



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

YVONNE COPELAND • Director, Division of Child and Family Well-Being

June 22, 2022

Dr. Lilly Bouie, Regional Director
United States Department of Agriculture
Food and Nutrition Service
61 Forsyth Street, Suite 8T36
Atlanta, GA 30303

Dear Dr. Bouie:

Subject of waiver request: NC DHHS Summer 2022 and SY 2022-23 Child Nutrition Programs 12(l) Wavier

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

Name of State agency: North Carolina Department of Health and Human Services
State agency staff contact: Mary Anne Burghardt
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914
Telephone number: (919) 707-5783
Email address: maryanne.burghardt@dhhs.nc.gov

State agency staff alternate contact: Cassandra Williams
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914
Telephone number: (919) 218-0088
Email address: cassandra.williams@dhhs.nc.gov

2. Region: Southeast

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

Only institutions operating in good standing will be approved to participate in this waiver.

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.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF CHILD AND FAMILY WELL-BEING

LOCATION: 5601 Six Forks Road, Building 2, Raleigh, NC 27609
MAILING ADDRESS: 1914 Mail Service Center, Raleigh, NC 27699-1914
www.ncdhhs.gov • TEL: 919-707-5800 • FAX: 919-870-4818

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The NCDHHS respectfully requests the following waivers:

a. 7 CFR 226.19(b)(d)(iii), which states, “Meals served are consumed on the premises of the centers.” The NC State of Emergency related to the spread of COVID-19 necessitates social distancing, when possible, to date North Carolina is seeing an increase in COVID-19 cases. As a result, most businesses are encouraging staff to work remotely when possible and are operating on a skeletal crew if the physical structure is open at all. This waiver would allow institutions to focus on providing meals when they can without regard to approved meal service times.

b. 7 CFR 226.2 (Meals) The NCDHHS seeks to allow institutions to serve approved meals and snacks based on limited operational times to participants in attendance as well as working with schedules of parents and guardians.

This waiver authority is necessary due to the social distancing that may be required to help prevent the spread of the novel Coronavirus that could potentially result in increased exposure. With diagnoses of confirmed COVID-19 illnesses in North Carolina, waiving the requirement to serve congregate meals in the CACFP to continue to provide reimbursable meals to the State’s most food-insecure, economically distressed children and adults during closures is necessary.

This waiver authority is necessary due to the social distancing that may be required to help prevent the spread of the novel Coronavirus that could potentially result in increased exposure. With increased diagnoses of confirmed COVID-19 cases in North Carolina, waiving the requirement to serve congregate meals and allowing parents/guardians of enrolled participants participating in the CACFP the ability to pick up reimbursable meals to the State’s most food-insecure, economically distressed children and adults during closures is necessary.

c. 7 CFR 226.20(k), which allows states the ability to require set, specific meal times and/or a specific amount of time to elapse between meal services or require that meal services not exceed a specified duration in order for meals and snacks to be reimbursable. The NC State of Emergency related to the spread of COVID-19 necessitates social distancing, when possible, to date North Carolina is seeing an increase in COVID-19 cases. As a result, most businesses are encouraging staff to work remotely when possible and are operating on a skeletal crew if the physical structure is open at all. This waiver would allow institutions to focus on providing meals when they can without regard to approved meal service times.

The NCDHHS seeks to allow institutions to serve approved meals and snacks based on limited operational times to participants in attendance as well as working with schedules of parents and guardians.

This waiver authority is necessary due to the social distancing that may be required to help prevent the spread of the novel Coronavirus that could potentially result in increased exposure.

d. Sponsoring Organization Unannounced Reviews and Off-Site Monitoring:

The North Carolina State of Emergency related to the spread of COVID-19 necessitates an additional waiver in order to meet the needs of food-insecure children and adults, institutions participating in the CACFP, State agency staff, and the general public. The NCDHHS respectfully requests a statewide waiver to provide flexibility to the regulatory requirements in 7 CFR §226.16(d)(4)(iii)(A) and (B), which require an unannounced review be conducted as well as an unannounced review including a meal service observation be conducted as part of Sponsor monitoring compliance. Monitoring's will continue to be conducted by the Sponsoring Organization; however, the required reviews will be conducted virtually and not onsite.

This waiver authority is necessary due to the challenges in conducting a successful review onsite. Sponsoring Organizations are following the social distancing recommendations required to help prevent the spread of the novel Coronavirus. Many child and adult care facilities are struggling to adhere to stringent disinfecting routines, fluctuating attendance, and other day-to-day duties. The likelihood of successfully conducting a true unannounced onsite monitoring review virtually is slim, necessitating follow up on the part of the Sponsoring Organization. By granting this waiver request, Sponsoring Organizations would be able to schedule (announce) their monitoring visits as well as conduct the monitoring off-site with their sponsored facilities, increasing the likelihood of timely completion.

e. State Agency Unannounced Reviews and Off-Site Monitoring:

The NCDHHS respectfully requests a statewide waiver to provide flexibility to the regulatory requirements in 7 CFR §226.6(m)(6) which requires that at least 15 percent of the total number of facility reviews required be unannounced. This waiver authority is necessary due to the challenges in conducting a successful unannounced review. The State agency is following the social distancing recommendations required to help prevent the spread of the novel Coronavirus. Many child and adult care facilities are struggling to adhere to stringent disinfecting routines, fluctuating attendance, and other day-to-day duties. The likelihood of successfully conducting a true unannounced monitoring review virtually is slim, necessitating follow up on the part of the State agency. By granting this waiver request, State agency monitoring staff would be able to schedule (announce) their monitoring visits as well as conduct the review off site with institutions and sponsored facilities, increasing the likelihood of timely completion.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).**
See attached checklist
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

If approved, there are no significant impacts on technology, state systems, or monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level.

No state level barriers have been identified.

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

The NCDHHS does not anticipate this waiver will present any challenges to the department or the participating institutions. Implementation of this waiver will decrease the challenges faced by institutions in providing nutritious meals to children and adults as businesses close or alter regular business hours due to the novel Coronavirus.

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.

The NCDHHS does not anticipate the waiver will increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

- Waiver Request Start Date: June 22, 2022, or upon approval of the waiver
- Waiver Request End Date: June 30, 2023

11. Proposed monitoring and review procedures:

The State agency has discontinued on-site administrative reviews at this time to comply with social distancing recommendations. Desk reviews are being conducted. Usual review procedures will resume when the State of Emergency is lifted. Institutions found to have non-compliance issues related to this waiver will be required to work with the NCDHHS/DCFV on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

NCDHHS complies with the monthly and 90-day reporting requirements for the FNS-44 reports. Additionally, the State agency is participating in the Mathematica School Meal Operations (SMO) study.

No later than October 30, 2023, NC DHHS will report to USDA the number of institutions that used this waiver.

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]:

The State agency has submitted an update request to our webmaster to post the waiver request on our website, www.nutritionnc.com, as required.

14. Signature of title and requesting official

Mary Anne Burghardt

Name: Mary Anne Burghardt

Title: Assistant Director, Division of Child and Family Well-Being, Community Nutrition Services Section; State Director, Special Supplemental Nutrition Program for Women, Infants and Children (WIC); State Director, Child and Adult Care Food Program (CACFP)

Requesting official's email address for transmission purposes:

maryanne.burghardt@dhhs.nc.gov