search bar with the Google logo, and a toolbar with various icons for navigation and actions. The main content area is titled "Child Nutrition System Site Application" and displays a form with the following sections:

- 7. SERIOUSLY DEFICIENT (ISBE use only)** (with a checkmark icon)
- II. APPLICATION DETAILS**
- 8. PERIOD OF OPERATION** (with a dropdown arrow):
 - Beginning Date: 10/01/2010
 - Closing Date: 09/30/2011
- 9. CHANGE SITE LICENSE TYPE TO**: DCFS Licensed (dropdown menu)
- 10. DCFS/MILITARY INFORMATION** (with a dropdown arrow and subtext "(Complete If Applicable)"):
 - License Effective Date: 08/05/2010
 - License Expiration Date: 08/05/2013
 - License Number: [Redacted]
 - License status code: 01
 - License status description: Issue License (IL), Amend License(A
 - License data last changed: 12/23/2010

The Windows taskbar at the bottom shows the Start button, several open applications (Inbox - Micr..., SD Provider ..., 2 Internet ..., Serious Defic..., Microsoft Po...), and the system clock displaying 10:58 AM.

Update in IWAS CN ACES



Child Nutrition System Site Application - Windows Internet Explorer

http://webprod.isbe.net/CNSWeb/webcode/asp/CACHSite

File Edit View Favorites Tools Help

Google Search Sign In

Child Nutrition System Site Application

12. LICENSE CAPACITY	Day <input type="text" value="6"/> Extended <input type="text" value="4"/> Night <input type="text" value="6"/> Last changed <input type="text" value="06/02/2011"/>
13. TYPE OF HOME	<input type="text" value="Extended Day Care Home"/>

III. PROGRAM DETAILS

14. OPERATING DAYS PER WEEK	<input checked="" type="checkbox"/> Mon <input checked="" type="checkbox"/> Tue <input checked="" type="checkbox"/> Wed <input checked="" type="checkbox"/> Thu <input checked="" type="checkbox"/> Fri <input checked="" type="checkbox"/> Sat <input checked="" type="checkbox"/> Sun
15. DAYS OF SERVICE: Provide the exact number of days food service is offered each month.	Oct <input type="text" value="20"/> Nov <input type="text" value="30"/> Dec <input type="text" value="31"/> Jan <input type="text" value="31"/> Feb <input type="text" value="28"/> Mar <input type="text" value="31"/> Apr <input type="text" value="30"/> May <input type="text" value="31"/> Jun <input type="text" value="30"/> Jul <input type="text" value="31"/> Aug <input type="text" value="31"/> Sep <input type="text" value="30"/>
16. CURRENT ENROLLMENT	Own Children (residing in home under the age of 13) <input type="text" value="2"/> Foster Children (residing in home under the age of 13) <input type="text" value="0"/> Outside Children <input type="text" value="3"/> TOTAL ENROLLMENT <input type="text" value="5"/>
17. FOOD SERVICE DATA	

Done Internet 100% 2:55 PM

start | Inbox... | 2 W... | 2 Mi... | Child... | Micro... | Sampl... | 2 In... |

General Comments



- **7CFR226.16(c)(7)(vi). Removal of DCH from the list.**

The terminated DCH once included on the NDL will remain on the list for 7 years or until such time the state agency determines that the serious deficiencies have been corrected.

However, if the DCH has failed to repay debts owed to the program, it will remain on the list until the debt is repaid.

SCENARIOS



- **7CFR 226.16(I)(2)(iv)**
 - Inadequate Serving Portions
 - Missing Meal Components

- **7CFR 226.16(I)(2)(v)**
 - Pre-recorded Meal Counts

Serious Deficiency Templates

The screenshot displays the Microsoft Word interface in Compatibility Mode. The title bar reads "SD Sample Letter templates [Compatibility Mode] - Microsoft Word". The ribbon includes Home, Insert, Page Layout, References, Mailings, Review, and View. The Font section shows Arial Black, size 14. The Paragraph section shows bullet points and numbering. The Styles section shows Emphasis, Heading 1, and Normal (selected). The document content is as follows:

Sample-Letter-1 ¶

¶

Sample-Letter1:-Notice-of-Noncompliance-and-Corrective-Action¶

¶

NOTE:- This letter should be used when issues come up outside the monitoring review process. It will allow the sponsor to track how many times the provider has seriously deficient problems. ¶

¶

Corrective Action¶

¶

<DATE>¶

¶

<PROVIDER-NAME>¶

<PROVIDER-STREET-ADDRESS>¶

<PROVIDER-CITY, STATE-ZIP-CODE>¶

¶

Dear <PROVIDER>:¶

¶

The following may be cause for termination of the agreement to participate in the Child and Adult Care Food Program (CACFP). **Sponsor must pick the areas that support their concerns.¶**

¶

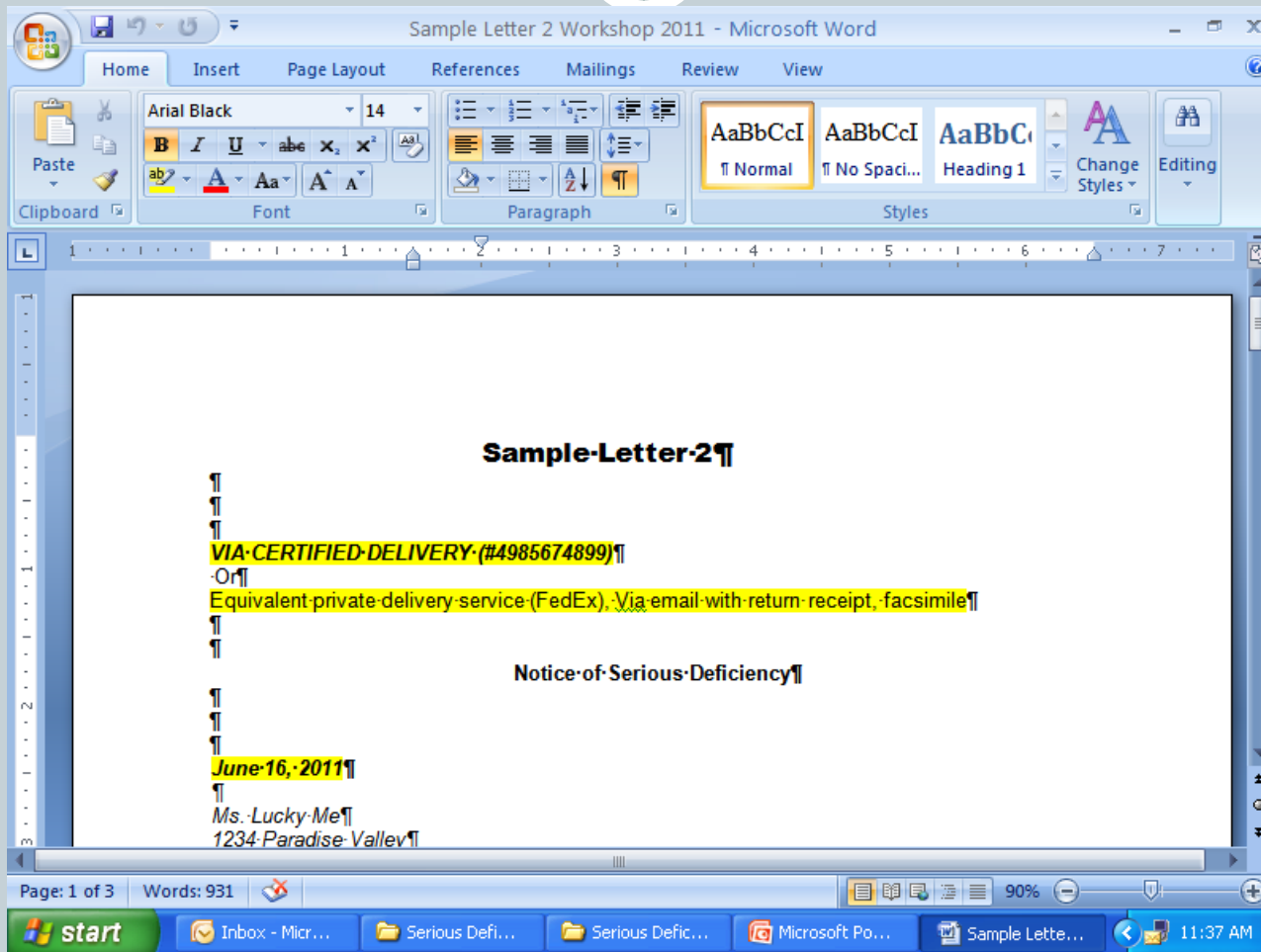
1. → Submission of false information on the application (Sponsor/Provider Agreement) ¶

(7.CEP.226.16)(12)(1)¶

Page: 1 of 20 Words: 5,373 88%

start Inter... SD Provi... Inbox - ... Microsof... Serious ... SD Samp... 3:35 PM

Which Sample Template Must be Used?



Summary



- 1) All notices must be sent certified with a return receipt and must be noted in all SD letters
- 2) Undeliverable notice
- 3) Nine causes of termination
- 4) ISBE monitors' review
- 5) Timeline for corrective action

Summary



- 6) Delete block claiming from the list of actions that may lead to SD and from the additional tool distributed in Aug 2010 workshop
- 7) Date of termination when the provider failed to make a request, and when an appeal is requested
- 8) Update changes (closing dates, inactivity, operating days, etc.) in IWAS
- 9) Appropriate sections and SD templates to use
- 10) Add the ISBE site numbers on all your notices

Questions?



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