



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

March 24, 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 respectfully requests a waiver from 7 CFR §226.10(e). Details of the waiver request are submitted in the format as required by the USDA and are described herein.

**Subject of waiver request: Child Nutrition Program Waiver of 60-Day Claims Deadlines as a result of COVID-19 Outbreaks**

**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 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](mailto:maryanne.burghardt@dhhs.nc.gov)

State agency alternate contact: Courtney Jones  
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914  
Telephone number: (919) 707-5775  
Email address: [courtney.jones@dhhs.nc.gov](mailto: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.

**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](http://www.ncdhhs.gov) • TEL: 919-707-5800 • FAX: 919-870-4818

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**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. Currently, North Carolina has 662 institutions participating in the Child and Adult Care Food Program, including 428 Independent Centers and 165 sponsoring organizations with 2,087 childcare centers and 1,168 family day care homes under their sponsorships. Many families are dependent upon meals at child and adult care facilities for their primary source of nourishment. In 2019, the CACFP reimbursed a total of 68,971,152 meals and snacks, served to an average of 125,696 children and adults each day. Institution closures threaten the health and well-being of our most vulnerable citizens when access to nutritious, appealing meals is lost.

The NCDHHS respectfully requests waiver of 7 CFR 226.10 (e), which states claims not postmarked and/or submitted within 60 days shall not be paid with program funds unless FNS determines that an exception should be granted. The State agency shall promptly take corrective action with respect to any claim for reimbursement as determined necessary through its claim review process or otherwise. In taking such corrective action, State agencies may make upward adjustments in program funds claimed on claims filed within the 60 day deadline if such adjustments are completed within 90 days of the last day of the claim month and are reflected in the final report of the Child and Adult Care Food Programs (FNS-44) for the claim month which is required under 226.7(d). The State agency would like to allow institutions an additional 30 days, for a total of 90 days from the last day of the claim month, to file their claim for reimbursement without the use of a one-time exception.

The NC State of Emergency related to the spread of COVID-19 necessitates social distancing when possible. 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 the institutions to focus on operationalizing disaster response on the local level where possible. The NCDHHS seeks to allow institutions a 30-day extension to the 60/90 day claims deadlines from March 16, 2020 until June 30, 2020.

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

The NCDHHS proposes a waiver of regulations in 7 CFR 226.10(e) to require institutions to submit a claim for reimbursement within 60 days of the last day of the claim month. If approved, the waiver will allow CACFP institutions, in good standing, the flexibility to file claims an additional 30 days from the last day of the claim month without an institution having to use a one time exception.

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

If approved, the request will allow institutions closed or operating with minimum staff time to operationalize local disaster response, which will be the priority in the coming days. Once the immediate need is assessed and responded to, institution may resume day-to-day operations.

Institutions wishing to exercise this flexibility would request in writing approval to do so. The NCDHHS Special Nutrition Programs Unit would review and approve all requests and approve institutions in writing.

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

No state level barriers have been identified. On February 11, 2020, Governor Roy Cooper directed the establishment of a COVID-19 Task Force to further prevent, prepare for, and respond to the COVID-19 infections in the State. On March 10, 2020 Governor Cooper declared a State of Emergency. On March 14, 2020, an Education and Nutrition Operations workgroup was established to ensure North Carolina's children continue receive access to healthy meals and snacks, as well as distance learning opportunities, during the unprecedented mandatory statewide closure of schools.

**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 operators' need to focus on paperwork rather than feed vulnerable children and adults.

**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: March 24, 2020 or upon approval of the waiver
- Waiver Request End Date: June 30, 2020

**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/DPH 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):**

No later than December 31, 2020, the NCDHHS will report to FNS the number of institutions that used this waiver including the number of unanticipated operating days and meals claimed.

13. The State agency has submitted an update request to our webmaster to post the waiver request on our website, [www.nutritionnc.com](http://www.nutritionnc.com), as required.

**14. Signature and title of requesting official:**

A handwritten signature in blue ink that reads "Mary Ann Burghardt".

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](mailto:maryanne.burghardt@dhhs.nc.gov)