



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK T. BENTON • Assistant Secretary for Public Health
Division of Public Health

June 1, 2020

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:

The North Carolina Department of Health and Human Services (NCDHHS) respectfully requests a waiver from 7 CFR §226.15(e)(2), which states the following records shall be collected and maintained: “documentation of the enrollment of each participant at centers (except for outside-school-hours care centers, emergency shelters, and at-risk afterschool care centers). All types of centers, except for emergency shelters and at-risk afterschool care centers, must maintain information used to determine eligibility for free or reduced-price meals in accordance with § 226.23(e)(1). For child care centers, such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include information on each child's normal days and hours of care and the meals normally received while in care.”

The State agency also requests a waiver from 7 CFR §226.15(e)(3), which states the following records shall be collected and maintained: “documentation of: the enrollment of each child at day care homes; information used to determine the eligibility of enrolled providers' children for free or reduced price meals; information used to classify day care homes as tier I day care homes, including official source documentation obtained from school officials when the classification is based on school data; and information used to determine the eligibility of enrolled children in tier II day care homes that have been identified as eligible for free or reduced-price meals in accordance with § 226.23(e)(1). Such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include information on each child's normal days and hours of care and the meals normally received while in care.”

The State agency has been contacted by participating CACFP institutions expressing concern with the annual income eligibility application (IEA) and enrollment document requirements given the impact COVID-19 has had on child and adult care centers across North Carolina.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH • NUTRITION SERVICES BRANCH

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

Details of the waiver request are submitted in the format as required by the USDA and are described herein.

Subject of waiver request: 90-Day Extension of Annual Income Eligibility Application (IEA) and Enrollment Documentation Deadlines

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: Courtney Jones
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914
Telephone number: (919) 368-4369
Email address: courtney.jones@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.

Effective March 10, 2020 North Carolina declared a state of emergency in response to COVID-19, the novel coronavirus. Since that time, the state has gone through several transitions, including a statewide shelter at home order, and now, a phased approach to slowly reopening the state. While centers can once again serve the public rather than just children of emergency responders and personnel, they remain impacted by the extended absences of enrolled children and adults. Reduced staffing and increased cleaning and sanitizing requirements are also affecting our care providers. And unfortunately, many remain closed at this time.

Many CACFP operators use the July 1 updated income eligibility guidelines as the timeframe to update annual paperwork, including income eligibility applications (IEAs) and enrollment forms. If centers are unable to get families to update paperwork, they may lose out on valuable reimbursement for meals being provided during the pandemic response. For for-profit facilities, several outdated IEAs and enrollment

forms may mean the difference between being eligible to file a monthly claim for reimbursement or not.

The State agency respectfully requests a waiver from 226.15(e)(2-3) and would like to grant facilities a 90-day extension to the deadlines on their annual forms. If such a waiver is granted, operators will benefit from reduced paperwork while they try to resume business operations, they will not lose reimbursement due to expired paperwork, and for for-profit facilities, they will be able to continue to claim uninterrupted. Such flexibility would be a win for our strained care providers across the state.

5. Specific Program requirements to be waived (include statutory and regulatory citations).

The NCDHHS seeks a waiver from 7 CFR §226.15(e)(2-3) in order to support the needs of our child and adult care providers across the state, no matter where they are in the reopening process. If facilities remain closed throughout the summer or families keep their children or seniors out of care, getting paperwork updated in a timely manner will prove challenging at best. For centers who are currently disbursing meals and snacks in a non-congregate setting, they would lose the ability to claim reimbursement for those meals and snacks if the paperwork expires.

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

CACFP institutions may request to participate in the statewide extension by notifying the NCDHHS of their need and providing a plan to collect updated paperwork within 90 days of expiration. SNP staff will review and approve all requests in writing.

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

No state level barriers have been identified.

7. 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. Rather, the State agency believes such flexibility will provide responsive customer service to participating institutions since several have expressed concern about this requirement and their ability to meet the regulation. Implementation of this waiver will decrease the challenges faced by institutions approved to provide nutritious meals and snacks to eligible participants.

8. 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 establishment of this statewide waiver will not substantially increase the overall cost of the Program to the Federal Government.

9. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

- Waiver Request Start Date: June 1, 2020 or upon approval of the waiver
- Waiver Request End Date: September 30, 2020

10. Proposed monitoring and review procedures:

The State agency has discontinued on-site administrative reviews at this time due to a state prohibition of non-essential travel, as well as participation in COVID-19: Child Nutrition Response #8, Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program. Desk reviews are being conducted. Institutions found to have compliance issues related to this waiver will be required to work with the NCDHHS on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

No later than one year after approval, the NCDHHS will report to FNS the number of institutions that used this waiver.

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

13. Signature and title of Requesting Official:



Title: Nutrition Services Branch Program Director | 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 of response:
maryanne.burghardt@dhhs.nc.gov