

Montana Department of Public Health & Human Services	Policy
	MT CACFP 2011-7 Rev 3
	Section: All Institutions
Child and Adult Care Food Program	Subject: Suspension for Health and Safety Violation
	Date Revised: 5/26/2016

SUSPENSION FOR HEALTH AND SAFETY VIOLATION

If the State agency (SA), Sponsoring Organization (SO) or local health or licensing officials cite an institution for an offense that constitutes serious health and safety violations, the State agency must immediately suspend the institution's program participation and declare the institution seriously deficient. The State agency or Sponsoring Organization must notify the institution that it is proposing to terminate the institution's agreement and disqualify the institution and responsible parties (RP/Is) prior to any formal action to revoke the institution's licensure or approval in accordance with 7 CFR 226.6(c)(5)(i). [CACFP 13-2013, Health and Safety in the CACFP, July 26, 2013].

If a State agency monitor discovers imminent threat to the health and safety of a participant at an institution or facility, the monitor must notify the proper authorities and stay at the site until the authorities have arrived. (CACFP 13-2013)

Some examples of imminent threat to health and safety include but are not limited to circumstances found on page 45, 52 & 53 of the *Serious Deficiency, Suspension, & Appeals Handbook for State Agencies & Sponsoring Organizations*, February, 2015.

The SA or SO must provide a letter of Notice of Action to the institution owner stating that the SA or SO intends to suspend the facility's participation in the CACFP (including all CACFP program payments), that the institution has been determined to be seriously deficient in its operation of the CACFP. The Notice of Action letter must also state that the SA or SO proposes to terminate the facility's contract and to disqualify the facility and the responsible individuals from participation in the CACFP. The Notice of Action letter must also specify:

- 1) That the SA or SO is suspending the institution's participation (including program payments), proposing to terminate the institution's contract to operate the CACFP, and proposing to disqualify the institution and the responsible individuals;
- 2) The serious deficiency(ies);
- 3) That, if the institution voluntarily terminates its contract with the SA or SO after having been notified of the proposed termination, the institution and the responsible principals and responsible individuals will be disqualified;
- 4) That the serious deficiency is not subject to administrative review;
- 5) The procedures for seeking an administrative review of the suspension, proposed termination, and proposed disqualifications; and
- 6) That, if the administrative review official overturns the suspension, the institution may claim reimbursement for eligible meals served and allowable administrative costs incurred during the suspension period.

The SA or SO is prohibited from paying any claims for reimbursement from a suspended institution. However, if the suspended institution prevails in the administrative review of the proposed termination, the SA or SO must pay any claims for reimbursement for eligible meals served and allowable administrative costs incurred during the suspension period.

The SO must inform the State agency immediately of any institution suspensions it has initiated. The SO must also copy all letters and all steps taken by the SO through the process of suspension for health and safety violation.

Reference: *Serious Deficiency, Suspension, & Appeals for State Agencies & Sponsoring Organizations*, A Child and Adult Care Food Program Handbook, February 2015