

Montana Department of Public Health & Human Services	Policy
	MT CACFP 2000-8 Rev 4
	Section: All Institutions
Child and Adult Care Food Program	Subject: Termination & Disqualification of Institutions
	Date Revised: 10/1/2013

TERMINATION AND DISQUALIFICATION OF INSTITUTIONS

When an institution is determined to be Seriously Deficient in the CACFP, and the corrective action plan (CAP) is not satisfactorily completed to fully and permanently correct the Serious Deficiency/(ies) in the timeframe provided, the State agency or Sponsoring Organization must issue a *Notice of Proposed Termination and Disqualification*. A copy of the administrative review procedure (appeal rights) must be included when a *Notice of Intent to Terminate* is issued to an institution. The notice must be sent by certified mail and the State agency or Sponsoring Organization must record the date the certified mail is received by the institution. If the notice is sent by the Sponsoring Organization, a copy of the termination notice must be immediately forwarded to the State agency. The effective date of termination must not be stated in the *Notice of Intent to Terminate* until after the DCH's opportunity for an administrative review has passed, and must comply with federal regulation 7 CFR 226.16(l)(3)(F)(C)(v).

When the Seriously Deficient status has been "temporarily deferred" (CAP accepted) and it is later determined that the Corrective Action was not "permanent and complete", the State agency or Sponsoring Organization must issue a *Notice of Proposed Termination and Disqualification*. If the notice is sent by the Sponsoring Organization, a copy of the termination notice must be immediately forwarded to the State agency. The effective date of termination must not be stated in the *Notice of Intent to Terminate* until after the DCH's opportunity for an administrative review has passed, and must comply with federal regulation 7 CFR 226.16(l)(3)(F)(C)(v).

Payment for institution claims for meals must continue to be paid during the termination process. If an institution does not appeal or does not prevail through the administrative review process, the State agency or Sponsoring Organization must then proceed with termination. If the institution is terminated, their name as an individual(s) will be submitted to the State agency for placement on the CACFP National Disqualified List (NDL).