

Reviews and Serious Deficiencies

As a sponsor of the Child and Adult Care Food Program (CACFP), the Association for Child Development (ACD) has a responsibility to the Michigan Department of Education (MDE) and the United States Department of Agriculture (USDA) to ensure all Child Care Providers remain in compliance with state and federal regulations. To do this, ACD's Compliance Department regularly conducts reviews and audits of Provider Files as well as household contacts. Results of Provider reviews and household contacts serve to protect and support all participating Child Care Providers nationwide.

Provider Reviews

A Provider review is an all-encompassing picture of a Provider's CACFP participation during the current fiscal year (Oct. 1-Sept. 30). It is prompted by Field Monitor documentation, information gathered during Claim processing, complaints, or concerns from parents/guardians, complaints or concerns from the Department of Health and Human Services (DHHS), or the Michigan Department of Education (MDE), or by random selection by ACD.

All paperwork in a Provider's file is reviewed by ACD to ensure it supports the Provider's reimbursement claims (e.g., Child Enrollment Forms, Claims, and Home Review Forms).

Serious Deficiencies

A Provider may be terminated from participating on the CACFP for seven years if:

- ✔ She/he claims children no longer in her/his care.
- ✔ She/he claims children at meals/snacks when the children were not present for the meal service
- ✔ She/he claims more children than her/his license capacity allows.
- ✔ Her/his ACD Field Monitor has made repeated, but unsuccessful, attempts to conduct Home Reviews, yet Claims were made at the times of the attempted Home Review.
- ✔ False telephone numbers and/or addresses of parents/guardians of registered children are documented on Child Enrollment Forms or Schedule Change Forms.
- ✔ Enrollment Forms, Schedule Forms, and/or Parent Questionnaires are returned to ACD by the postal service because, according to the postal service, there is no such address.
- ✔ Provider fails to maintain attendance and/or Claims on a daily basis.
- ✔ Provider threatens, or acts inappropriately with, the ACD Field Monitor or any other CACFP staff member.

- ✔ Provider refuses to allow an ACD Field Monitor to conduct Home Review.

Household Contacts

Contacting parents/guardians of enrolled children to verify attendance is often required by MDE, as are unannounced follow-up home reviews. Both of these methods are utilized at ACD to ensure Providers are in compliance.

Termination

Terminations occur when Providers are deemed seriously deficient.

For a detailed list of serious deficiencies, please review your ACD Provider Handbook.

NOTE: *When a serious deficiency constitutes an imminent threat to the health or safety of children or the public, ACD must immediately suspend the Provider's participation with an intent to terminate.*

Serious Deficiency Notification Requirements
If the sponsor determines that a Child Care Home has committed one or more serious deficiencies listed, the sponsor must immediately:

- ✔ Provide the home with written notice of the serious deficiency(ies).
- ✔ Offer the Provider an opportunity to take corrective action.
- ✔ Provide a copy of the serious deficiency notice to MDE.

The note must specify:

- ✔ The serious deficiency(ies).
- ✔ The actions to be taken by the Provider to correct the serious deficiency(ies).
- ✔ The time allotted to correct the serious deficiency(ies).
- ✔ That the serious deficiency determination cannot be appealed.
- ✔ That failure by the Provider to fully and permanently correct the serious deficiency(ies) within the allotted time will result in the sponsor's proposed termination of the Child Care Home and its principals.
- ✔ That the Child Care Provider's voluntary termination of her/his agreement with the sponsor after having been notified that she/he is seriously deficient will still result in the Child Care Provider's formal termination and placement on the National Disqualified List.

The notice must be sent by certified mail, return receipt (or the equivalent private delivery service). If the notice is undeliverable, it is considered to be received five days after being sent to the addressee's last known mailing address.

Corrective Action: Successful

If the Provider corrects the serious deficiency(ies) within the allotted time and a follow-up unannounced review indicates the serious deficiency(ies) has (have) been corrected, the sponsor must notify the Provider that the serious deficiency determination is rescinded.

Step 1

Provider submits corrective action plan to the sponsor before the deadline (as soon as possible but no later than 16 calendar days from receipt of serious deficiency notice).

Step 2

Sponsor submits written notice to the Provider rescinding the serious deficient declaration.

Step 3

Sponsor conducts unannounced follow up review to verify corrective action. If the same serious deficiency is found during a future home review, the sponsor will propose to terminate the agreement without further

opportunity to correct the serious deficiency.

For example, if the Provider repeats the infraction four months later, ACD may move forward with the "Intent to Terminate" from ACD.

Corrective Action: Not Successful

If the Provider does not fully and permanently correct the serious deficiency(ies) within the required time, the sponsor must issue a notice proposing to terminate the Provider's agreement for cause.

For more information on proposed termination, please review your ACD Provider Handbook.

