

**CHILD NUTRITION PROGRAM STATE WAIVER REQUEST:
VIRGINIA DEPARTMENT OF HEALTH (VDH) STATE MONITORING PLAN**

1. State agency submitting waiver request and responsible State agency staff contact information:

Paula Garrett, MS, RD
Division Director
Division of Community Nutrition
Virginia Department of Health
Email: paula.garrett@vdh.virginia.gov
Phone: (804) 864-7850

2. Region: MARO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The Virginia Department of Health (VDH) State Agency requests this waiver for CACFP. Sponsoring organizations in good standing will be able to participate in the waiver, particularly, if they have had no serious deficiencies declared in their most recent review cycle.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

The challenge is to minimize potential exposure to COVID-19 for the State Agency CACFP Special Nutrition Program (SNP) Specialists and participants, while maintaining the programs oversight and integrity. VDH recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many facilities closed or not allowing the public entry to their centers, monitoring may not be possible in some instances. COVID cases are currently increasing daily in Virginia and currently State agency staff are not permitted to perform onsite visits. VDH will continue to have CACFP staff to conduct monitoring activities through desk audits and technical assistance. Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m) (6) require

State agencies to annually review at least 33.3 percent of all CACFP institutions. VDH will have approximately 2 reviews to carry over from FFY 2020 to FFY 2021; this was due to a lockdown from March to present due to COVID-19. In addition, the required reviews to be completed in 2021, we have 84 Monitoring reviews plus 4 family day care homes reviews with 91 total CACFP reviews to complete.

Sponsors

	# of Institutions/Sponsors	# of sites
Child Care Centers	167	568
Adult Day Care Centers	26	39
FDC	11	1694
At Risk	0	0
Homeless	9	11
Outside School Hours Care	16	131
Head Start	53	352

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

CACFP Regulations at 7 CFR 226.6(m) (6) and 226.6(m)(6)(i)-(ii). Specifically, to waive the required reviews of CACFP institutions at not less than 3-year intervals and do desk audits instead of on-site audits and allow VDH to carry over and prioritize any CACFP reviews not completed in 2021 to the following program year FY 2022.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

The Monitoring Section developed Desk Review procedures or guides for the program. Therefore, VDH-SNP will avoid the possible exposure of employees to COVID-19 while fulfilling the responsibility of ensuring the integrity and proper functioning of the CACFP. Moreover, we expect minimal impact on the use of more technological tools by sponsors and State Agency Staff due to extensive use of the CHAAMPS Management Information System (MIS). This is opportunity to improve, simplify some processes and take advantage of technology. There are no impacts on State systems but the monitoring process will change from onsite to virtual. The Desk Procedures are below.

- **Preparation for FY21 compliance reviews**

- Send notice to all assigned institutions of FY21 compliance review (Because all reviews this year are desk reviews there is a level of announcement for unannounced reviews. We want to send correspondence to all organizations to alert them to prepare their documentation for the scheduling letter that is to come.)
- Determine if assistance from someone on the compliance team is needed for review
- Set time aside on Calendar for the full review including meal service observations and the date and time of those reviews as well
- Gather documentation on background of institution (last review and the accepted corrective action), detail which organizations are open for meal service observations, and follow up with organization to ensure you receive the required documentation
- **Scheduling Letter**
 - Must be sent 30 days in advance of the date of the entrance conference for all desk reviews for FY21
 - Must require organization documentation to be submitted by the day before the entrance conference (detail this due date within the scheduling letter)
 - Must request the most recent claim month
 - Must be saved in CHAAMPS and sent via email with read receipts
 - Must include all personnel included in the sponsor application and the Board Chair
 - Prior to entrance follow up to ensure the information will be received by the due date, and provide any technical assistance needed by the institution
- **Entrance Conference**
 - 1. Establish the points of contact
 - If an SD follow up make sure to record the entrance and exit conference and detail that these calls will be recorded or have someone from the team to be on the call as a witness
 - Who is available to answer questions?
 - Who will be available during the meal service observation to walk through the information provided or do the virtual tour?

- 2. Walk through the Entrance Conference Form
 - Detail SA requirements and go over any past issues (i.e. previous serious deficiencies), this will ensure they know the process forward if anything rises past a normal findings letter
 - Confirm that they understand the entrance conference form will be sent and they must sign and return to the SNP Specialist, that is a required part of the compliance review
- 3. Walk through the checklist of records
 - If anything is missing make it known now, if you want to give additional time for documentation to be submitted that must be determined now with a set date and time for the information to be submitted.
 - Walk through the documentation that has been received, and confirm how the meal service observation will go
- 4. The Logistics
 - Provide times of operation and lunch times (for the SA and the institution)
 - Detail the length of the review
 - Ask if they prefer daily updates on findings, concerns, or summary of the review day
 - Detail that there will be an exit conference to go over the findings of the review and confirm the date and time of this conference
- **Exit Conference**
 - This conference can be virtual or over a conference call. The date and time of the conference should have already been set at the point of the entrance conference.
 - Confirm those in attendance on both sides and the process of signing the preliminary findings report and the reviewer's notes. Ensure to detail who is required to sign this documentation.
 - Detail that all information will be housed in CHAAMPS once the conference is complete
 - Detail the process of the CAP being completed within CHAAMPS and provide access to the CAP training and template on the CACFP website.

- Encourage them to ask questions and to point out any findings or observations that they believe are incorrect. This is their opportunity to correct any misunderstandings or misinterpretations of policies and procedures;
 - Inform them that a formal written report will be issued within the timeframe designated by the State agency, at which time a corrective action response will be required for identified findings;
 - Provide guidance on developing a corrective action response, if requested detailing the CAP training available and the templates designed to walk the institution through the information;
 - Discuss each finding and explain what is required to be in compliance. Identify any repeat findings or observations from the previous review. Inform them of findings that require further evaluation and analysis by State agency staff. Refer to the Serious Deficiency, Suspension, and Appeals CACFP Handbook for details in identifying and addressing serious deficiencies;
 - Commend them on any areas where they are performing well or have accomplished permanent corrective action for previous findings; and
 - Ask all in attendance if they have any suggestions for future training or technical assistance on Program issues that would be beneficial to their institution.
- **Process and Procedure for Unannounced SD's that do not submit documentation required for desk audit**
 - A scheduling letter can be sent to the organization to let them know that a follow up review is being conducted of their operation to verify the adequacy of the corrective action submitted for the most recent SD letter.
 - The scheduling letter can require the documentation to be submitted to the SA through mail, email or fax within 15 days.
 - All documentation requested must be submitted within that 15 days detailed in the scheduling letter.
 - If any information is not received additional time will not be given for that information.
 - The specialist is able to work with the organization during the 15 days to ensure all documentation required is received. The specialist should also follow up when it gets closer to the deadline to ensure the organization is

sending all information in a timely manner. Give as much assistance as possible to mitigate moving to PT&D if documentation is not received.

- If no documentation is received from the organization on the 15th day deadline. On the day of the entrance conference you can detail that the information was not received by the SA (through the entrance conference phone call-if no one answers the phone you can send an email detailing this information) and the organization was not found in compliance and the organization will receive a Notice of Proposed Termination and Disqualification.
- Entrance Conference for SD follow up
 - The entrance conference for the review can be held the day after the 15th day of documentation submission. The entrance conference can detail the documentation received and not received (by going through the scheduling letter). You can detail that information that was not received as required will be considered a finding. If a repeat finding, this could set them up for a PT&D.
 - Also during the entrance conference, please confirm the type (virtual call, video or pictures) and time of receipt of information for the meal service observation.
 - Ensure the information is received by close of business on the day of the entrance conference. The meal service observation is intended to be unannounced. If this is a sponsoring organization having all meal service observation information on the day of the entrance conference may be impossible. Work with the sponsoring organization to ensure the meal service observations can be completed within a reasonable time.
- Exit Conference for SD follow up
 - Once the review is complete, conduct an exit conference letting them know everything that is a finding/repeat finding, all commendations and technical assistance.
 - If they are heading in the direction of PT&D detail that information and the steps of the process.
 - Let them know the timeline information for appeals and that this information is detailed in a training on the CACFP website and the appeal information is under the download forms section of CHAAMPS.

- You can also detail that all of this information will be within the Notice of Proposed Termination and Disqualification if that is the route that is taken after a full discussion with the SNP Supervisor.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

VDH will continue providing guidance and technical assistance to CACFP sponsors to meet the needs of their communities and encourage participation during the COVID 19 emergency. VDH will ensure program integrity through, the application approval process, technical assistance visits, and most of all, we will continue to train VDH staff and sponsors in the use of technology like Google Meets and SharePoint.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

VDH internal process and procedures are in place to ensure program integrity for eligible CACFP sponsors. We may have some challenges related to the use of technology, but we will continue to offer training to all SNP staff and sponsors through Brighton Training Group.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

VDH does not anticipate an increase to Program Cost.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation would be effectively immediately and until September 30, 2021.

11. Proposed monitoring and review procedures:

The State Agency will continue to carry out current program monitoring and review procedures as directed by USDA. We will maintain a monthly tracking of sponsors to prioritize their audits and Administrative Reviews as they start to operate. Sponsors found to have noncompliance

issues will work with the State agency on an individualized corrective action plan and monitors will conduct follow-up reviews scheduled as needed to ensure ongoing compliance.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

VDH will report every 3 months:

- Number of Sponsors operating
- Number of desk audits conducted
- Update of FY 2021 monitoring calendar

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:

Public Notice and information of this waiver request will be posted in CHAAMPS and on the CACFP website at www.VirginiaCACFP.com

14. Signature and title of requesting official:

DocuSigned by:

9B68EDFB2D2E429...

Title: Division Director, Division of Community Nutrition
Requesting official's email address for transmission of response:
paula.garrett@vdh.virginia.gov