

Prototype Letter 24: Notice of Temporary Deferment of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification for Providers (Health threat, after provider wins appeal/prevails/is upheld)

[Note: Send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax, or e-mail as required by 7 CFR 226.2, definition of "notice" in the regulations.]

Date

Provider Name

Provider Street Address

Provider City, State 00000

Dear [Provider]:

This letter concerns the [date] combined Notice which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, we also proposed to terminate your CACFP agreement for cause and to disqualify you from further CACFP participation. These actions were based on the determination that you were seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

You filed a timely appeal of the suspension and the proposed termination and disqualification. On *[date of appeal official's decision]*, the Administrative Review Official issued a decision. In that decision, the suspension and proposed actions were overturned.

SERIOUS DEFICIENCY DETERMINATION, SUSPENSION, PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION TEMPORARILY DEFERRED

As a result, we have temporarily deferred the serious deficiency determination as of [date of hearing official's decision]. The sponsoring organization is also temporarily deferring the suspension, the proposed termination of your agreement for cause, and your proposed disqualification as of the same date.

Any valid claims for reimbursement submitted by you for the period of the suspension will be paid. You must submit these claims by *[insert a date that will give the provider an appropriate length of time to submit these claims]*.

However, you must still implement procedures and policies to permanently correct the serious deficiencies. If we initially determine that the corrective action is complete, but later determine that the serious deficiency(s) has recurred, we **must** move to

immediately to issue a notice of intent to terminate for cause and disqualify you from future participation in the Program.

Sincerely,
Sponsoring Organization Employee Name & Title

cc: State Agency