

Adult Care Food Program

Policy Manual & Procedure Manual

8th Edition

Revised 11/2024



Florida Department of Elder Affairs

4040 Esplanade Way

Tallahassee, Florida 32399-7000

Internal Management Document, for use by DOEA staff, contractors, and subcontractors

Florida Department of Elder Affairs

Adult Care Food Program

Policy Manual, 8th Edition

Revised 11/2024

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Chapter One

Introduction



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Chapter 1
Introduction

Section 1.1
General

Good nutrition is an essential component necessary for the maintenance of health for participants in adult care. Adult Care Centers that feed participants have an important responsibility to do the following:

- Serve wholesome and attractive meals that meet participants' nutritional needs, and
- Make meal time a pleasant and sociable experience.

Sharing in this responsibility is the staff of the Adult Care Food Program (ACFP), which is a component of the Child and Adult Care Food Program (CACFP).

The CACFP is a U.S. Department of Agriculture Program.

The Florida Department of Elder Affairs (DOEA) administers the Adult Component of the CACFP.

Together, the DOEA and Adult Care Centers can maintain a commitment to high quality meal service. This policy and procedure manual is designed to give providers instructions on how to operate the ACFP and serve wholesome and attractive meals that meet the nutritional needs of the participants in their care.

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Chapter 1
Introduction

Section 1.2
History of CACFP

The Child Care Food Program (CCFP) was established by Congress in 1968 to provide meals to children in day care centers, settlement houses, and recreation centers. The program was created in response to the need to provide good nutrition to children in low income areas where there were large numbers of working mothers.

Congress passed another law in 1978 to make the program permanent and ensure that the program continued to provide quality nutrition. Under this law, any public or private nonprofit provider that is licensed or approved to care for children may participate in the program. This includes child care centers, recreation centers, outside-school-hours care centers, group day care homes, and day care for the handicapped.

Private, for-profit organizations receiving compensation from *Title XX* of the *Social Security Act* became eligible to participate in 1981. This eligibility required not less than 25% of the children enrolled in each calendar month to be Title XX beneficiaries. The eligibility requirement was amended in August 1992 to allow private, for-profit Title XIX child care centers to participate in CACFP if at least 25% of their enrolled or 25% of their licensed capacity, whichever is less, receives Title XX benefits. This Amendment provides for child care centers only.

Another provision in 1981 allowed all eligible nonresidential providers to receive reimbursement for providing meals to children age 12 and younger. The age limit for the children of migrant workers is age 15 and younger. Mentally or physically handicapped people can participate in the CCFP if they are enrolled in a child care center or facility that serves people primarily age 18 and under.

The program was further expanded in 1988 to allow certain Adult Care Centers to participate. In 1990, the overall program name changed to Child and Adult Care Food Program (CACFP) with both the Child Care Food Program and Adult Care Food Program within the CACFP. This manual is designed for Adult Care Centers participating in the Adult Care Food Program.

In the State of Florida, until October 1997, the CACFP Program was administered by the Department of Education. A 1997 legislative decision transferred the CACFP program to other State Agencies. The children's component was relocated to the Department of Health and the adult component was transferred to the Department of Elder Affairs.

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Section 1.3
Administration

At the national level, the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) administers the CACFP. The national office develops regulations, publications, selects forms, and establishes policies necessary to carry out the program. The national office is also responsible for oversight of the program and providing guidance to ensure delivery of program benefits to those participants who are eligible.

The Department of Elder Affairs is the state administering agency of the adult component of CACFP in Florida. The office is located at the following address:

Department of Elder Affairs
Adult Care Food Program
4040 Esplanade Way
Tallahassee, Florida 32399-7000
Tel: (850) 414-2000
[ACFP Website](http://elderaffairs.state.fl.us/does/acfp.php)
<http://elderaffairs.state.fl.us/does/acfp.php>

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Section 1.4
Assistance Available

The Adult Care Food Program staff provides the following assistance:

- Training regarding program rules and regulations, record keeping requirements, application procedures, food service operations, meal service techniques, nutritional concerns, nutrition education, financial management, and food service sanitation;
- Provider and site reviews to ensure that programs operate in accordance with program regulations and policies;
- Technical assistance and consultation as needed;
- Audit requirement information;
- Outreach to eligible, nonparticipating, Adult Care Centers;
- Timely processing of provider applications;
- Payments for eligible meals served;
- Commodities or cash-in-lieu of commodities payment;
- Program forms, publications, and guidelines;
- Procedures for providers to appeal decisions affecting participation or reimbursement;
- Statement means to ensure that providers do not discriminate against anyone because of their race, color, national origin, gender, religion, age, disability; and
- Forms for required record keeping.

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Section 1.5
Definitions

Administrative expenditures means approved administrative labor costs and indirect costs incurred by a provider related to planning, organizing, and managing the paperwork under the program and claimed on the provider's application.

Adult Care Center means any public or private non-profit organization or any for-profit Title XIX center licensed or approved by federal, state, or local authorities. Adult care centers must provide nonresidential adult care services in a group setting for at least four and less than 24 hours daily. Adult care center clients must be 60 years of age or older or be functionally impaired. Functionally impaired participants must be at least age 18 and have an individual plan of care. Adult Care Centers shall provide a structured, comprehensive program that provides a variety of health, social, and related support services to enrolled adult participants. Adult Care Centers include the following: Adult Day Care, Mental Health Day Treatment, In-facility Alzheimer's Disease Initiative Respite, and Habilitation Centers.

Adult participant means an individual enrolled in an Adult Care Center who is at least age 18 and functionally impaired or who is age 60 or older.

Commodities or cash-in-lieu of commodities In addition to the meal reimbursement, the USDA, through the DOEA, furnishes providers with commodities or cash-in-lieu of commodities. If commodities are not desired, then cash-in-lieu of commodities is provided. Commodities or cash-in-lieu of commodities is offered for lunch and supper. No other meals have cash-in-lieu of commodities reimbursement. USDA sets the cash-in-lieu of commodities rate.

Current income means income received during the month prior to application for free or reduced price meals. If such income does not accurately reflect the household's annual income, income shall be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a basis for the projected annual income.

Enrolled participant means an individual who has or whose caregiver has submitted to an Adult Care Center a signed document that indicates that the participant is enrolled for adult care and determined eligible to participate in the ACFP and receive reimbursable meals.

Family means a group of related or non-related individuals who are not residents of an institution or boarding house but who are living as one economic unit, or the spouse and dependent(s) of the adult participant.

Family style meal means a meal service style that allows the provider to administer adequate portions of required meal components placed in common serving bowls on each table for participants to self serve.

Food Distribution Program Indian Reservation household (FDPIR) means any individual or group of individuals currently receiving assistance as a household under the Food Distribution Program on Indian reservations. Florida is not currently participating in this program.

Food service costs means costs incurred by an institution during a calendar month related to the planning, purchasing, preparing, serving, or cleaning activities related to ACFP meal services and allowed by the State Agency's financial management plan.

Food Service Management Company (FSMC) means an organization, other than a public or private non-profit school, with which a provider may contract for preparing and, unless otherwise provided for, delivering meals, for use in the program. Food service management companies must be on the Department of Elder Affairs (DOEA) Caterer List prior to meal service offering ACFP reimbursable meals.

Free meal means a meal served under the program to an adult with a completed Free and Reduced-Price Meal Application who is automatically eligible for free meals. Participants are eligible for free meals based on income eligibility or by receiving SNAP, FDPIR, SSI, or Medicaid. Neither the participant nor any member of her/his family shall be required to pay or to work in the food service program in order to receive a free meal.

Functionally impaired adult means chronically impaired disabled persons age 18 or older. Functionally impaired adults have a markedly limited ability to live independently and carry out activities of daily living due to physical or mental impairment. Activities of daily living include, but are not limited to, activities such as cleaning, shopping, cooking, taking public transportation, maintaining a residence, caring appropriately for one's grooming or hygiene, using telephones and directories, or using a post office. Marked limitation refers to the severity of impairment and not the number of limited activities. It occurs when the degree of limitation is serious enough to interfere with the ability to function independently. Persons with Alzheimer's disease and related disorders with neurological and organic brain dysfunction may be functionally impaired.

Gross income means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions, and bonds. It includes the following: monetary compensation for services, including wages, salary, commissions or fees; net income from non-farm self-employment; net income from farm self-employment; Social Security; dividends or interest on savings or bonds or income from estates or trusts; net rental income; public assistance or welfare payments; unemployment compensation; government civilian employee or military retirement, or pensions or veterans payments; private pensions or

annuities; alimony or child support payments; regular contributions from persons not living in the household; net royalties; and other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a participant's meal.

Group living arrangement means residential communities which may or may not be subsidized by federal, state, or local funds but which are private residences housing an individual or a group of individuals who are primarily responsible for their own care and who maintain a presence in the community but who may receive on-site monitoring.

Household means "family" as defined under the definition of family.

Income standards mean the family-size and income guidelines prescribed annually for determining eligibility for free and reduced-price meals under the National School Lunch Program and the School Breakfast Program.

Income to the program means any funds received by a provider's food service program, during the calendar month including, but not limited to all monies other than program payments received from other federal, state, intermediate, or local government sources; payment for participant's meals and food service fees; income from any food sales to adults; and other income, including grants from organizations or cash donations from individuals.

Meals means food served as approved snacks; breakfast, lunch, or supper meals to ACFP enrolled participants at an approved provider site, which meets the nutritional requirements, set forth in the Adult Meal Pattern.

Medicaid participant means an adult participant who receives assistance under *Title XIX* of the *Social Security Act*, the Grant to States for Medical Assistance Programs (Medicaid).

Milk means pasteurized fluid types of unflavored or flavored milk, low-fat milk, skim milk, or cultured buttermilk that meet state and local standards for such milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and is consistent with state and local standards for such milk.

Non-pricing program means a provider in which there is no separate identifiable charge made for meals served to enrolled participants.

Nonprofit food service means all food service operations conducted by the provider principally for the benefit of enrolled participants, from which all of the program reimbursement funds are used solely for the operation or improvement of such food service.

Non-needy meal means a meal served under the program to an adult, with a Free and Reduced-price Application, who is determined ineligible by virtue of submitting an incomplete application or lists an annual household income that exceeds the guidelines prescribed under the National School Lunch Program and the School Breakfast Program.

Nonresidential means that the same enrolled ACFP participants are not being maintained in residential care for 24 hours per day on a regular basis.

Offer vs. Serve means the type of meal service that adults are offered all the required meal components of the meal pattern, but are not required to take them all.

Operational Expenditures mean cost of food service incurred by a provider, during the calendar month claimed. These costs are in regard to serving meals to participants under the program and allowed by the DOEA-ACFP. Includes cost of food, non-food, supplies, and approved food service labor claimed on the provider's application.

Pricing program means a provider in which a separate identifiable charge is made for meals served to enrolled adult care participants.

Principal means any individual who holds a management position within, or is an officer of, an institution or a sponsored center, including all members of the institution's board of directors or the sponsored center's board of directors.

Program means the Child and Adult Care Food Program authorized by *Section 17* of the *National School Lunch Act*, as amended.

Proprietary Title XIX center means any private, for-profit center providing nonresidential adult care services for which it receives compensation from amounts granted to the states under Title XIX of the Social Security Act and in which Title XIX beneficiaries represent not less than 25% of enrolled, eligible participants in the calendar month preceding initial application or annual reapplication for program participation.

Provider means an approved Adult Care Center (Licensed Adult Day Care, Mental Health Day Treatment Center, Habilitation Center, In-Facility Alzheimer's Disease Initiative Respite Center) that enters into a contract with the DOEA to assume final administrative and financial responsibility for Program operations.

Provider with Multiple Sites means an approved ACFP provider with two or more Adult Care Centers participating in ACFP. Centers must be the same legal entity as the Provider. Provider enters into a contract with the DOEA to assume final administrative and financial responsibility for all Program operations.

Provider with one site means an approved provider with one Adult Care Center participating in ACFP. Provider enters into a contract with the DOEA to assume final administrative and financial responsibility for Program operations.

Provider year means a period of 12 calendar months beginning October 1 of any year and ending with September 30 of the following year.

Reduced-price meal means a meal served under the program to a participant from a household, which meets the income standards for reduced-price meals. Any separate charge imposed by an approved Pricing Program shall be less than the full price of the meal, but in no case more than 40 cents for a lunch or supper, 30 cents for a breakfast, and 15 cents for a supplement, and for which neither the participant nor any member of his family is required to work in the food service program.

Registered caterer or vendor means a food service establishment who has provided a current food permit or license, a recent food service inspection report and a food service manager certification to DOEA.

Reimbursement rate means federal financial assistance paid or payable to providers for reimbursable ACFP meals served based on rates assigned by the DOEA.

Residential facility means residential institutions defined as “hospitals, nursing homes, asylums for the mentally ill or for persons with mental or physical disabilities, convalescent homes, apartment complexes designed only for the functionally impaired that provide meals, full-time care, and hospices.”

SSI recipient means an adult participant who receives assistance under Title XVI of the Social Security Act, the Supplemental Security Income (SSI) for the Aged, Blind, and Disabled program.

State Agency means the Department of Elder Affairs, which has been designated by the Governor or other appropriate executive, or by legislative authority, and has been approved by the U.S. Department of Agriculture to administer the program within the state.

Title XIX means *Title XIX* of the *Social Security Act*, which authorizes the Grants to States for the Medical Assistance Program – Medicaid.

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Introduction

Section 1.6
Acronyms

The following acronyms will be used throughout the procedure manual:

ACFP - Adult Care Food Program

CACFP - Child and Adult Care Food Program

CN - Child Nutrition

CAP – Corrective Action Plan

DOEA - Department of Elder Affairs

FNS - Food and Nutrition Service

FSMC - Food Service Management Company

ITB – Invitation to bid

MOA – Memorandum of Agreement

OVS – Offer verses Serve

IRS - Internal Revenue Service

RFP – Request for Proposal

RP/Is – Responsible Principles/Individuals

SA - State Agency

SERO - South East Regional Office

USDA - United States Department of Agriculture

WIC – Women, Infant, and Children Program

Chapter Two

Eligibility Requirements



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Chapter 2
Eligibility Requirements

Section 2.1
Program Eligibility

To be eligible to participate in the Adult Care component of the Child and Adult Care Food Program (CACFP) either independently or through a sponsoring organization; Adult Care Centers may be operated by public agencies, private non-profit organizations, or certain for-profit organizations. A private organization is considered to be non-profit if it has tax-exempt status under the Internal Revenue Code of 1986.

For-profit organizations are eligible to participate in CACFP if they receive compensation under Title XIX (Medicaid Program) and/or Title XX (Block Grants to States for Social Services) of the Social Security Act and at least 25% of enrolled participants receive Title XIX or Title XX benefits.

Each for-profit center must meet the 25% requirement every month, and under at least one of these categories in order to be eligible to claim meals for that month. However, there is no requirement that an appropriately enrolled program participant be in attendance, or participate in a meal, at any time during the month for the center to be determined eligible to claim that month.

Pre-approval Process:

Contact by telephone to review the responsibilities and requirements of the ACFP program.

If the interest to proceed with the application process is agreed by the potential provider and the contract manager, Information will be collected by the contract manager about the potential provider to begin the process of determining eligibility.

Check the NDL prior to scheduling Pre-approval visit. If provider and BOD not on NDL then pre-site visit questionnaire conducted.

If potential provider is deemed eligible for ACFP enrollment, on-line training is emailed to potential provider and contract manager information given to schedule pre-site visit and answer any programmatic questions and provide technical assistance through application process.

Application is mailed after online training is completed with 80% and the pre-site visit is conducted and provider deemed eligible.

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Chapter 2
Eligibility Requirements

Section 2.2
Private Non-Profit Centers

Private Non-Profit Centers
Must Be:

1. Tax Exempt under Internal Revenue Code of 1986;
2. Non-Residential;

AND one of the following:

1. Licensed by Agency for Health Care Administration (AHCA) for Licensed Adult Day Care Centers; OR
2. Have a current contract with the Department of Children and Families for Day Treatment Centers; OR
3. Have a contract with Area Agency on Aging for In-facility Respite Centers providing eligible adult care services more than four but less than 24 hours a day; OR
4. Have a Department of Children and Families, Home and Community-Based Services (HCBS) Provider Certificate for Developmental Services.

The tax-exempt status must be verified by submitting the determination letter from the Internal Revenue Service (IRS) with the initial application to the ACFP.

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Chapter 2
Eligibility Requirements

Section 2.3
For-Profit Centers

For-Profit Centers

Must Be:

1. Receiving Title XIX funds for at least 25% of participants enrolled;
2. Non-Residential;

AND one of the following:

1. Licensed by Agency for Health Care Administration (ACHA) for Licensed Adult Day Care Centers; OR
2. Have a current contract with the Department of Children and Families for Day Treatment Centers; OR
3. Have a contract with the Area Agency on Aging for In-facility Respite Centers providing eligible adult care services more than four but less than 24 hours a day; OR
4. Have a Department of Children and Families HCBS Provider Certificate for Developmental Services.

For each month of the contract period, the provider must determine the percentage of the total number of enrolled participants which are Title XIX beneficiaries. If less than 25% of the total numbers of enrolled participants are Title XIX beneficiaries, the provider cannot claim meals for that month. *See Section 4.5 for more information on determining for-profit eligibility.*

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Chapter 2
Eligibility Requirements

Section 2.4
Public Centers

Public Centers

Must Be:

- Non-Residential;

AND one of the following:

1. Licensed by Agency for Health Care Administration (ACHA) for Licensed Adult Day Care Centers; OR
2. Have a current contract with the Department of Children and Families for Day Treatment Centers; OR
3. Have a contract with Area Agency on Aging for In-facility Respite Centers providing eligible adult care services more than four but less than 24 hours a day; OR
4. Have a Department of Children and Families HCBS Provider Certificate for Developmental Services.

Public centers are those centers owned and operated by city, county, or state governmental entities. All public Adult Care Centers must be licensed by the Agency for Health Care Administration (AHCA) or under contract with or monitored by the Department of Children and Families or the Area Agency on Aging to ensure that minimum standards are met.

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Chapter 2
Eligibility Requirements

Section 2.5
All Centers

All Adult Care Centers participating in the ACFP must do the following:
Serve functionally impaired adults as defined in *Section 1.5* of this Policy Manual , or those individuals age 60 or older. Provide a structured, comprehensive service in a regular daily schedule of group and individual activities, with duration of at least four hours per day, but less than 24 hours per day. Activities should include health, social and related support services, and should vary to accommodate the needs of the participants and their individual plans of care.

Develop and maintain an individual plan of care for every functionally impaired participant on at least an annual basis. The plan of care is designed to maintain the participant at his or her current level or restore the participant to a level of self-care. The plan must be written and should contain the following at a minimum:

1. An assessment of the functionally impaired individual's strengths and needs based on information obtained from the participant and/or his/her family members, a health profile, mental and emotional status, daily living skills, support services available to the individual, possible need for services from other service providers, and a current medical examination.
2. A written individual plan of care for each functionally impaired ACFP enrolled participant, based on the assessment discussed above which specifies the goals and objectives of the planned care, the activities to achieve the goals and objectives, recommendations for therapy, referrals to and follow-up with other service providers as needed, and provisions for periodic review and renewal.

Sheltered workshops, vocational, pre-vocational, or substance abuse rehabilitation centers, social centers, and residential facilities do not qualify as Adult Care Centers for purposes of ACFP participation.

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Chapter 2
Eligibility Requirements

Section 2.6
Participant Eligibility

The purpose of the adult care benefits is to serve those individuals who remain in the community and reside with family members or other caregivers who would benefit from the respite, which adult care services provide. An adult participant must be functionally impaired or age 60 or older.

Participant eligibility at each center must be determined on an individual basis. Adult Care participants residing in the home or in a “home like” facility/group living arrangement are eligible to participate. The participants residing in facilities/group living arrangements that meet the following criteria are eligible:

- The participants are not in constant care for 24 hours per day,
- The participants can come and go on their own, and
- The participants are primarily responsible for themselves.

Facilities which provide residential care are not eligible to participate in the CACFP with respect to those residential clients. This would include, but not limited to the following:

- Hospitals;
- Nursing Homes;
- Assisted Living Facilities;
- Mental Health Organizations’ satellite apartments;
- Mental Health Organization’s residential treatment facility, providing Day Treatment is not co-located within the same building as the residential treatment facility, nor a locked facility;
- Adult Family Care Home;
- Boarding Homes; and
- Group Homes for developmentally disabled individuals.

Note: ACFP will not reimburse adult day care meals if the Adult Day Care is co-located in same building as any of the above.

Participants who reside in an excluded facility/institution are not eligible to participate in the ACFP. Excluded facilities include those defined in Section 1.5, and hospitals, crisis stabilization units, nursing homes, state mental hospitals, hospice, 24-hour detox units, 24-hour facilities for the developmentally disabled, cluster homes, or in-patient mental health facilities.

The temporary or permanent status of the institution and/or any affiliation between the Residential Facility and Adult Care Center is irrelevant.

Participants who are not eligible for ACFP benefits cannot be counted as ACFP enrolled. Ineligible participants cannot be counted as enrolled participants for determining eligibility for a for-profit center. See Chapter 8.5 for more information.

Drop-in adults who eat meals at the center but are not currently enrolled to receive care at the center are not “ACFP enrolled.” Center volunteers, regardless of age, who help with the meal service or the center activities cannot be considered enrolled for purposes of reimbursement, unless they are actually enrolled at the Adult Care Center with an individual plan of care and meet the ACFP participant eligibility requirements.

Chapter Three

Becoming an ACFP Provider



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Chapter 3
Becoming an ACFP Provider

Section 3.1
Forms to Complete

A complete application packet for the institution's participation in the Adult Care Food Program (ACFP) must be submitted to the Department of Elder Affairs (DOEA) annually. The forms to be submitted are dependent upon the type of facility (private non-profit, private for-profit, public, or providing organization) applying to the DOEA.

All institutions will be visited by a DOEA representative **prior** to approval of the initial provider application.

The application packet is given only to prospective providers that have completed all ACFP online training with a score of 80% or above.

All **New Provider** organizations must submit the following completed forms/documents for approval (checklist provided):

1. Provider Application (Institutional Information)
2. Schedule A (Site Information)
3. Site Yearly Estimates (Site Estimates)
4. Management Plan (Institutional Fiscal Year Records)
5. Food Service Contract or Memorandum of Agreement (not if a self-prep facility)
6. Menus (four-week cycle for each type of meal service to be claimed)
7. AHCA Adult Day Care License or Department of Child and Families Contract or Area Agency on Aging Contract
8. Public News Release
9. List of Board of Directors, name, address, and date of birth
10. FEID Letter (For-Profit Centers)
501(c)3 letter (Non-Profit Centers)
11. Certification Statement regarding Business Integrity and Publicly Funded Programs
12. Financial Viability, most recent center-wide audit or 6 months of center bank records
13. My Florida Market Place Vendor Registration (proof of registration)
14. UEI Number
15. Florida Substitute Form W-9
16. W-9 Form (institution's W-9 form)
17. DFS Direct Deposit Form
18. E-verify registration
19. ACFP Annual Information Certification Form
20. Background Screening from ACHA
21. Outside Employment Policy (for sponsors with multiple sites)
22. ACHA Medicaid Provider Letter
23. Supplemental Budget Request Form (completed/signed)

ACFP Contracts will be distributed to **new providers** for provider signatures after the application has been approved by the Contract Manager.

All **Renewing Provider** organizations must re-apply for participation annually by submitting the following completed forms/documents for approval (checklist provided):

1. Provider Application (Institutional Information, Management Plan, Budget)
2. Food Service Contract/Memorandum of Agreement
3. Copy of License, Contract, or Certificate
4. Public News Release
5. Menus
6. Board of Directors
7. Certification of Business Integrity
8. Outside Employment Policy
9. ACFP annual Information Certification
10. AHCA Medicaid Provider Letter
11. Supplemental Budget Request Form (Submit a signed and completed form)

The required annual ACFP online training must be completed with a score of 80% or above prior to the approval of the application.

Budgets: will be compared to previous year's actual reimbursement to establish realistic estimates that can be made based on specific trends.

New providers will submit the Schedule A form and site estimates for potential reimbursement to establish realistic budgets.

The ACFP Application approval letter will be distributed to renewing provider organizations from the Contract Manager after all forms and documents have been received.

Payments shall be made only to institutions operating under the contract with the Department of Elder Affairs (DOEA) for meal types specified in the application at approved centers. The DOEA may make payments for meals served in accordance with provisions of the Adult Care Food Program thirty (30) days prior to the date of contract execution, in accordance with 7 *CFR 226.11(a)*.

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Section 3.2
Updating Application Information

The provider will inform the ACFP Office of all changes to its current program application package throughout the current contract year.

The following changes require the original signature of the organization's Board President or Authorized Designee or equivalent and will be submitted, using the ACFP's *Change of Information Form*:

- Institution's name, mailing address, street address, telephone, and fax numbers
- Institution's FEID number
- Institution's tax exempt status
- Name of Board President or Authorized Designee
- Chairman's address, birth date, telephone, and fax numbers
- Additional ACFP sites/locations and site information
- Discontinued ACFP sites/locations
- Names of persons granted signature authority
- Names of persons removed from current signature authority list
- Method of claim submission

Any other changes to any part of the application package will be submitted throughout the year to the ACFP Office.

All Adult Care Centers must have a copy of the current AHCA adult care center license on display near the food service area to prove eligibility for Adult Care Food Program participation.

All ACFP contracted Mental Health Adult Day Treatment or Partial Hospitalization, In-facility Alzheimer's Disease Initiative Respite Centers, and Habilitation Programs must have, as appropriate, a copy of the current Children & Families Contract or Area Agency on Aging Contract with your institution on file to prove eligibility for Adult Care Food Program participation.

All providers will notify the ACFP Office and submit proof of change if their contract/license has been suspended, revoked, terminated, or license capacity has changed. If a contract/license has expired and been renewed, the provider will submit immediately, by fax, email or mail, a copy of the new contract/license. If the provider has not received a new contract/certificate/license before its expiration date, the provider may submit a copy of the letter from ACHA, DCF, or the Area Agency on Aging stating the institution's contract/license renewal has been approved as temporary proof until the contract/certificate is received and a copy submitted to the ACFP Office. If the provider cannot provide proof of licensure or new contract, the provider will be deemed seriously deficient and the ACFP Office will begin the serious deficiency process.

Contact your Contract Manager with any questions regarding Application information updates.

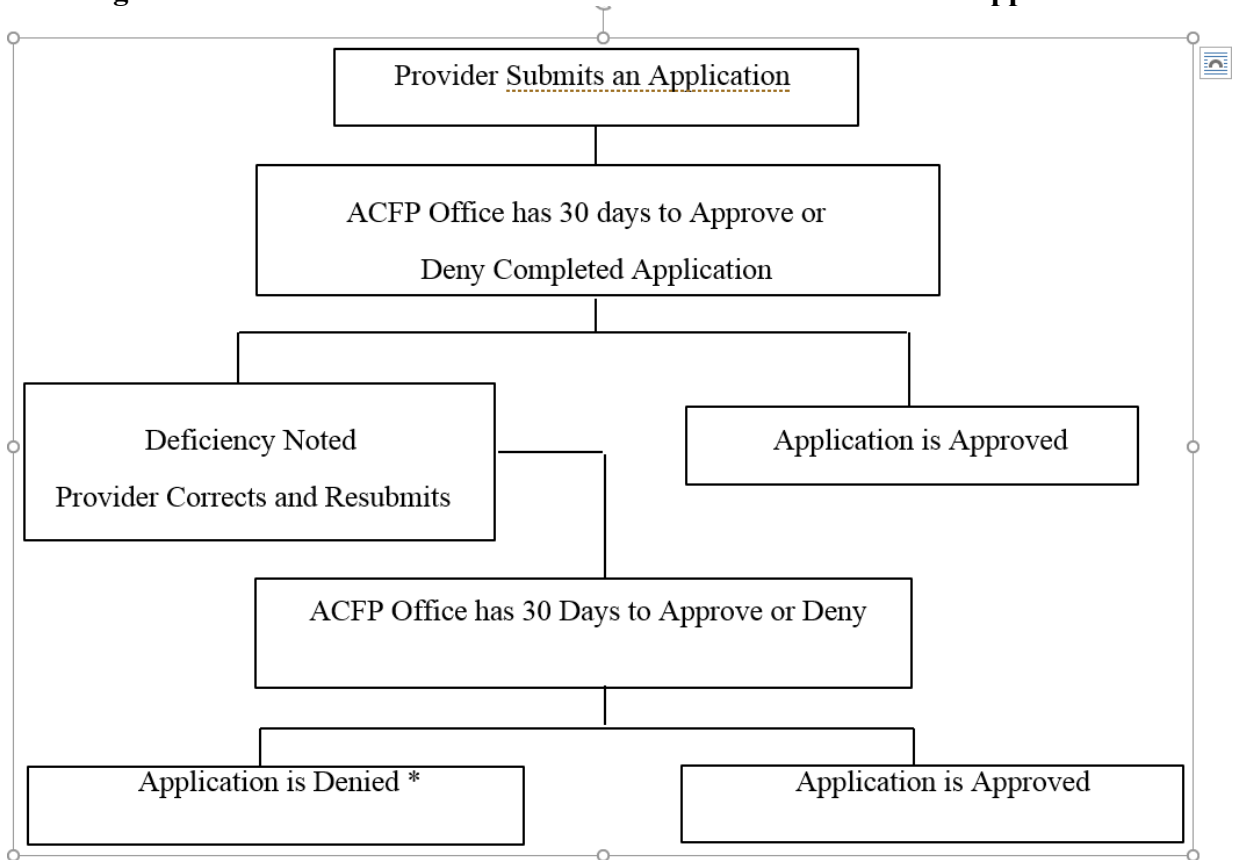
Link to ACFP web page for [*Change of Information Form*](#).

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Section 3.3
Review Process of Applications



* An application for participation in ACFP may be denied based on historical problems as documented by the ACFP Office. Past problems may include, but are not limited to the following:

- Institution/person placed on seriously deficient list, termination, or debarment list;
- Failure to maintain adequate records to support the reimbursement claim; Failure to adjust meal orders to conform to variations in the number of participants;

The submission of false information to the DOEA;

Historical claiming of program payments for meals not served to participants;

Service of meals which do not include required quantities of all meal components;

Noncompliance to applicable bid procedures for contracts with food service management companies;

Continued use of food service management companies that are in violation of health codes and/or not approved by State Agencies;

Failure of a provider of multiple sites to conduct the required training sessions and monitoring visits as outlined in its management plan; and

History of administrative or financial mismanagement in any Federal Nutrition Program.

Any decision made by the ACFP Office to deny an application can be appealed.

See Chapter 12 Administrative Actions for more information.

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Section 3.4
Application Forms

Provider Application

All providing institutions shall complete the ACFP Application Form. The form must be accurately and fully completed, including the following sections: Application with institution information; Schedule A with site information; Title XIX center participation; Method of meal provision; Yearly meal estimate and enrollment totals; and Management Plan, including fiscal records and program monitoring. The application can be accessed at http://elderaffairs.state.fl.us/doea/employee_partner_tools.php by going to the DOEA Portal and selecting the ACFP System.

Schedule A

Form shall be completed with site information for each Adult Care Center applying for participation to the ACFP.

Site Yearly Estimates

Enter your Fiscal Year beginning date. Enter estimates for how many clients you will serve meals to each day. Meals you do not plan to serve, enter “0”. Enter the beginning time and ending time for each meal to be served. There needs to be at least **two hours** between any two meal/snack times. Enter Enrollment numbers.

Management Plan

List information specific to the institution, budget, training, and labor. Sponsoring organizations must submit a management plan that includes detailed information on the organization’s management and administration structure, including a list or description of staff assigned to Program monitoring, in accordance with the requirements set forth at 7 *CFR* 226.16(b)(1); an administrative expenditures budget that includes projected ACFP administrative earnings and expenses; and procedures to be used by the sponsoring organization to administer the Program, and disburse payments to care facilities under its sponsorship.

As part of the management plan, the sponsoring organization must document that, to perform monitoring, it will employ the equivalent of one full-time staff person for each 25 to 150 centers it sponsors. The sponsoring organization must include a list or description of staff assigned to program monitoring in the management plan.

Food Service (Caterer/Vendor/FSMC) Contract

Submit a completed copy of the Food Service Contract, whether competitively bid, non-competitively bid or negotiated, if the center shall be receiving food from a food service management company (complete with original signatures, dates, witness signatures) with institution's appeal policy and required vendor attachments, including cycle menus.

Memorandum of Agreement

If the provider's site uses a central kitchen for ACFP meal service, the central kitchen and the Adult Care Center(s) receiving meals shall enter into this contract.

Menus

Submit approved four-week cycle menu that meets the ACFP meal pattern for each meal service to be claimed.

Adult Day Care License

As applicable, providers shall submit a copy of the current *Adult Day Care License* for each administered site for which application is made. Only licenses issued by the Agency for Health Care Administration (AHCA) will be accepted. If a center is not licensed, *see State contract requirements below*.

State Contract

In lieu of an Adult Day Care License, a current and fully executed standard State contract with the Department of Children and Families may be submitted by Mental Health Day Treatment Centers or a current fully executed Area Agency on Aging contract may be submitted, as appropriate, by In-Facility Alzheimer's Disease Initiative Respite Care.

Public News Release

A news release shall be sent to various public media sources for broadcast or print. This news release is a public notification of the facility's participation in the Adult Care Food Program (ACFP). The news release shall be submitted to local media sources at no cost to the provider.

Board of Directors

Submit a list of names, titles, complete addresses and dates of birth of the institution's current Board Officers or equivalent officers. For-profit centers may list the main shareholders/corporate officers.

FEID Letter

For profit and non-profit institutions must submit proof of its Federal Employee Identification Number. A copy of an official government document from the U.S. Treasury or the IRS is acceptable.

Tax Exemption Letter for Non-Profit Centers

Submit the Federal IRS Determination Letter, or if moving toward tax exemption, a copy of the cover letter and the first page of the application shall be sent to the IRS for the non-profit center(s) applying for the ACFP. A State tax exempt certificate used for the purchase of non-taxed items will not be accepted.

Title XIX Verification

Proprietary Adult Care Centers must submit documentation that they are currently providing nonresidential adult day care services for which they receive compensation under Title XIX or XX of the Social Security Act. Certification must be provided also indication that not less than 25% of enrolled participants in each center during the most recent calendar month were Title XIX or XX beneficiaries. Documentation of Title XIX or XX benefits must be provided by for-profit institutions at the time of application and also at renewal.

Documentation shall consist of a complete, signed, and dated Monthly Certification of Title XIX Eligibility Form for each for-profit center submitting a Schedule A to the XIX referral agency, and a copy of the Adult Day Care Center's letter from the Agency for Health Care Administration (AHCA), containing the center's Medicaid provider number, or the center's Medicaid provider number. *See Section 2.2 for more information.*

Certification Statement Regarding Business Integrity and Publicly Funded Programs

All providers must complete the certification that the institution or its principals have not been disqualified from any publicly funded programs in the past seven (7) years. In addition, the certification assures that in the past seven (7) years neither the institution nor its principals have been convicted of any activity that indicated a lack of business integrity.

Outside Employment Policy Statement

All providers of **multiple sites** must provide a policy on outside employment, which restricts other employment by employees that interferes with an employee's ACFP responsibilities. The policy is submitted once upon initial application and updated if necessary.

Administrative Expenditure Budget will be compared to previous year's actual reimbursement (X .15) to establish a maximum cost allowed for renewing sponsors. Realistic estimates can be made based on specific trends. New sponsors will submit Schedule A estimates for potential reimbursement (X .15) to establish maximum administrative cost allowed.

Yearly administrative expenditure budget estimates can be divided by 12 months to establish monthly administrative estimates. All approved administrative expenditures will be claimed for the calendar month incurred and submitted to the DOEA on the Monthly Reimbursement Claim.

Supplemental Budget Request Form

Supplemental budget requests require specific prior written approval from the DOE. Per 7 *CFR 226.6(f)*, these are identified as costs that are not allowed unless the DOE has provided the institution with specific written approval of both the cost and the amount of the cost that can be charged to the program before the cost is incurred.

See Chapter 8.2 Records to Support Program Expenditures for more information.

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Section 3.5
Staffing

Each institution shall provide adequate supervisory and operational personnel for management and monitoring of the program. A minimum staff ratio of one staff member who provides direct services for every six participants shall be present in the center at all times.

Sponsoring organizations must employ enough staff to meet the monitoring requirements of one full-time staff person for each 25-150 centers it sponsors.

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Section 3.6
ACFP Contract

ACFP Contract

A signed contract between the institution's Board President or Authorized Designee (i.e., the individual elected or appointed to assume legal responsibility for the institution) and the Secretary of DOEA. This contract is binding and ensures the institution is aware of, and will follow, ACFP rules and guidelines.

The Contract is a written contract explaining expectations between the institution and DOEA-ACFP. All ACFP providers must sign three originals Contracts and submit the three signed originals to the DOEA-ACFP Office for execution signature.

Once all application materials are complete and approved, the Secretary of DOEA signs the contracts. One fully executed contract is then returned to the provider.

This contract will remain in effect unless terminated by DOEA or the provider.

Chapter
Four

The Reimbursement
System



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Chapter 4
The Reimbursement System

Section 4.1
Reimbursement Rates

Each year the USDA revises the meal and cash in lieu of commodities reimbursement rates. These rates are in effect July 1 through June 30 of the following year. Each ACFP provider will receive notification of the applicable reimbursement rates as they are released by the USDA.

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The Reimbursement System

Section 4.2
Program Payments

Payments shall be made only to institutions operating under an agreement with the DOEA for the meal types specified in the agreement served at approved Adult Care Centers. The DOEA may make payment for meals served in accordance with provisions of the Adult Care Food Program thirty (30) days prior to the date of the contract execution. For institutions claiming meals served prior to the execution of their contract, the program reimbursement must not be received by the center until the agreement is executed in accordance with the *7 CFR 226.11(a)* and *FNS Instruction 788-10*. This applies to both new and renewing institutions.

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Section 4.3
Deadlines for Claim Submission

A monthly reimbursement claim shall be submitted to the ACFP Office by the 15th of the month following the claim month. Any original claims submitted after the close of business (5:00 p.m. EST) after the 60-day deadline cannot be processed unless authorized by the DOEA.

The official submission date of a claim is the receipt date on which the claim is received at the ACFP Office.

For example:

Claim Month	Postmark Date
May	July 30
September	November 29
October	December 30
November	January 29

A one-time exception for late claims may be granted upon DOEA approval within any thirty-six (36) month period. If approved, payment of the late claim is subject to funds availability. Any claim outside of this requirement shall be denied.

Revised claims resulting in additional reimbursement to the provider shall be filed within sixty (60) days after the end of the month. Claims filed after the 60-day deadline shall not be processed. Revised claims resulting in a reduction of reimbursement may be submitted to DOEA-ACFP at any time.

In submitting the reimbursement claim, each provider shall certify that the claim is correct and that all records are available to support the claim. These records shall be retained for a period of six (6) years after the end of the fiscal year to which they pertain. Records shall be retained beyond the end of the six-year period if findings result from an audit. In those cases, records shall be maintained for as long as required to resolve the issues raised by the audit.

All accounts and records pertaining to the Program shall be made available upon request to representatives of the ACFP, the USDA, the U.S. General Accounting Office, and the Office of the Inspector General for audit or review, at a reasonable time and place.

See Section 8.3 for information on records, which must be maintained to support the reimbursement claim.

Failure to have records available to support the reimbursement claim could result in a disallowance of meals claimed, termination, and/or debarment.

Link to ACFP web page to [Monthly Reimbursement Claim](#).

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Section 4.4
Vendor Registration
MyFloridaMarketPlace

The State of Florida requires that all vendors doing business with the State for contractual services be registered with the My Florida Market Place system. Adult Care Food Program (ACFP) providers must register at the following address:

<https://vendor.myfloridamarketplace.com>

Follow the instructions given to fully register. Use the New Vendor Registration box on the right and proceed to register. You will need to enter your Company Name and Tax ID.

If you were registered with the State of Florida and do not remember your Username and Password, click on the “Forgot Your Password” link in the Vendor Login box on the left. If you were registered with the State of Florida prior to MyFloridaMarketPlace, you will need your state issued sequence number and PIN.

If you need more information on registration, vendor information sessions, or have any other MyFloridaMarketPlace questions, contact the MyFloridaMarketPlace Customer Service Desk at 1-886-FLA-EPRO (866-352-3776).

The name and address on the vendor registration site should match the name and address provided in the annual ACFP application.

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Section 4.5
Claims Processing
General

Annually, providers indicate on the ACFP application their preferred method of claim submission. Providers may choose between electronic or faxed claim submission. If the provider indicated its claim submission will be electronic, then a faxed claim will be used as the backup.

If the provider indicated the claim submission will be by fax, then a mailed claim will be the backup. Fax claims to (850) 414-2348, attention ACFP Claims Processor.

Claims should be received by the 15th of the month following the month claimed. If errors cause the electronic claim to be rejected, the system will show an Information Warning message with correction needed. Contact your Contract Manager for assistance. If the fax claim is rejected you will be contacted by a ACFP Claims Processor or Contract Manager for corrections to the claim.

Frequent errors in Monthly Claims for Reimbursement:

- The claim month is omitted, incomplete, or incorrect.
For example, the month entered is preparation month instead of claim month.
- The number of meals served is omitted or exceeds maximum capacity calculation.
- The provider claims unauthorized meals. A provider can claim only those meals for which they are approved.
- A revision to a monthly claim not indicated by checking the appropriate box at the top right of claim form.
- The number of participants enrolled by category is omitted.
- The reimbursement claim is not signed by an authorized representative, as indicated by the Board President or Authorized Designee.
- Average daily attendance is omitted, or is rounded incorrectly.
Always round up when calculating average daily attendance.
- Omission of expenditures.
- Claiming unapproved expenditures.

Once a claim is processed it is sent to the Department of Financial Services for one of two payment methods.

- Providers that have completed the *Direct Deposit Authorization Form* and mailed the original form to the Florida Department of Financial Services will receive electronic funds transfer (EFT) deposits at the respective financial institution.
- Providers that did not complete the *Director Deposit Authorization Form* will receive a warrant (check) sent to the institution's mailing address provided on the provider's annual ACFP application.

A copy of each claim submitted and a copy of the corresponding payment should be kept on file. Failure to have records available to support the reimbursement claim could result in disallowance of meals claimed, termination, and/or debarment.

Refer to Chapter 8, Section 8.3 for information on records which must be maintained to support the reimbursement claim.

The DOEA has 45 days to process and pay all eligible claims. If the provider has not received a payment for a submitted claim by this date the provider should contact the ACFP Contract Manager.

Link to ACFP web page to [Monthly Reimbursement Claim Form and Instructions](#).

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Section 4.6
Monthly Rate of
Reimbursement

The DOEA bases monthly reimbursement on the following criteria:

- Total Number of enrolled participants eligible for Free meals
Obtained from Enrollment Rosters
- Total Number of enrolled participants eligible for Reduced meals
Obtained from Enrollment Rosters
- Total Number of enrolled participants eligible for Paid (non-needy) meals
Obtained from Enrollment Rosters
- Total Number of meals served
Obtained from Point of Service Meal Count
- Current Rate of Reimbursement
Federally mandated, effective July 1 - June 30

Monthly reimbursements will fluctuate because the above figures change each month.

Providers are encouraged to complete the Rate Calculation Worksheet every month, to ensure that the correct reimbursement is received. When completing this calculation, ensure the correct reimbursement rates are used.

Link to ACFP web page for [Rate Calculation Worksheet](#).

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Section 4.7
For-Profit
Title XIX Providers

When a for-profit Title XIX center is approved for the ACFP, it may submit a reimbursement claim only for those months when at least 25% of the enrolled participants are Title XIX beneficiaries. For-profit Title XIX providers must submit the number of enrolled participants receiving Title XIX benefits on the Certification of Title XIX Eligibility Form for each month that ACFP reimbursement is claimed. The enrolled participants receiving Title XIX benefits do not receive reimbursement for their meals. When a provider has multiple sites, the monthly reimbursement claim must reflect the totals of all sites combined.

To evaluate eligibility, the following steps must be taken each month:

Determine how many of each site's Adult Care Participants are currently enrolled in the ACFP;

Of this number, determine what percentage receives Title XIX (Medicaid) benefits;

A claim may be submitted if at least 25% of ACFP participants receive Title XIX funding, for that month, at the participating Adult Care Program site; and

Submit a Monthly Reimbursement Claim, with a Monthly Certification of Title XIX Eligibility form for each participating site.

For-Profit Title XIX providers may not receive ACFP meal reimbursement for clients whose meals are paid for under a Statewide Medicaid Managed Care contract.

Link to ACFP web page for [Monthly Certification of Title XIX Eligibility For Profit Providers](#).

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Section 4.8
Claims Processing

For-Profit Title XIX
Providers With Statewide
Medicaid Managed Care
Clients

For-Profit Title XIX Providers may enroll Statewide Medicaid Managed Care clients in the Adult Care Food Program (ACFP) in order to meet the 25% minimum requirement for Title XIX clients.

The provider may not receive ACFP meal reimbursement for clients whose meals are paid for under a Statewide Medicaid Managed Care contract. In order to process a monthly reimbursement claim, the following procedures should be used.

- **Average Daily Attendance:** Include Title XIX and Statewide Medicaid Managed Care clients.
- **Number of Enrolled Adults by Category:** Include Title XIX and Statewide Medicaid Managed Care clients.
- **Number of Meals Served by Type:** Include Title XIX clients. Do not include meals for clients that are paid for under Statewide Medicaid Managed Care contracts.

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Section 4.9
Participation Controls

The Adult Care Food Program (ACFP) will not reimburse a provider who does the following:

- Claims meals in excess of authorized capacity/license;
- Claimed unauthorized meal types;
- Is a non-participating/terminated provider; or
- Is getting a meal/snack reimbursement by any other payer source (example: Managed Care Plan, PACE, congregate meals-C2).

For-profit providers will not be reimbursed for meals served during months when less than 25% of the ACFP enrolled participants are Title XIX beneficiaries.

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Section 4.10
Overpayment

An Overpayment results when a ACFP Provider receives reimbursement for a submitted claim that does not meet ACFP requirements. If a claim Overpayment is identified directly by a provider, or by the DOEA via desktop review or on-site administrative review, the Overpayment must be repaid.

The provider will be asked to correct the Overpayment by either submitting a repayment check, or submitting a revised Monthly Reimbursement Claim form with the corrected categories as appropriate within thirty (30) days of notification of Overpayment.

The “revised claim” box in the upper right hand corner of the claim form must be checked. The revised claim must be submitted to the DOEA via fax (850-414-2348). Revised claims are processed with any necessary reductions of reimbursement applied with the next Monthly Claim Reimbursement.

In the event a repayment check is necessary (Overpayments occurring in September or previous fiscal year), checks are to be mailed to the following:

DOEA
Suite 215, Attention Contract Payment Auditor
4040 Esplanade Way
Tallahassee, FL 32399

See ACFP Contract, page 13(S)(1) for more information on Overpayment.

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Section 4.11
Successors and Transferees

During the term of the ACFP Contract, the Contractor agrees that any proposed sale, transfer, or other conveyance or pledge of ACFP assets shall not be executed as long as the Contractor participates in the ACFP unless the Contractor has obtained prior approval (from the ACFP Office) of that transaction.

The Contractor shall notify the DOEA-ACFP Office in writing of its intent to sell, transfer, convey, or pledge any assets purchased with ACFP funds.

For institutions that are corporations, if more than 50% of the stock of the Corporation is sold, transferred, conveyed, or pledged during the term of the Adult Care Food Program (ACFP) Contract without notice, the Contract will be terminated.

Prior to such termination, the institution and/or the prospective majority stockholders may apply to the Department of Elder Affairs (DOEA) for participation in the program. The Department shall receive and process such application pursuant to its established policies and procedures. The Agreement and the privilege of participating in the ACFP are not subject to sale, assignment, transfer, or any other form of conveyance.

Chapter Five

Requirements of Management Providers with One Site



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Chapter 5
Requirements of Management
Provider with One Site

Section 5.1
Required Record Keeping

Each institution shall accept final administrative and financial responsibility for program operations. No institution may contract out management of the program.

Providers with one site are required to maintain records to support the monthly reimbursement claim and comply with program regulations. All ACFP records must be stored at a central location identified in the approved management plan. All records shall be retained for a period of six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the six-year period as long as may be required for the resolution of the issues raised by the audit.

Civil rights racial/ethnic data. All centers under the ACFP must do the following:

- Display the USDA's current "And Justice For All" poster in full view of all program participants, in a language they understand;
- Provide the nondiscrimination statement and procedure for filing a complaint;
- Collect actual participant data by racial and ethnic categories; and
- Provide information materials in the appropriate translation regarding the ACFP.

Copies of all daily menus. Approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on daily menu.

Daily attendance records. Attendance records should support the meal count records. The attendance records cannot be used as a basis for completing the meal count record. For example, if John Doe was claimed for a meal on October 17, the Adult Care Center's attendance records should indicate that John Doe was present on October 17. Daily attendance records are part of the five-day reconciliation of meal counts.

Daily Delivery Slips. Delivery Slips are delivered with catered/vended meals arriving from vendors or central kitchens that document the delivery. *See Section 5.14 for information on Delivery Slips.*

Daily Point of Service Meal Count records. Meal count records for each meal served during the calendar month must support each monthly reimbursement claim. Center personnel must verify and record each reimbursable meal served to ACFP enrolled participants by type of meal (breakfast, lunch, supper, or snack). This count must be taken at the time the meal was served.

Documentation of training to staff. The institution's administrative staff or other appropriate trainer must train staff regarding the ACFP. Training should be conducted, at a minimum, annually and preferably at the beginning of each contract year (October 1). Documentation must include the following:

Session dates:

- Date and time
- Locations
- Topics
- Name and title of each attendee
- Name of trainer(s)

At minimum training topics will include the following:

- ACFP Meal Pattern Requirements
- Meal Benefit Income Eligibility Form
- ACFP Enrollment Records
- Meal Count "Point of Service"
- Food safety/sanitation (including proper holding temperatures)
- Civil Rights
- Submitting a Claim / Reimbursement system
- Meal Procurement

Enrollment documents for each participant claimed. All participants claimed for reimbursement must be appropriately enrolled in the ACFP provider's Adult Care Center.

Non-profit food service verification. Non-profit food service verification includes the following:

- Documentation of sources and amounts of income to sustain Food Service operations. Including Program (ACFP) and non-Program income which provide financial support to Program Administration. Income to the Program includes all monies received from state, federal, or local government sources used to sustain the meal service.
- Documentation of food service and administrative expenditures. Food Service expenditures include food purchase receipts or invoices, labor cost supported by payroll stubs and time studies, cost of expendable food service equipment, cost of maintaining non-expendable food service equipment, and indirect costs incurred during the calendar month claimed. Expendable food service equipment has a durability of less than two (2) years and costs \$500.00 or less. Non-expendable food service equipment has a durability of two (2) years or more and costs more than \$500.00. Examples of indirect costs are rent, utilities, office supplies, etc. A portion of indirect costs can be charged to the ACFP if

there is documentation available to support the costs associated with the meal service. *See Section 8.2 Information on records to support operation and administrative expenditures.*

Participant Application. A Meal Benefit Income Eligibility Form must be on file for each adult participant claimed for reimbursement. The application is effective for one (1) year from the date the applicant signs and dates the form. *See Chapter 10 for more information on meal benefit income eligibility.*

Title XIX documentation. Title XIX documentation must be available for all for-profit centers. Title XIX documentation includes billing invoices for Title XIX services and a copy of the contract with the Title XIX administering agency. For each calendar month claimed, the administering organization must have verification that at least 25% of the enrolled participants at each ACFP site were Title XIX beneficiaries for whom Medicaid payment is received for Adult Day Program services.

Miscellaneous documentation. The following miscellaneous documentation must be retained:

- Adult Care Center license, Department of Children & Families, or Area Agency on Aging contract;
- Copies of application packet submitted to DOEA-ACFP;
- Copies of all claims for reimbursement submitted to the DOEA-ACFP; and
- Copies of all Remittance Vouchers mailed by the State. *See Chapter 8 for more information on record keeping.*

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Section 5.2
For-Profit Centers – Monthly
Title XIX Verifications

For-profit centers must verify and report monthly to the ACFP office that 25% of the ACFP participants enrolled at the center are Title XIX beneficiaries. The number of participants enrolled is the total number of enrolled ACFP participants who attended the center at least one (1) day during the claim month.

To be counted as a Title XIX beneficiary, a participant must be claimed as a Title XIX beneficiary during the claim month. Title XIX beneficiaries who are also Managed Care plan enrollees may be included in calculating the monthly percentage of enrolled participants, provided they have attended the day center at least one day during the claim month.

However, centers may not receive meal reimbursement for clients whose meals are funded under Managed Care plans.

Participants who are not eligible for ACFP benefits should not be counted as enrolled participants for the purposes of determining ACFP eligibility and receipt of program reimbursement. Each center must turn in monthly a certification of eligibility that indicates at least 25% of the enrolled participants are Title XIX beneficiaries.

See Section 2.3 for more information on how to determine for-profit eligibility.

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Section 5.3
Criteria for Claiming Meals
Non-Profit Sites

Meals can be claimed for reimbursement if the following criteria are met:

- All required meal components are served to the participant for the meal claimed. A participant must be offered all components for a meal to be claimed except in those cases where a recognized medical authority's statement is on file verifying that a participant cannot have a particular food for medical reasons or for documented religious reasons. The medical statement must also list foods which can be substituted for the component or food item. *See Chapter 7 for details on the ACFP Meal Pattern.*
- "Offer versus Serve" is an allowable meal service option available to ACFP centers. The meal service option allows participants the opportunity to select foods and decline foods, if desired, at each meal without affecting the ACFP reimbursement. The participant must take three of the required four food items offered at breakfast, four of the required six food items at lunch, three of the five food items at supper, and both required food items at snack before they can be counted on the *Point of Service Meal Count* form as receiving a reimbursable meal. *See 7.2 for more information on Offer vs. Served.*
- A maximum of two meals and one snack, or two snacks and one meal can be claimed per participant per day.
- Claims for reimbursement can only be made for ACFP enrolled participants who are enrolled in the provider's Adult Care Center. Meals claimed at any one time cannot exceed the authorized licensed capacity of the center.
- Creditable foods must be served. Refer to the *Creditable Food Guide* or *Food Buying Guide* for details on those foods which can be used to meet the menu components.
- Meals served to participants in a temporary residential situation cannot be reimbursed. *Refer to Chapter 2.6 for details regarding participant eligibility.*

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Section 5.4
Criteria for Claiming Meals
For-Profit Sites

Meals may be claimed for reimbursement if the following criteria are met:

- All required meal components are served to the participant for the meal claimed. A participant must be offered all components for a meal to be claimed except in those cases where a recognized medical authority's statement is on file verifying that a participant cannot have a particular food for medical reasons or for documented religious reasons. The medical statement must also list foods which can be substituted for the component or food item. *See Chapter 7 for more information on the ACFP Meal Pattern.*
- "Offer versus Serve" is an allowable meal service option available to ACFP centers. The meal service option allows participants the opportunity to select foods and decline foods, if desired, at each meal without affecting the ACFP reimbursement. The participant must take three of the required four food items offered at breakfast, four of the required six food items at lunch, three of the five required food items at supper and both required food items at snack before they can be counted on "Point of Service Meal Count" as receiving a reimbursable meal. *See 7.2 for more information on Offer vs. Served.*
- A maximum of two meals and one snack, or two snacks and one meal can be claimed per participant per day.
- ACFP enrolled participants who are Title XIX recipients and attend at least one day during the claim month constitute the number of Title XIX enrolled participants for the claim month.
- Claims for reimbursement can only be made for ACFP enrolled participants who are enrolled in the provider's Adult Care Center. Meals claimed at any one time cannot exceed the authorized licensed capacity of the center.
- Creditable foods must be served. Refer to the [Creditable Food Guide](#) or *Food Buying Guide* for details on those foods which can be used to meet the menu components.
- Meals served to participants in a temporary residential situation cannot be reimbursed. *Refer to Chapter 2.6 for details regarding participant eligibility.*

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Section 5.5
Audits

The Adult Care Food Program (ACFP) is a federally funded grant that is appropriated through State Grants and Aids appropriations.

If the provider expends \$1,000,000 or more in its fiscal year, the provider must have a single or program-specific audit conducted in accordance with the provisions of *2 CFR 200*. The Contractor must provide the Department of Elder Affairs (DOEA) with a copy of the agency-wide audit:

1. 30 days after receipt of the audit report or,
2. Nine (9) months after the end of the providers' fiscal year end, whichever comes first.

Audits are required with federal and state regulation. *Refer to ACFP Contract Audits Part I: Federally Funded for full disclosure of regulations.*

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Section 5.6
Civil Rights Data Collection

The Adult Care Food Program (ACFP) must ensure that program benefits are made available to all eligible individuals without regard to race, color, national origin, sex (including gender identity and sexual orientation) age, or disability.

Collecting and Reporting Participation Data

1. Centers participating in the Adult Care Food Program (ACFP) are required to obtain data by race and ethnic categories on potentially eligible populations, applicants, and participants in their program service area.
2. Systems for collecting actual racial and ethnic data must be maintained.
 - The center is required to identify to applicants and participants all of the racial categories.
 - The center should encourage self-identification or self-reporting to obtain the data. This may be done by explaining the use of the statistical data. The following example may be used to help obtain the information:

“This information is requested solely for the purpose of determining the state’s compliance with federal civil rights law, and your response will not affect consideration of your application, and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner.”

If the applicant declines to self-identify, the applicant should be informed that will not impact their eligibility.

3. Systems used to collect data must ensure the following:
 - Data must be collected and retained by each service delivery point;
 - Data must be based on documented records and maintained for six (6) years;
 - Data must be maintained under safeguards that restrict access of records only to authorized personnel;
 - Data will be submitted, as requested, to the FNS Regional or Headquarters Offices.

4. Race and ethnicity data must be collected in a two-question format. Ethnicity shall be collected first. Applicants shall be offered the option of selecting one or more racial designations.
5. When an applicant does not furnish information on his/her race or ethnicity, the data collector shall explain the importance of collecting the data. There are alternative means by which data collectors can obtain race or ethnicity data in the ACFP program, such as utilizing data from other sources in which the respondent has self-identified race or ethnicity. A data collector may not “second guess,” or in any other way change or challenge, a self- declaration made by the applicant or utilize visual observation.

Determining the Eligible Population

The independent center must identify the population of potentially eligible persons to participate in the Adult Care Food Program (ACFP) by racial and ethnic data categories for each service delivery area or county.

Estimate of the racial and ethnic makeup of the local area to be served. This information will be gathered at least every three (3) years. Resources may include census tract data, public school data, housing authority data, local chamber of commerce and/or newspaper. Census data may be obtained from the following website:

<http://factfinder.census.gov/faces/nav/jsf/Pages/index/xhtml>

Actual beneficiary data by racial and ethnic categories may be collected from enrolled adults on an ongoing basis using the *Meal Benefit Income Eligibility* form for the Adult Care Center. These efforts will be used only after it has been explained, and they understand, that the collection of this information is strictly for statistical reporting and has no effect on the determination of their eligibility to receive benefits under the program.

Efforts are used to assure that minority populations have an equal opportunity to participate.

Efforts are used to contact minority and grassroots organizations about the opportunity to participate.

Throughout the program year, the independent center must do the following:

Display the USDA’s *And Justice For All* poster in a full view of all program participants. The poster must be displayed in a language that is understood by participants served at the center.

Have the capability of providing informational materials in the appropriate translation concerning the availability and nutritional benefits of the ACFP to applicants enrolled in the Adult Care Program.

Make available program information to the public upon request. Upon initial visits, participants shall be given specific program information that is pertinent to their receipt of benefits under the program. Provide the *Letter to the Household* to potential participants or their caregivers.

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Section 5.7
Civil Rights Public Notification

All USDA Food and Nutrition Service programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

The public notification system must include the following three basic elements:

1. **Program Availability.** The independent center that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.
2. **Complaint Information.** Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
3. **Nondiscrimination Statement.** All information materials and sources, including websites, used by the independent center to inform the public about the Adult Care Food Program (ACFP) must contain a nondiscriminatory statement. It is not required that the nondiscrimination statement be included on every page of the program information website. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

The following nondiscrimination statement (or current applicable revision) must be included in full, on all materials regarding the Adult Care Food Program (ACFP) that are produced for public information, public education, or public distribution. The authorized statements below or current applicable revisions cannot be modified. If a State authorizes additional language, it must be included in a separate statement. The authorized statement is as follows:

"In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339."

To file a program discrimination complaint, a Complainant should complete a *Form AD-3027*, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed *AD-3027* form or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

This institution is an equal opportunity provider.

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Section 5.8
Civil Rights
Methods of Public Notification

Each center participating in the Adult Care Food Program (ACFP) must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the ACFP and applicable Civil Rights requirements.

1. Prominently display the U.S Department of Agriculture (USDA) nondiscrimination poster *And Justice for All*.
2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), or programs of changes in programs. This includes information pertaining to eligibility, benefits, and service, the location of local facilities or service delivery points, and hours of service. This information can be communicated by methods such as, but not limited to, internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins.
3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
4. Include the required nondiscrimination statement on all appropriate Adult Care Food Program (ACFP) and agency publications, websites, posters, and informational materials provided to the public.
5. Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.

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Section 5.9
Civil Rights
Methods of Complaint Procedures

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a *Form AD-3027*, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed *AD-3027* form or letter must be submitted to USDA by:

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U.S. Department of Agriculture
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2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

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Section 5.10
Civil Rights
Training

The DOEA will provide ACFP centers with annual training on Civil Rights. The centers must ensure that their “frontline staff” who interact with program applicants or participants, and those persons who supervise “frontline staff,” receive annual training on Civil Rights. The specific subject matter for training must include the following:

1. Collection and use of data,
2. Effective public notification systems,
3. Complaint procedures,
4. Compliance review techniques,
5. Resolution of noncompliance,
6. Requirements for reasonable accommodation of persons with disabilities,
7. Requirements for language assistance.
8. Conflict resolution, and
9. Customer service.

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Section 5.11
Title III Funding

ACFP reimbursement cannot duplicate reimbursement under *Part C* of *Title III* of the *Older American's Act* for the same meal served. A single meal cannot be supported by funds from both the ACFP and Title III. This prohibition includes the commodity benefit currently available under Title III (re: congregate meals).

An Adult Care Center receiving funds from both Title III and ACFP must implement a financial management system which can show that Title III funds are not being used to support ACFP claimed meals.

These records will be made readily available for review upon request.

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Section 5.12
Required Records
Self-Prep Kitchens

The self-prep kitchen is located at an Adult Care site which purchases and prepares one or more of its own meals. This site must keep the following records to justify food expenditures entered on the monthly Reimbursement Claim:

Copies of all approved daily menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on daily menu.

Receipts for purchased food items necessary to provide ACFP reimbursed meals can include ready-to-serve foods and ingredient foods. Ingredient foods are foods required to prepare a recipe. Foods that are not authorized to be purchased with ACFP funds are foods that are not creditable. When receipts are tallied, food items that are not creditable, such as coffee, water, tea, ice cream, etc., must be subtracted from the receipt. This new total, which includes only those items that are either ready-to-serve or an ingredient for a creditable food, is added to the other monthly operating costs.

Sites may use a variety of food production methods. For example, a site might self-prep snacks and cater lunches. In this case, the site must then maintain two types of expenditure records accordingly.

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Section 5.13
Required Records
Central Kitchens

A kitchen operated by an institution, which provides or delivers meals to multiple programs operated by the same institution, is considered a central kitchen. The individual ACFP provider's program must maintain the following records to justify food expenditures:

Dated Menus. Copies of all approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on daily menu.

Memorandum of Agreement (MOA). The MOA lists, in addition to other information listed, the cost per individual meal by type. The MOA is completed at the beginning of the contract year and will end within twelve (12) months of commencement date.

Central Kitchen Invoice. The invoice from the Central Kitchen or the agency's central accounting office addressed to the Adult Care site, must be completed monthly. This bill must list date, type of meal, and total number of meals served during the calendar month and total monthly costs.

Daily Delivery Slips. Must indicate, at a minimum, the following:

- Complete date;
- Actual food items used, or menu;
- Portion size of each food item;
- Amount delivered, either total bulk or number of individualized meals;
- Daily signatures of vendor/kitchen representative and signature of Adult Day Program representative receiving delivery; and
- Food temperatures of each potentially hazardous hot or cold food item taken at time of delivery.

These records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit. These records will be made readily available upon request.

Sites may use a variety of food production methods. For example, a site might use the central kitchen for snacks and cater lunches. In this case, the site must then maintain two types of expenditure records accordingly.

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Section 5.14
Catered/Vended Meals

Adult Care Center sites that receive meals that are produced by food service production kitchens are considered catered/vended. These sites must keep the following records to justify their food expenditures.

Dated Menus. Copies of all approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on the daily menu.

Food Service Contract. The Contract sets forth the terms and conditions including the cost per meal by type, dates of service, acceptance and approval signatures.

Food Service Management Company Invoice. This monthly invoice is sent to the Adult Care Center site or provider's institution. The invoice must list date, type, and total number of meals/items served/delivered to the site(s) named during the calendar month and total monthly costs per contract.

Daily Delivery Slips. Must indicate, at a minimum, the following:

- Complete date;
- Actual food item used, or menu;
- Serving/portion size of each food item;
- Amount delivered, either total bulk or number of individualized meals;
- Daily signatures of vendor/kitchen representative and signature of day program representative accepting delivery; and
- Food temperatures of each potentially hazardous hot or cold food item taken at time of delivery.

Receipts and Recipes. Food service management kitchen receipts and standardized recipes will be maintained and available for review. These records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit.

Meal Pattern. It is the ACFP provider's and Adult Care Center's responsibility to ensure the minimum ACFP Adult Meal Pattern is met. Use of the food service management company's catered/vended meals does not abate nor alleviate the provider's responsibility to administer the minimum meal pattern. All vendor deficiencies should be documented on the *Monthly Food Service Performance Report*. Corrective action should be taken immediately if the meal is inadequate, or not safe for consumption.

Sites may use a variety of food production methods. For example, a site might use the central kitchen for snacks and cater lunches. In this case, the site must then maintain two types of expenditure records, accordingly.

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Section 5.15
Records Retention

Records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit. These records will be made readily available upon request.

Chapter Six

Requirements of Management Providers With Multiple Sites



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Chapter 6
Requirements of Management
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Section 6.1
Required Record Keeping

Each sponsoring organization shall accept final administrative and financial responsibility for food service operations in all Adult Care facilities under its jurisdiction. Sponsors may not contract out management of facilities under their ACFP Contract.

Providers with multiple sites are required to maintain records (for each site) to support the monthly reimbursement claim and comply with program regulations. All ACFP records must be stored at a central location identified in the approved management plan. All records shall be retained for a period of six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the six-year period as long as may be required for the resolution of the issues raised by the audit.

The sponsoring organization shall either retain the following records in a **central location** (as identified in the management plan) or obtain the following original documents from each site upon request:

Civil Rights racial/ethnic data. All centers under the sponsoring organizations' jurisdiction must do the following:

- Display the USDA's current *And Justice for All* poster in full view of all program participants in a language they understand;
- Provide the nondiscrimination statement and procedure for filing a complaint;
- Collect actual participant data by racial and ethnic categories; and
- Provide information materials in the appropriate translation regarding the ACFP.

Copies of all daily menus. Approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on the daily menu.

Claim Validity Verification. The sponsoring organization must conduct monthly edit checks on each sponsored center's meal claim to ensure accuracy. Work papers that document edit checks must be maintained with the monthly claim for reimbursement for a period of six (6) years after submission of the final claim for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the end of the six-year period as they may be required for the resolution of the issues raised by the audit. At a minimum, edit checks

must verify that each facility has been approved to serve the meals claimed and compare the number of eligible adults at each facility, multiplied by the number of days on which the facility is approved to serve meals, to the total number of meals claimed by the facility for the month.

Daily attendance records. Attendance records should support the meal count records. The attendance records cannot be used as a basis for completing the meal count record. For example, if John Doe was claimed for a meal on October 17, the Adult Care Center's attendance records should indicate that John Doe was present on October 17. Daily attendance records are part of the 5-day reconciliation of meal counts.

Daily Delivery Slips. Delivery slips are delivered with catered/vended meals arriving from vendors or central kitchens that document the delivery. *See Section 6.15 for information on Delivery Slips.*

Daily Point of Service Meal Count records. Meal count records for each meal served during the calendar month must support each monthly reimbursement claim. Center personnel must verify and record each reimbursable meal served to ACFP enrolled participants by type of meal (breakfast, lunch, supper, or snack). This count must be taken at the time the meal was served.

Documentation of training to staff. The institution's administrative staff or other appropriate trainer must train staff regarding the ACFP. Training should be conducted, at a minimum, annually and preferably at the beginning of each contract year. Documentation must include the following:

Session dates:

- Date and time
- Locations
- Topics
- Name and title of each attendee
- Name of trainer(s)

At minimum, training topics will include the following:

- ACFP Meal Pattern Requirements
- Meal Benefit Income Eligibility Form
- ACFP Enrollment Records
- Meal Count "Point of Service"
- Food safety/sanitation (including proper holding temperatures)
- Civil Rights
- Submitting a Claim / Reimbursement system
- Meal Procurement

Documentation of monitoring. Adult Day Centers under the sponsoring organizations' jurisdiction must

be monitored for program compliance at least three (3) times annually using DOEA-ACFP approved forms. Date of the review, problems noted, technical assistance given and corrective action prescribed must be documented. *See chapter 6.6 for more information.*

Enrollment documents for each participant claimed. All participants claimed for reimbursement must be appropriately enrolled in the ACFP provider's Adult Care Center. Enrollment records are part of the 5-day reconciliation of meal counts.

Nonprofit food service verification. Nonprofit food service verification includes:

- Documentation of sources and amounts of income to sustain food service operations. Including Program (ACFP) and non-Program income which provide financial support to program administration. Income to the Program includes all monies received from state, federal, or local government sources used to sustain the meal service.
- Documentation of food service and administrative expenditures. Food service expenditures include food purchase receipts or invoices, labor cost supported by payroll stubs and time studies, cost of expendable food service equipment, cost of maintaining non-expendable food service equipment, and indirect costs incurred during the calendar month claimed. Expendable food service equipment has a durability of less than two (2) years and costs \$500.00 or less. Non-expendable food service equipment has a durability of two (2) years or more and costs more than \$500.00. Examples of indirect costs are rent, utilities, office supplies, etc. A portion of indirect costs can be charged to the ACFP if there is documentation available to support the costs associated with the meal service. *See Section 8.2 for more information to support operation and administrative expenditures.*

Outside Employment Policy. Sponsoring organizations must submit an outside employment policy. The policy must restrict other employment by employees that interferes with the employee's performance of program-related duties and responsibilities, including outside employment that constitutes a real or apparent conflict of interest. The policy will be effective unless disapproved by the DOEA.

Participant Application. A *Meal Benefit Income Eligibility* form must be on file for each adult participant claimed for reimbursement. The application is effective until the last day of the month in which the form was dated one year earlier. *See Chapter 10 for more information on meal benefit income eligibility.*

Reconciliation of meal counts. Sponsoring organizations must examine meal counts recorded by the facility for five consecutive days during the current or prior claiming period. For each day examined, reviewers must use enrollment and attendance records to determine the number of participants in care during each meal service and attempt to reconcile those

numbers of breakfasts, lunches, suppers, and/or snacks recorded in the facility's meal count for that day. Based on the comparison, reviewers must determine whether the meal counts are accurate. If there is a discrepancy between the number of participants enrolled or in attendance on the day of the review and prior meal counting patterns, the reviewer must attempt to reconcile the difference and determine whether the establishment of an overclaim is necessary.

Title XIX documentation. Title XIX documentation must be available for all for-profit centers. Title XIX documentation includes billing invoices for Title XIX services and a copy of the contract with the Title XIX administering agency. For each calendar month claimed, the administering organization must have verification that at least 25% of the enrolled participants at each ACFP site were Title XIX beneficiaries for whom Medicaid payment is received for Adult Day Program services.

Miscellaneous documentation. The following miscellaneous documentation must be retained:

- Adult Care Center license, Children & Families State, or Area Agency on Aging contract
- Copies of the application packet submitted to DOEA-ACFP
- Copies of all claims for reimbursement submitted to the DOEA-ACFP
- Copies of all Remittance Vouchers mailed by the state. *See Chapter 8 for more information on record keeping.*

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Section 6.2
For-Profit Centers – Monthly
Title XIX Verifications

For-profit centers must verify and report monthly to the ACFP Office that 25% of the ACFP participants enrolled at the center are Title XIX beneficiaries. The number of participants enrolled is the total number of participants who attended the center at least one day during the claim month.

To be counted as a Title XIX beneficiary, a participant must be claimed as a Title XIX beneficiary during the claim month. Title XIX beneficiaries who are also Managed Care plan enrollees may be included in calculating the monthly percentage of enrolled participants, provided they have attended the day center at least one day during the claim month. However, centers may not receive meal reimbursement for clients whose meals are funded under Managed Care plans.

Participants who are not eligible for ACFP benefits should not be counted as an enrolled participant for the purposes of determining ACFP eligibility and receipt of program reimbursement. Each center must turn in monthly a certification of eligibility that indicates at least 25% of the enrolled participants are Title XIX beneficiaries.

See Section 2.3 for more information on how to determine for-profit eligibility.

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Section 6.3
Criteria for Claiming Meals
Non-Profit Sites

Meals can be claimed for reimbursement if the following criteria are met:

- All required meal components are served to the participant for the meal claimed. A participant must be offered all components for a meal to be claimed except in those cases where a recognized medical authority's statement is on file verifying that a participant cannot have a particular food for medical reasons or for documented religious reasons. The medical statement must also list foods which can be substituted for the component or food item. *See Chapter 7 for more information on the ACFP Meal Pattern.*
- "Offer versus Serve" is an allowable meal service option available to ACFP centers. The meal service option allows participants the opportunity to select foods and decline foods, if desired, at each meal without affecting the ACFP reimbursement. The participant must take three of the required four food items offered at breakfast, four of the required six food items at lunch, three of the required five food items at supper and both required food items at snack before they can be counted on the *Point of Service Meal Count* form as receiving a reimbursable meal. *See 7.2 for more information on Offer vs Served.*
- A maximum of two meals and one snack, or two snacks and one meal can be claimed per participant per day.
- Claims for reimbursement can only be made for ACFP enrolled participants who are enrolled in the provider's Adult Care Center. Meals claimed at any one time cannot exceed the authorized licensed capacity of the center.
- Creditable foods must be served. Refer to the *Creditable Food Guide* or *Food Buying Guide* for details on those foods which can be used to meet the menu components. (www.elderaffairs.state.fl.us/doea/acfp.php).
- Meals served to participants in a temporary residential situation cannot be reimbursed. *Refer to Chapter 2.6 for details regarding participant eligibility.*

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Section 6.4
Criteria for Claiming Meals
For-Profit Sites

Meals can be claimed for reimbursement if the following criteria are met:

- All required meal components are served to the participant for the meal claimed. A participant must be offered all components for a meal to be claimed except in those cases where a recognized medical authority's statement is on file verifying that a participant cannot have a particular food for medical reasons or for documented religious reasons. The medical statement must also list foods which can be substituted for the component or food item. *See 7 for more information on the ACFP Meal Pattern.*
- "Offer versus Serve" is an allowable meal service option available to ACFP centers. The meal service option allows participants the opportunity to select foods and decline foods, if desired, at each meal without affecting the ACFP reimbursement. The participant must take three of the required four food items offered at breakfast, four of the required six food items at lunch, three of the five food items at supper and both required food items at snack before they can be counted on the *Point of Service Meal Count* form as receiving a reimbursable meal. *See 7.2 for more information on Offer Versus Served.*
- A maximum of two meals and one snack, or two snacks and one meal can be claimed per participant per day.
- ACFP enrolled participants who are Title XIX recipients and attend the Adult Day Center at least one day during the claim month constitute the number of Title XIX enrolled participants for the claim month.
- Claims for reimbursement can only be made for ACFP enrolled participants who are enrolled in the provider's Adult Care Center. Meals claimed at any one time cannot exceed the authorized licensed capacity of the center.
- Creditable foods must be served. Refer to the *Creditable Food Guide* or *Food Buying Guide* for details on those foods which can be used to meet the menu components.
- Meals served to participants in a temporary residential situation cannot be reimbursed. *Refer to Chapter 2.6 for details regarding participant eligibility.*

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Section 6.5
Audits

The Adult Care Food Program (ACFP) is a federally funded grant that is appropriated through State Grants and Aids appropriations.

If the provider expends \$1,000,000 or more in its fiscal year, the provider must have a single or program-specific audit conducted in accordance with the provisions of 2 *CFR* 200. The contractor must provide the Department of Elder Affairs (DOEA) with a copy of the agency-wide audit:

1. 30 days after receipt of the audit report, or
2. Nine (9) months after the end of the provider's fiscal year end, whichever comes first.

Audits are required with federal and state regulation. *Refer to ACFP Contract Audits Part I: Federally Funded for full disclosure of regulations.*

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Section 6.6
Training and Site Monitoring

Providers with multiple sites accept responsibility for the ACFP management of each Adult Care Center under their jurisdiction. It is, therefore, required that these providers train staff at each center regarding ACFP requirements and monitors each site annually to ensure all requirements are being met.

Training. Staff members with monitoring responsibilities and other appropriate staff members shall be trained each year regarding, at a minimum, the following topics:

- Adult Meal Pattern
- Meal Count “Point of Service”
- Claim Submission & Review
- Meal Benefit Income Eligibility Form
- ACFP Enrollment Roster
- Record Keeping Requirements
- Reimbursement System
- Food safety/sanitation (including proper holding temperatures)
- Caterer’s/Vendor’s Daily Delivery Slip (as appropriate)

Additional training sessions shall be provided throughout the contract year, as needed, to new staff members and staff at new Adult Care Program site(s) who are under the provider’s jurisdiction.

Monitoring.

Monitoring visits for each participating Adult Care Center under the sponsor's jurisdiction, shall be completed at least three (3) times each contract year. The provider will establish a monitoring schedule and submit a Sponsor Monitoring Tracking schedule with the annual ACFP Application Renewal. All reviews must use the authorized *Monitoring Form* furnished by ACFP. The initial review shall be conducted using the *Monitoring Form* during each center's first four (4) weeks of ACFP participation.

Three (3) reviews shall be conducted using the *Monitoring Form*. Of the three (3) reviews conducted per year, two must be unannounced. One of the unannounced reviews must include a review of the meal service. All reviews and any needed follow-up visits will be completed by September 30th each contract year. The sponsor's monitor will not allow six (6) months to elapse between an individual center's monitoring visit.

Reconciliation of meal counts. Sponsoring organizations must examine meal counts recorded by the facility for five (5) consecutive days during the current or prior claiming period. For each day examined, reviewers must use enrollment and attendance records to determine the number of participants in care during each meal service and attempt to reconcile those numbers to the numbers of breakfasts, lunches, suppers, and/or snacks recorded in the facility's meal count for that day. Based on the comparison, reviewers must determine whether the meal counts are accurate. If there is a discrepancy between the number of participants enrolled or in attendance on the day of the review and prior meal counting patterns, the reviewer must attempt to reconcile the difference and determine whether the establishment of an overclaim is necessary.

The provider will establish a monitoring schedule each contract year and use the authorized monitoring forms furnished by ACFP.

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Section 6.7
Civil Rights Data Collection

The ACFP must ensure that program benefits are made available to all eligible individuals without regard to race, color, national origin, sex (including gender identity and sexual orientation) , age, or disability.

Collecting and Reporting Participation Data:

1. Centers participating in the Adult Care Food Program (ACFP) are required to obtain data by race and ethnic categories on potentially eligible populations, applicants, and participants in their program service area.
2. Systems for collecting actual racial and ethnic data must be maintained.
 - The center is required to identify applicants and participants all of the racial categories.
 - The center should encourage self-identification or self-reporting to obtain the data. This may be done by explaining the use of the statistical data. The following example may be used to help obtain the information:
“This information is requested solely for the purpose of determining the state’s compliance with federal civil rights law, and your response will not affect consideration of your application, and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner.”
If the applicant declines to self-identify, the applicant should be informed that will not impact their eligibility.
3. Systems used to collect data must ensure the following:
 - Data must be collected and retained by each service delivery point;
 - Data must be based on documented records and maintained for six (6) years;
 - Data must be maintained under safeguards that restrict access of records only to authorized personnel;
 - Data will be submitted, as requested, to the FNS Regional or Headquarters Offices.

4. Race and ethnicity data must be collected in a two-question format. Ethnicity shall be collected first. Applicants shall be offered the option of selecting one or more racial designations.
5. When an applicant does not furnish information on his/her race or ethnicity, the data collector shall explain the importance of collecting the data. There are alternative means by which data collectors can obtain race or ethnicity data in the ACFP program, such as utilizing data from other sources in which the respondent has self-identified race or ethnicity. A data collector may not “second guess,” or in any other way change or challenge, a self- declaration made by the applicant or utilize visual observation.

Determining the Eligible Population:

The sponsor must identify the population of potentially eligible persons to participate in the Adult Care Food Program by racial and ethnic data categories for each service delivery area or county.

Estimate of the racial and ethnic makeup of the local area to be served. This information will be gathered at least every three (3) years. Resources may include census tract data, public school data, housing authority data, local chamber of commerce, and/or newspaper. Census data may be obtained from the following website: <http://factfinder.census.gov/faces/nav/jsf/Pages/index/xhtmll>

Actual beneficiary data by racial and ethnic categories may be collected from enrolled adults on an ongoing basis using the *Meal Benefit Income Eligibility* form for the Adult Care Center. These efforts will be used only after it has been explained, and they understand, that the collection of this information is strictly for statistical reporting and has no effect on the determination of their eligibility to receive benefits under the program.

Efforts are used to assure that minority populations have an equal opportunity to participate.

Efforts are used to contact minority and grassroots organizations about the opportunity to participate.

Throughout the Program year, each center must do the following:

Display the USDA’s *And Justice for All* poster in a full view of all program participants. The poster must be displayed in a language that is understood by participants served at the center.

Have the capability of providing informational materials in the appropriate translation concerning the availability and nutritional benefits of the ACFP to applicants enrolled in the Adult Care Program (ACFP).

Make available program information to the public upon request. Upon initial visits, participants shall be given specific program information that is pertinent to their receipt of benefits under the Program. Provide a *Letter to the Household* to potential participants or their caregivers.

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Section 6.8
Civil Rights Public Notification

All USDA Food and Nutrition Service programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

The public notification system must include the following three basic elements:

1. **Program Availability**. The sponsor that distributes program benefits and services must take specific action to inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.
2. **Complaint Information**. Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
3. **Nondiscrimination Statement**. All information materials and sources, including websites, used by the sponsor to inform the public about the Adult Care Food Program (ACFP) must contain a nondiscriminatory statement. It is not required that the nondiscrimination statement be included on every page of the program information website. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

The following nondiscrimination statement (or current applicable revision) must be included in full, on all materials regarding the Adult Care Food Program (ACFP) that are produced for public information, public education, or public distribution. The authorized statements below or current applicable revisions cannot be modified. If a state authorizes additional language, it must be included in a separate statement. The authorized statement is as follows:

"In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339."

To file a program discrimination complaint, a Complainant should complete a *Form AD-3027*, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed *AD-3027 Form* or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

This institution is an equal opportunity provider.

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Section 6.9
Civil Rights
Methods of Public Notification

Each sponsor participating in the Adult Care Food Program (ACFP) must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the ACFP and applicable Civil Rights requirements.

1. Prominently display the USDA nondiscrimination poster *And Justice for All* at each center.
2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), or programs of changes in programs. This includes information pertaining to eligibility, benefits, and service, the location of local facilities or service delivery points, and hours of service. This information can be communicated by methods such as, but not limited to, internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins.
3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities.
4. Include the required nondiscrimination statement on all appropriate ACFP an agency publications, websites, posters, and informational materials provided to the public.
5. Convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.

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Section 6.10
Civil Rights
Complaint Procedures

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a *Form AD-3027*, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed *AD-3027* form or letter must be submitted to USDA by:

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(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

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Section 6.11
Civil Rights
Training

The Department of Elder Affairs (DOEA) will provide ACFP centers with annual training on civil rights. The centers must ensure that their “frontline staff” who interact with program applicants or participants, and those persons who supervise “frontline staff,” receive annual training on civil rights. The specific subject matter for training must include the following:

1. Collection and use of data;
2. Effective public notification systems;
3. Complaint procedures;
4. Compliance review techniques;
5. Resolution of noncompliance;
6. Requirements for reasonable accommodation of persons with disabilities;
7. Requirements for language assistance;
8. Conflict resolution; and
9. Customer service.

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Section 6.12
Title III Funding

ACFP reimbursement cannot duplicate reimbursement under *Part C* of *Title III* of the *Older American's Act* for the same meal served. A single meal cannot be supported by funds from both the ACFP and Title III. This prohibition includes the commodity benefit currently available under Title III. (re: congregate meals).

An Adult Care Center receiving funds from both Title III and ACFP must implement a financial management system which can show that Title III funds are not being used to support ACFP claimed meals.

These records will be made readily available, upon request.

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Section 6.13
Required Records
Self-Prep Kitchens

The self-prep kitchen is located at an Adult Care site which purchases and prepares one or more of its own meals. This site must keep the following information to justify food expenditures claimed on the monthly Reimbursement Voucher sent to ACFP Office:

Copies of all daily menus must be approved, dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on daily menu.

Receipts for purchased food items necessary to provide ACFP reimbursed meals can include ready-to-serve foods and ingredient foods. Ingredient foods are foods required to prepare a recipe. When receipts are tallied, food items that are not creditable, such as coffee, tea, ice cream, etc., must be subtracted out of the receipt. This new total, which includes only those items that are either ready-to-serve or an ingredient for a creditable food, is added to the other monthly operating costs. Sites may use a variety of food production methods. For example, a site might self-prepare snacks and cater lunches. In this case, the site must then maintain two types of expenditure records accordingly.

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Section 6.14
Required Records
Central Kitchens

A kitchen operated by an institution which provides or delivers meals to multiple programs operated by the same institution is considered a Central Kitchen. The individual ACFP provider's program must maintain the following information to justify food expenditures.

Dated Menus. Copies of all approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on daily menu.

Memorandum of Agreement (MOA). The MOA lists, in addition to other information listed, the cost per individual meal by type. The MOA is completed at the beginning of the contract year and will end within 12 months of commencement date.

Central Kitchen Bill. A bill/invoice from the Central Kitchen or the agency's central accounting office addressed to the adult care site, must be completed monthly. This bill must list date, type of meal, and total number of meals served during the calendar month and total monthly costs.

Daily Delivery Slips. Must indicate, at a minimum, the following:

- Complete date;
- Actual food item used, or menu;
- Portion size of each food item;
- Amount delivered, either total bulk or number of individualized meals;
- Daily signatures of vendor/kitchen representative and signature of day program representative accepting delivery; and
- Food temperatures of each potentially hazardous hot or cold food item at time of delivery.

These records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit. These records will be made readily available, upon request.

Sites may use a variety of food production methods. For example, a site might use the Central Kitchen for snacks and cater lunches. In this case, the site must then maintain two types of expenditure records accordingly.

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Section 6.15
Required Records
Catered/Vended Meals

Sites that use meals produced by food service production kitchens are considered vended sites. These sites must keep the following information to justify their food expenditures.

Dated Menus. Copies of all approved menus must be dated, signed by a registered dietitian and reflect the actual meal served and serving size of each food item for all meals served. Substitutions must be recorded on the daily menu.

Food Service Contract. In addition to other information, includes the cost per meal by type. Invitation to Bid packets are furnished to provider, upon request.

Food Service Management Company Invoice. This monthly bill is sent to the Adult Care site or administering institution. The invoice must list date, type, and total number of meals/items served/delivered to the site(s) named during the calendar month and total monthly costs per contract.

Daily Delivery Slips. Must indicate, at a minimum, the following:

- Complete date;
- Actual food item(s) used, or menu;
- Serving/portion size of each food item;
- Amount delivered, either total bulk or number of individualized meals;
- Daily signatures of vendor/kitchen representative and signature of day program representative accepting delivery; and
- Food temperatures of each potentially hazardous hot/cold food item taken at time of delivery.

Receipts and Recipes. Food service management kitchen receipts and standardized recipes will be maintained and available for review. These records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit.

Meal Pattern. It is the ACFP providers' and Adult Care Centers' responsibility to ensure the minimum ACFP Adult Meal Pattern is met. Use of the food service management company's vended or catered meals does not abate nor alleviate the provider's responsibility to administer the minimum meal pattern. All vendor deficiencies should be documented on the *Monthly Food Service Performance Report*. Corrective action should be taken immediately if the meal is inadequate, or not safe for consumption.

Sites may use a variety of food production methods. For example, a site might use the Central Kitchen for snacks and cater the lunches. In this case, the site must then maintain two types of expenditure records, accordingly.

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Section 6.16
Records Retention

Records must be maintained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required beyond the end of the six-year period for the resolution of the issues raised by the audit. These records will be made readily available, upon request.

Chapter
Seven

Meal
Service



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Chapter 7
Meal Service

Section 7.1
Requirements for Meals

The U.S. Department of Agriculture (USDA) has updated the ACFP meal pattern to ensure adults have access to healthy, balanced meals throughout the day. Under the updated meal pattern, meals served will include a greater variety of vegetables and fruit, more whole grains, and less added sugar and saturated fat. The updated meal pattern was implemented on October 1, 2017.

All meals provided to ACFP enrolled participants and claimed for reimbursement must meet or exceed the minimum component and portion/serving size for the meal pattern as specified by the USDA.

Institutions and facilities may be approved to serve and claim up to two meals and one snack, or two snacks and one meal per day.

Each meal claimed for reimbursement under this Program will be supported by sufficient documentation to ensure program compliance. Documents supporting meal pattern will include the following:

- Daily Dated Menus
- Daily Delivery Slips

****See the USDA Meal Pattern on following page. ACFP contractors must follow the Adult participants section.****

Child and Adult Care Food Program Breakfast [Select the appropriate components for a reimbursable meal]					
Food components and food items¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces
Vegetables, fruits, or portions of both ⁴	¼ cup	½ cup	½ cup	½ cup	½ cup
Grains (oz. eq.) ^{5 6 7 8}	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	2 ounce equivalents

Endnotes:

¹ Must serve all three components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool participants.

² Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³ Must be unflavored whole milk for children age one. Must be unflavored low-fat (1% fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored or flavored fat-free (skim) or low-fat (1% fat or less) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁵ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.

⁶ Meat and meat alternates may be used to meet the entire grains requirement a maximum of three times a week. One ounce of meat and meat alternates is equal to one ounce equivalent of grains.

⁷ Refer to FNS guidance for additional information on crediting different types of grains.

⁸ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

Child and Adult Care Food Program Lunch and Supper

[Select the appropriate components for a reimbursable meal]

Food components and food items ¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces ⁴
Meat/meat alternates (edible portion as served):					
Lean meat, poultry, or fish	1 ounce	1 ½ ounces	2 ounces	2 ounces	2 ounces
Tofu, soy products, or alternate protein products ⁵	1 ounce	1 ½ ounces	2 ounces	2 ounces	2 ounces
Cheese	1 ounce	1 ½ ounces	2 ounces	2 ounces	2 ounces
Large egg	½	¾	1	1	1
Cooked dry beans or peas	¼ cup	⅜ cup	½ cup	½ cup	½ cup
Peanut butter or soy nut butter or other nut or seed butters	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp	4 Tbsp
Yogurt, plain or flavored unsweetened or sweetened ⁶	4 ounces or ½ cup	6 ounces or ¾ cup	8 ounces or 1 cup	8 ounces or 1 cup	8 ounces or 1 cup
The following may be used to meet no more than 50% of the requirement:					
Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish)	½ ounce = 50%	¾ ounce = 50%	1 ounce = 50%	1 ounce = 50%	1 ounce = 50%
Vegetables ^{7 8}	⅛ cup	¼ cup	½ cup	½ cup	½ cup
Fruits ^{7 8}	⅛ cup	¼ cup	¼ cup	¼ cup	½ cup
Grains (oz eq) ^{9 10 11}	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	2 ounce equivalents

Endnotes:

¹ Must serve all five components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool and adult participants.

² Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³ Must be unflavored whole milk for children age one. Must be unflavored low-fat (1% fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored or flavored fat-free (skim) or low-fat (1% fat or less) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or $\frac{3}{4}$ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴ A serving of fluid milk is optional for suppers served to adult participants.

⁵ Alternate protein products must meet the requirements in Appendix A to Part 226 of this chapter.

⁶ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁷ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁸ A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

⁹ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.

¹⁰ Refer to FNS guidance for additional information on crediting different types of grains.

¹¹ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

Child and Adult Care Food Program Snack [Select two of the five components for a reimbursable meal]					
Food components and food items¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	4 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces
Meat/meat alternates (edible portion as served):					
Lean meat, poultry, or fish	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce
Tofu, soy products, or alternate protein products ⁴	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce
Cheese	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce
Large egg	½	½	½	½	½
Cooked dry beans or peas	⅛ cup	⅛ cup	¼ cup	¼ cup	¼ cup
Peanut butter or soy nut butter or other nut or seed butters	1 Tbsp	1 Tbsp	2 Tbsp	2 Tbsp	2 Tbsp
Yogurt, plain or flavored unsweetened or sweetened ⁵	2 ounces or ¼ cup	2 ounces or ¼ cup	4 ounces or ½ cup	4 ounces or ½ cup	4 ounces or ½ cup
Peanuts, soy nuts, tree nuts, or seeds	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce
Vegetables ⁶	½ cup	½ cup	¾ cup	¾ cup	½ cup
Fruits ⁶	½ cup	½ cup	¾ cup	¾ cup	½ cup
Grains (oz. eq.) ^{7 8 9}	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	1 ounce equivalent

Endnotes:

¹ Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.

² Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³ Must be unflavored whole milk for children age one. Must be unflavored low-fat (1% fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored or flavored fat-free (skim) or low-fat (1% fat or less) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴ Alternate protein products must meet the requirements in Appendix A to part 226 of this chapter.

⁵ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁶ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁷ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.

⁸ Refer to FNS guidance for additional information on crediting different types of grains.

⁹ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

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Section 7.2
Component Definitions

Milk Component.

Milk means pasteurized fluid types of unflavored or flavored whole milk, low-fat milk, skim milk, or cultured buttermilk that meet state and local standards for milk. The milk component must be unflavored low-fat (1%), unflavored fat-free (skim), or flavored fat free (skim) milk. The minimum quantity is 8 fluid ounces.

If an adult is unable to have milk for medical reasons or other special dietary needs, a written medical statement from a recognized medical authority stating that the participant should not be served milk is required. The medical statement must provide an appropriate substitution for the participant.

Yogurt (6 ounces weight or $\frac{3}{4}$ cup volume) may be used to meet the equivalent of 8 ounces of fluid milk once per day. Yogurt may be counted as a fluid milk substitute or as a meat alternative, but not as both in the same meal. Yogurt must contain no more than 23 grams of sugar per 6 ounces.

Reconstituted dry milk is not creditable as fluid milk.

Meat and Meat Alternates Component.

The meat and meat alternates component includes lean meat, poultry, fish, cheese, yogurt, eggs, cooked dried beans, or peas. Cooked dry beans or peas may be credited as either a meat alternate or as a vegetable, but not as both in the same meal. Yogurt must contain no more than 23 grams of sugar per 6 ounces.

Nuts and seeds may fulfill no more than one-half (50%) of the meat/meat alternate requirement for meals at lunch and supper. One ounce of nuts or seeds, or two tablespoons of nut butter, is equivalent to one ounce of cooked lean meat, poultry, or fish. Acorns, chestnuts, and coconuts are non-credible meat alternates because of their low protein and iron content.

Tofu is an alternative protein processed from soy and is creditable as a meat/meat alternate product. Commercially prepared tofu must be easily recognized as a meat substitute and must meet the five grams of protein per 2.2 ounces ($\frac{1}{4}$ cup) by weight to equal 1.0 oz. meat alternate.

Meat and Meat Alternates may be served in place of the entire grains component at breakfast a maximum of three (3) times per week.

Vegetable Component.

Vegetables may be served fresh, frozen, canned, or as 100% pasteurized vegetable juice. Pasteurized, 100% juice may be served at only one meal, including snacks, per day.

A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

Cooked dried beans or peas may credit as a vegetable or as a meat alternate, but not as both in the same meal.

When crediting vegetables, they are credited based on the volume, except 1 cup of raw leafy greens credits as ½ cup vegetable.

Fruit Component.

Fruits may be served fresh, frozen, canned, dried, or as 100% pasteurized fruit juice. Pasteurized, 100% fruit juice may be served at one meal, including snack per day.

A fruit may not be used to meet the entire vegetable requirement.

When crediting fruits, they are credited based on volume, except ¼ cup of dried fruit counts as ½ cup fruit.

Grain Component.

At least one serving per day, across all eating occasions, must be whole grain-rich.

Whole grain-rich foods are those that contain 100% whole grains, or at least 50% whole grains, and the remaining grains in the food are enriched.

Whole Grain-Rich items.

A whole grain-rich item will have the whole grain listed as the first ingredient on the product's ingredient list, or second after water. Some examples of whole grain ingredients are whole wheat, brown rice or wild rice, oatmeal, bulgur, whole grain corn, and quinoa. When whole grain is not listed as the first ingredient, the primary ingredient by weight may be whole grains if there are multiple whole-grain and the combined weight of those whole grains are more than the weight of the other ingredients.

Breakfast Cereals.

Breakfast cereals include ready-to-eat, instant, and regular hot cereals. Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21 grams of sucrose and other sugars per 100 grams of dry cereal).

Grain-Based Desserts.

Grain-based desserts do not count toward the grains requirement at any meal or snack. The following foods are considered grain based desserts: cookies, sweet crackers (e.g., graham and animal crackers), sweet pie crusts, doughnuts, cereal bars, granola bars, sweet rolls, toaster pastries, cake, and brownies.

A meat/meat alternate may be served in place of the entire grains component at breakfast a maximum of three (3) times per week.

When planning menus, or reviewing caterer/vendor menus. *Please reference the following:*

- [USDA Food Buying Guide](#)
- [Guide to Crediting Foods](#)

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Section 7.3
Creditable / Non-Creditable Foods

In addition to the meal pattern requirements, the types and quantities of foods also have requirements. Individual foods are considered creditable or non-creditable. Meals that contain only creditable foods, in appropriate quantities, are eligible for reimbursement.

Foods that are creditable may contribute to the requirements for a reimbursable meal or snack. Foods are creditable based on the following requirements:

- The nutrient content of the food contributes to the adult nutritional requirements.
- The food serves its customary function in a meal.
- The food meets the regulations governing the ACFP for quantity and/or by definition.
- The food meets the Food and Drug Administration (FDA) Standards of identity. The food meets U.S. Department of Agriculture (USDA) standards.

Non-creditable foods do not count toward meeting meal pattern requirements.

USDA reimburses centers participating in the ACFP for meals served to adult enrollees, not for individual foods. A meal is reimbursable if it contains creditable foods in the amounts outlined in the ACFP meal patterns.

The Food Buying Guide (FBG) for Child Nutrition Programs is the principal tool with which to determine the contribution that foods make toward meal requirements regardless whether foods are produced on site or purchased commercially. The Crediting Handbook for the Child and Adult Care Food Program is the supplementary resource with additional information on creditable foods in child and adult care centers.

[Food Buying Guide for Child Nutrition Programs](#)
[Crediting Handbook for the Child and Adult Care Food Program](#)

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Section 7.4
Combination Foods

Combination foods are a single service food item that contain two or more of the required meal components. Items such as breaded meat products, frozen pizza, ravioli, or tamales may be counted toward fulfilling the meal requirements if the center has documentation of the composition of the combination product.

Examples of other combination foods are listed in the [Crediting Guide](#).

All documentation regarding combination foods must be maintained in the center files. Child Nutrition (CN) labels, Product Formulation Statements, or standardized recipes should be used as documentation on file for review. If no information is available at the time of a monitoring review, then meals containing the combination foods may be disallowed.

The Child Nutrition (CN) label is a federal labeling program for the Child and Adult Nutrition Programs. It provides a warranty that allows food manufacturers to state a product's contribution to the meal pattern requirements on their labels.

The Product Formulation Statement from the manufacturer will have a detailed explanation of what the product actually contains and the amount by weight. The Product Formulation Statement should have the original signature of an authorized company representative, not that of a sales representative.

A Standardized recipe should include the yield, number of servings and serving size, ingredients, all foods necessary to prepare the recipe, correct measures and weights, pack size, and step-by-step instructions on how to prepare.

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Section 7.5
Types of Meal Service

ACFP Meal Pattern Requirement.

The ACFP meal pattern ensures each participant receives at least the minimum serving size of each required meal component. *See Section 7.1.*

The intent of the ACFP is to have the participants eat their meals together in a central location. There are several types of meal service including pre-plated service, family style service, and Offer versus Serve.

Pre-Plated Serve.

The pre-plated serve option is the type of meal service where each participant receives all components of the meal. Participants are not offered a choice of meal components. The serving size of each component must meet the minimum required portion size described in the *ACFP Policy Manual Crediting Food Guide*.

Family Style Service.

Family style is a type of meal service that allows adults to serve themselves from common platters of food with assistance from supervising adults. The family style method gives the adults more control over their servings. Because adults are generally used to family style eating, the participants may welcome this method and feel comfortable when the center chooses to implement this style of meal service.

Offer versus Serve (OVS).

Offer versus Serve is an allowable ACFP meal service option available to participating adult care food program sites. This meal service option allows participants the opportunity to select foods and decline foods, if desired, breakfast, lunch, and supper meals. OVS is not allowed at snack.

OVS at Breakfast .

The ACFP breakfast meal pattern requires three food components to be offered: milk, fruits and vegetables, and grains. As a reminder, fruit and vegetables are one combined component in the breakfast meal patterns.

When using OVS at breakfast, at least the following four food items, in the required minimum serving sizes, must be offered:

1. A serving of milk;
2. A food item from the fruit and vegetable component;
3. A food item from the grains component; and
4. A food item from the meat/meat alternate component **or** one additional item from the fruit and vegetable component **or** grains component.

All the food items offered must be different from each other. For example, while a flake cereal, such as bran flakes with raisins, and a puff cereal, such as a puffed rice cereal, are two (2) types of cereals that are not identical, they are the same food item.

OVS at Lunch or Supper.

The CACFP lunch and supper meal patterns require all five (5) food components to be offered: milk, meat/meat alternates, vegetables, fruits, and grains. Milk is optional for supper meals served in the Adult Care Centers.

When using OVS at lunch or supper, at least one food item from each of the five food components, in the required minimum serving sizes, required at lunch and supper must be offered:

1. A serving of milk*;
2. A food item from the meat/meat alternate component;
3. A food item from the vegetable component;
4. A food item from the fruit component; and
5. A food item from the grains component

*As noted above, milk is optional for supper for meals served in Adult Care Centers and does not need to be offered when serving an OVS supper in those settings. In all other situations, milk must be offered.

Similar to OVS at breakfast, all of the food items offered at lunch and supper must be different from each other. For example, while apple slices and applesauce are two types of apples that are not identical, they are the same food item. Unlike OVS at breakfast, at lunch or supper meals using OVS, an adult must take at least three food components, rather than three items, to ensure the adult takes an adequately nutritious meal. An adult must select at least the minimum required serving size of the components for them to be counted. It is the adult's choice to select or decline a food component. Adult Care Centers may not specify what food components an adult must select.

If using the Offer versus Serve option, the reimbursement earned for the meals served to the participants shall not be affected if the participants decline the allowed number of food items. If a participant declines the service of more than the allowed number of items, the meal would not be eligible for reimbursement.

With each of the serving methods specified above, all food items must be available in sufficient quantity to serve each participant the correct number of meal components and the required serving size of each component. If a participant is not served the minimum components for the meal, it may not be claimed for reimbursement. *See Section 7.7 for exceptions to serving all required components.*

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Section 7.6
Variations / Substitutions

All meals provided to ACFP enrolled participants and claimed for reimbursement must meet or exceed the minimum component and portion/serving size for the ACFP meal pattern as specified by the USDA. Exceptions to this requirement occur under the following circumstances:

Parents/guardians may supply one or more components of a reimbursable meal for participants with disabilities as long as the center provides at least one required component.

Parents/guardians may supply one component of a reimbursable meal for participants with non-disability dietary needs.

Medical Statement.

Food substitutions shall be authorized by a recognized medical authority. A recognized medical authority may include, but is not limited to, a private physician, clinic physician, registered nurse, nurse practitioner, or registered dietitian. The medical authority should specify in writing the food(s) to be omitted from the participant's diet. Food(s) that may be substituted should also be specified by the medical authority. Medical orders for food omissions and substitutions should reflect a current date of 12 months or less and be kept on file at the Adult Care Center.

Exceptions due to ethnic, religious, economic, or physical needs.

The Food and Nutrition Service (FNS) may approve variations in food components of meals on an experimental or continuing basis where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

Jewish Meal Variation.

Meals served in Jewish facilities participating under the Adult Care Food Program may be exempted from the enrichment portion of the bread requirement of the program during the religious observance of Passover. Unenriched matzo may be substituted for the bread requirement during that period of time only. Enriched matzo used as a bread/bread alternate must be served at all other times during the year.

Meal Pattern Variation.

Jewish Centers participating in ACFP may be exempted from the meal pattern requirement which requires that milk be served with all lunches and suppers. Such entities may choose from three options which apply only to lunch and supper menus. For review and audit purposes, entities and institutions electing to use the options must maintain a record on file of which of the option(s) they have chosen.

QRVIQP 'K'

Serve an equal amount of full-strength juice in place of milk with lunch or supper. When juice is substituted for milk, it may not contribute to the vegetable/fruit requirement. Entities operating five days per week may substitute juice for milk twice per week for lunches and twice for suppers, but no more than once each day. Those operating seven days per week may make three substitutions per week for lunches and three for suppers, but no more than one each day.

QRVIQP 'KK'

Serve milk at an appropriate time before or after the meal service period, in accordance with applicable Jewish dietary laws.

QRVIQP 'KKK'

Serve the supplement (snack) juice component at lunch or supper. Serve the lunch or supper milk component as part of a supplement (snack).

A limit is placed on the number of substitutions per week in Option I because milk is a primary source of calcium and riboflavin. Those program operators electing this option are encouraged to serve other sources of calcium and riboflavin when substituting juice for milk. Other good sources of calcium are green leafy vegetables, such as greens and broccoli. Good sources of riboflavin are dark green and yellow fruits and vegetables and whole grain or enriched bread and cereals.

Centers wishing to exercise the options available under the above variations shall notify the DOEA of which option(s) they have chosen. The decision to exercise these options shall be at the facility or site level.

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Section 7.7
Food for Special Events

Centers are responsible for providing all of the required meal components of any meal or snack for which they receive reimbursement. If someone provides the center with additional food to serve to ACFP participants, that food may not be counted toward fulfilling any of the ACFP required components.

Food brought into the center for participant's celebrations and special events should be served outside of the scheduled meal service times.

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Section 7.8
Meals for Off-Site Consumption

Field trip meals provided by the center can be claimed if the trip is a provider-sanctioned activity, and the meal complies with the ACFP meal pattern. Field trip meals may not vary from the ACFP meal pattern.

Care must be taken to assure that potentially hazardous foods are kept at the appropriate temperature.

Potentially hazardous cold food must be kept at or below 40° F and potentially hazardous hot foods must be kept at or above 140° F until served.

Meals purchased at a fast food establishment or restaurant may not be claimed for reimbursement when served to participants. Meals packed at the center and sent with a participant to eat at another location, without the supervision of the center, are not eligible to be claimed for ACFP reimbursement.

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Section 7.9
Food Safety

Adult Care Food Program (ACFP) requires providers to serve wholesome, nutritious, and safe foods. Due to their age and medical condition, ACFP participants are more susceptible to food-borne illnesses than the general population. It is the provider's responsibility to ensure that the meals are served in a safe manner. Providers must ensure that in storing, preparing, and serving food proper sanitation and health standards are met which conform with all applicable federal, state, and local laws and regulations.

It is the responsibility of all ACFP staff to monitor the quality and safety of meals. ACFP food must be served according to *Chapter 64E-11, Florida Administrative Code (FAC)*. A copy of this may be obtained online at the following website:

<http://www.flrules.org/gateway/chapterhome.asp?chapter=64E-11>

During a DOEA monitoring visit of a ACFP provider, the meal service will be observed. All providers will be responsible for complying with Florida's *Food Hygiene Code*. The following points identify major areas of concern:

- Foods received from an unauthorized source shall not be accepted. Damaged foods or delivered foods arriving at inappropriate holding temperatures shall not be accepted. Foods that have an off odor or appear to have been mishandled shall not be accepted. Catered or vended meals that are transported in containers that do not maintain proper holding temperatures shall not be accepted. Providers shall use a calibrated food probe thermometer to ensure hot food is hot and cold food is cold at delivery and point of service. Potentially hazardous hot foods shall be received, maintained, and served at or above 140° F. Potentially hazardous cold foods shall be received, maintained, and served at or below 40° F. *Refer to 64E-11, FAC.*
- Foods prepared, transported, or stored inappropriately shall not be served. Potentially hazardous food items shall not be kept at temperatures between 40° F - 140° F for any significant amount of time. Bacteria grow rapidly in this temperature range. Reheating this food will kill the bacteria, but may not kill the toxins. A person may become ill from food that was reheated and served at the proper temperature, but was not maintained at the appropriate holding temperature. *Refer to 64E-11, FAC.*

- Employees or volunteers responsible for serving food shall maintain good personal hygiene. Employees or volunteers who are ill shall not prepare or serve foods to participants. Employees or volunteers shall have the cognitive ability to use gloves, hair restraints, serving utensils, and aprons appropriately. Hair restraints include hairnets, caps, and other effective hair restraints which ensure that hair is completely covered and kept from food and food-contact surfaces. Hair spray, hair gel, and wigs are not considered to be hair restraints. *Refer to 64E-11, FAC.*

- Serving and dining areas should be cleaned and sanitized before and after each meal service.

Refer to 64E-11, FAC, for more information.

Refer to <http://www.fns.usda.gov/ofs/food-safety> for more information.

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Section 7.10
Home Processed Foods

No home canned food can be used in the ACFP. This requirement stems from the concern over the safety of all participants being served by the Program. Jams and jellies are included in the category of home canned foods.

The ACFP will not reimburse meals that contain home grown/caught food products. All foods must come from a USDA approved source.

Chapter Eight

Record Keeping



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**Chapter 8
Record Keeping**

**Section 8.1
Purpose of Program Records**

All centers participating in the ACFP are required to keep records to verify compliance with program regulations. Documentation will reflect that a provider is serving the required menu components in adequate quantities to ACFP enrolled participants. Records also support claims for free and reduced-price meals, and expenses associated with the delivery of meal service. Records shall include all USDA policies and memorandums disseminated via email from ACFP staff to ACFP providers as received from USDA.

All ACFP records shall be retained for six years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required (beyond the end of the six-year period) for the resolution of the issues raised by the audit. All records are to be stored in an organized and secure manner.

The center must make any and all records available for review and copying by the DOEA within one hour of request.

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**Chapter 8
Record Keeping**

**Section 8.2
Records to Support
Program Expenditures**

A provider must ensure that all reimbursements received from the ACFP are used for the food service operation. Records which must be kept on file to support program costs are identified as operating expenditures and administrative expenditures. The Department of Elder Affairs (DOEA) will grant approval in advance for the type of expenditures providers may claim. All receipts and records to support monthly claims shall be maintained by the provider and made available for review upon request.

Each contract year, projected costs shall be submitted to the DOEA as part of the application packet under the ACFP budget in the management plan (section 4 of provider's application). Food purchases and non-food purchase budgets shall be updated in the online Application. Food service and administrative, and program monitoring, and labor expenses shall be updated by completing the position type, duties, employee count, hours per day, hourly rate and days per year information listed on the provider's application form. Supplemental budget items requiring specific prior approval will be completed separately and can be submitted during the budget approval process or at another time during the year.

Operating Expenditures.

Operating expenditures include the cost of creditable food items, non-food costs, and food service labor. The *Monthly Expenditures Worksheet* tracks the monthly expenditures by operational and administrative categories. The totals are to be entered on Section 9 (program expenditures and income) of the monthly reimbursement claim.

Food Costs.

Food costs are associated with the purchase of creditable food items. These foods make up the reimbursable meals and snacks served to program participants. Food costs can be the invoice from the caterer or costs of food items purchased that are required to prepare a recipe. For more information regarding reimbursable (creditable) food items, refer to the [Food Crediting Guide](#).

Non-Food Supply Cost.

Non-food costs are the costs associated with the purchase of items necessary to provide/serve the creditable meal service. Creditable non-food costs may include the purchase of such items as plates, cups for milk or juice, napkins, eating utensils, dish detergent, trash can liners for kitchen/dining areas, disinfectant solution for cleaning dishes, utensils, counters and tables, and food service gloves and hairnets, etc.

Food Service Labor Cost.

Food service labor costs are associated with the salary for the production and service staff who prepare, serve, or clean up after program meals. These costs may reflect all or part of the total salary expense and employee benefits.

All approved operating expenditures will be claimed for the calendar month in which they were incurred and submitted to the DOEA on the *Monthly Reimbursement Claim*. For example:

- Salary checks dated during calendar month claimed.
- Deliveries/purchases of goods received during calendar month claimed.

Administrative Expenditures.

Administrative expenditures include administrative and indirect costs. Administrative costs may include all or part of the salary of the individual(s) who are responsible for maintaining daily/monthly ACFP support documentation and records. These records may include Participant *Applications* and *Enrollment Rosters*, *Point of Service Meal Count* records, monitoring, records of indirect expenses, payroll, invoices, and procurement documents.

Indirect costs are expenses shared by the food service operation with other programs within the organization. Some allowable indirect costs may include building rent, utilities, and/or salaries for program staff. For example, the provider may determine the percentage of square footage within the building that is allocated for ACFP use, such as kitchen and dining room space. A portion of building rent, as determined by the percentage of calculated square footage, may be claimed for ACFP purposes, as an indirect expense.

Administrative Expenditure Budget. will be compared to previous year's actual reimbursement times (X .15) to establish a maximum cost allowed for renewing sponsors. New sponsors will submit *Schedule A* estimates for potential reimbursement (X .15) to establish maximum administrative cost allowed.

Yearly administrative expenditure budget estimates can be divided by 12 months to establish monthly administrative estimates.

All approved administrative expenditures will be claimed for the calendar month incurred and submitted to the DOEA on the *Monthly Reimbursement Claim*.

Supplemental Budget Requests.

Supplemental Budget Requests require specific prior written approval from the DOEA, per 7 CFR Part 226.6(f) these are identified as costs that are not allowed unless the DOEA has provided the institution with specific written approval of both the cost and the amount of the cost that can be charged to the program before the cost is incurred.

- The *Supplemental Budget Request Form* will be disseminated with application renewal as an attachment or by request of institution.
- The institution must specifically identify and request the approval of the costs during the annual approval process or at another time during the year and submit this to the DOEA.

- Upon receipt the DOEA will review the requests and either approve or deny the requests in writing. The *Supplemental Budget Request Form* will be signed by the contract manager and the unit manager and returned to the requesting institution within thirty (30) days of receipt.

The DOEA will utilize a checklist developed in accordance with *FNS 796-2, Rev.4*, to review supplemental budget requests.

Examples of cost requiring prior approval are:

- Advertisement and public relations cost;
- Meeting and conferences devoted solely to CACFP;
- Participant training cost;
- Publication, printing and reproduction costs;
- Food service equipment maintenance, repair or upkeep that does not add value or prolong life;
- Costs of utilities, security and janitorial services;

Examples of costs requiring specific written approval are:

- Communication cost (cellular phone);
- Computer hardware and software;
- Equipment purchases and repairs;
- Depreciation and use allowance;
- Insurance;
- Materials and supplies;
- Legal expenses and other professional services;
- Professional crisis intervention counseling related to participation in CACFP;
- Most employee incentive payments and awards; and
- Severance payments.

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**Chapter 8
Record Keeping**

**Section 8.3
Records to Support Monthly
Reimbursement Claim**

The following records/documentation must be maintained by ACFP provider, organized and kept on file by current contract year, and readily available to support each *Monthly Reimbursement Claim* submitted to the Department of Elder Affairs:

- *Monthly Certification of Eligibility* (Title XIX Providers)
- List of Statewide Medicaid Managed Care clients enrolled in the Adult Care Food Program (Title XIX Providers)
- Each enrolled participant's *Daily Attendance Record*
- *Point of Service Meal Count* Records for each site (for all meals claimed)
- ACFP participant's *Free & Reduced-Price Meal Applications* (for all sites)
- *ACFP Enrollment Rosters* (for all sites)
- Daily Delivery Slips for each site (catered/vended meals)
- Dated Daily Menus for all sites (for all types of meal preparation)
- Menu substitutions (for all sites)
- Invoices, receipts, and records of expenses for calendar month(s) claimed
- Copy of *Monthly Reimbursement Claim* submitted
- Copy of *Reimbursement Voucher* received from DOEA

- Provider's approved application packet and approval letter
- *Change of Information form(s)* submitted to DOEA

All ACFP records shall be retained for six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained for as long as may be required (beyond the end of the six- year period) for the resolution of the issues raised by the audit. All records are to be stored in an organized and secure manner.

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Section 8.4
Records to Support
For-Profit Eligibility

For-Profit Centers must submit, with each *Monthly Reimbursement Claim*, a completed *Certification of Eligibility Form* in order to participate in the ACFP. The *Certification of Eligibility* verifies that at least 25% of the enrolled participants are Title XIX beneficiaries.

The DOEA cannot process a *Monthly Reimbursement Claim* from a for-profit provider that is not accompanied by a *Certification of Eligibility*.

See Chapter 4.7 of this Policy Manual for more information on how to determine Title XIX eligibility.

Link to ACFP web page: [Monthly Certification of Title XIX Eligibility For Profit Providers.](#)

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Section 8.5
Records to Support Meal Claim
Point of Service Meal Count

The Point of Service Meal Count must be taken at each meal or snack. Meal counts cannot be extrapolated from the Adult Care Program's *Attendance Roster*. Attendance records will denote the participant was present on any given day. However, a Point of Service meal count is taken to support the number of reimbursable meals served and claimed.

The Point of Service meal count must be documented as the participant receives a reimbursable meal or snack. It is the center representative's responsibility to ensure that the meal count is taken when the participant receives the meal. If there is a serving line that provides the participant with choices, a center representative must visually check the participant's tray at the end of the line to determine whether the correct meal components are present before that participant's meal may be counted toward reimbursement. If meal choices made do not meet the required ACFP pattern, the meal may not be claimed.

For-Profit sites may not receive ACFP meal reimbursement for clients whose meals are paid for under the Statewide Medicaid Managed Care contract, or any other funding source.

All records shall be retained for a period of six years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the six-year period as long as may be required for the resolution of the issues raised by the audit. All records are to be stored in an organized and secure manner.

See Chapter 7, Section 7.5 Types of Meal Service (Offer versus Serve).

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Section 8.6
Records to Support
Catered/Vended Meals

Food Service Contract

Cycle menus submitted by the caterer/vendor in the catering contract represents proposed menus the cater/vendor plans to furnish throughout the period of the contract. The menus are to be submitted with the ACFP annual application renewal for approval. Copies of these cycle menus will be posted in full view of all enrolled participants and labeled with the date it is to be served.

Daily Delivery Slips.

The daily delivery slips that accompany the catered/vended meal will contain required information to satisfy the ACFP's record requirements. The menu and portion sizes of each meal item delivered will reflect the Updated Adult Meal Pattern (10/1/2017) and provide a description of the actual menu/meal available to serve that day to enrolled participants.

Daily Delivery Slips will contain the following information:

- Name of caterer/vendor,
- Name of adult care program site,
- Date/time of delivery,
- Menu items portion/serving sizes that meet the Adult Meal Pattern,
- Total number of meals ordered,
- Total number of meals (by bulk or tray) delivered,
- Documented temperatures of potentially hazardous foods taken at time of delivery,
- Notation of deficiencies,
- Meal items furnished from provider's stock,
- Non-food items delivered, and
- Signatures of both the delivery person and adult program staff member.

The meals served under the contract shall conform to the cycle menus upon which the contract is based. Menu changes must be agreed upon by the institution and the contractor. Circumstances out of the caterer's/vendor's control may make it necessary to occasionally alter a proposed menu. For example, the green beans were not delivered to the caterer in time for the menu preparation that required green beans. In this instance, the caterer will notify the provider of the substitution and the daily delivery slip will reflect an appropriate substitution (another vegetable item), listing the required portion/serving size. The provider will revise the menu by striking through the canceled menu item and documenting the substitution with the serving size.

It is the provider's responsibility to ensure that the minimum Adult Meal Pattern has been met for each meal claimed. If the ACFP Adult Meal Pattern requirements are not met, the deficient meals served cannot be claimed for reimbursement. A deficient meal, for any reason, must be reported immediately to the caterer/vendor. All deficiencies should be documented on the *Monthly Food Service Performance Report*.

Menus.

Daily menus must be maintained for six years plus the current year for all sites for all meals prepared. These menus must be dated and reflect the actual meal and serving size of each food item. Menus must be maintained for all meals and snacks. Substitutions, along with the serving sizes, must be recorded on the daily menu.

See Section 8.9 for instructions and a sample menu.

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Section 8.7
Records to Support
Central Kitchen

Memorandum of Agreement.

A Memorandum of Agreement (MOA) must be signed between the Adult Care Center and the institution's central kitchen or a school kitchen. This MOA lists the expected number of meals to be delivered/provided daily by meal type. Time and place of delivery, along with the price for each meal type, must be indicated on the MOA.

Daily Delivery Slip.

The Daily Delivery Slip must be written in such a manner that it includes the following:

- Name of Adult Care Program;
- Date;
- Menu;
- Serving size of each menu item;
- List all non-food items ordered and delivered, such as boxes of plastic ware that are charged separately from meal;
- Number of meals ordered;
- List total number of meals delivered (if items are individualized);
- Number of bulk items delivered for each menu item;
- Signature of Adult Care Program and central kitchen representatives; and,
- Documented temperatures of potentially hazardous foods taken at time of delivery.

Menus

Dated daily menus must be maintained for six years plus the current year for all sites for all meals prepared. These menus must be dated and reflect the actual meal served and serving size of each food item. Menus must be maintained for all meals and snacks. Substitutions, along with the serving sizes, must be recorded on the daily menu.

See Section 8.9 for instructions and a sample menu.

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Section 8.8
Records to Support
Self Preparation

Menus.

Daily menus must be maintained for six (6) years plus the current year for all sites for all meals prepared. These menus must be dated and reflect the actual meal served and serving size of each food item. Menus must be maintained for all meals and snacks served.

Substitutions, along with the serving sizes, must be recorded on the daily menu.

See Section 8.9 for instructions and a sample menu.

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Section 8.9
Menu/Menu Substitutions

Daily dated menus must be maintained for all sites for all meals and snacks served. Daily dated menus must include the following:

- **Name of the center;**
- **Date:** Indicate the month, day, and year the menu is to be served.
 - **Menu items:** List each menu item. The portion size of each item must be given.

All combination foods, such as casseroles, soups, and lasagna, must be broken down into the individual components with serving sizes given for each component.

Examples: Spaghetti – ½ cup pasta; 2 oz. meatballs; ½ cup tomato sauce

One cup chili – 2 oz. hamburger and ½ cup pinto beans

- **Substitutions:** Unforeseen circumstances may make it necessary to occasionally alter an approved menu. In this instance, the ACFP provider must document food substitutions on the menu. Substitutions recorded on the menu should be documented as follows:
 1. Indicate a substitution on the menu by striking through the canceled item and listing the substitution.
 2. The revision must contain the correct serving size for the substitution in order to be creditable.
 3. Substitutions must adhere to the ACFP meal pattern. In order to ensure that the menu conforms to the ACFP pattern after the substitution is made, the food that is substituted should be from the same category as the food that is being replaced.

Sample of a Center's Completed Dated Daily Menu

ABC ADULT DAY CARE

April 3, 2017 - April 7, 2017

Monday		Tuesday		Wednesday		Thursday		Friday	
Spaghetti		Salisbury Steak	2 oz	Chicken and Rice		BBQ Chicken	2 oz	Hamburger	
Meatballs	2 oz			Chicken	2 oz			Beef Patty	2 oz
Pasta	½ cup	WW Dinner Roll	0.9 oz	Yellow Rice	½ cup	Macaroni Salad	½ cup	WW Bun	1.8 oz.
Garlic Bread	1 slice	Rice Pilaf	½ cup	Cuban Bread	1 slice 0.9 oz	WW Dinner Roll	0.9 oz		
Green Peas	½ cup	Sliced Carrots	½ cup	Broccoli	½ cup	Green Beans	½ cup	Cole Slaw	½ cup
Pear Halves	½ cup	Fruit Cocktail	½ cup	Fruit Salad	½ cup	Applesauce	½ cup	Orange Slices	½ cup
1% Milk	1 cup	1 % Milk	1 cup	1% Milk	1 cup	1% Milk	1 cup	1% Milk	1 cup

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Record Keeping**

**Section 8.10
Posted Menu**

The daily posted menu for meals and snacks must be displayed in a prominent area of the adult care center for participants to read. The posted menu must indicate the following:

- Name of the center;
- Date: Indicate the month, day, and year the menu is to be served;
- Menu items: List each menu item. Serving sizes may be listed but are not required. The daily menus, *referenced in Chapter 8.9* of this Policy Manual and which indicate serving sizes, may be posted if desired.
- Font: The font must be large enough to be easily ready by participants. A font of 14 or larger is recommended.

Example:

BBQ Chicken
Cole Slaw
Brown Rice
Hush Puppies
Apple Sauce
Milk

OR

3 oz. BBQ Chicken
½ cup Cole Slaw
½ cup Brown Rice

1.1 oz. Hush Puppies
½ cup Apple Sauce
8 oz. 1% Milk

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**Section 8.11
Commodity Foods/ Cash-in-lieu of
Commodities**

Commodity Foods.

Commodity foods are foods acquired by USDA in large quantities. USDA distributes the food to State Agencies, which in turn distribute to adult care centers that participate in the ACFP.

Cash-in-lieu of Commodities.

The option of Cash-in-lieu of commodities provides reimbursement to the centers with the monthly claim. The cash-in-lieu reimbursement is based on the number of lunch or supper meals claimed for each month.

Providers indicate preference.

Providers are required to indicate their preference to receive commodity foods or cash- in- lieu of commodities on the ACFP annual application renewal. The DOEA will determine, based on the majority of requests, whether commodities or cash-in-lieu of commodities will be provided for all ACFP providers.

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Record Keeping**

**Section 8.12
Meal Benefit Income
Eligibility Form**

Adult care centers shall collect and maintain documentation of enrollment of each adult participant including information used to determine eligibility for free and reduced priced meals in accordance with 7 *CFR* 226.23(e)(1). Documentation includes the completed *Meal Benefit Income Eligibility Form*.

A *Meal Benefit Income Eligibility Form* must be completed on every eligible Adult Care Food Program participant. This form determines the eligibility for free, reduced price, and non-needy meals of the participant. The Adult Care Center cannot seek reimbursement for meals served to a participant who does not have a current and complete *Meal Benefit Income Eligibility Form* on file. Only eligible participants can be enrolled in the Adult Care Food Program. Also, in accordance with 7 *CFR* 226.23(e)(2) you must distribute the *Letter to Household*. The *Letter to Household* informs the participants, parent, guardian, or household member about the procedures regarding eligibility for free and reduced-price meals.

Statewide Medicaid Managed Care clients may be enrolled in the Adult Care Food Program in order to meet the 25% minimum requirement for Title XIX clients. The center may not receive ACFP meal reimbursement for clients whose meals are paid for under a Statewide Medicaid Managed Care contract, or any other funding source.

The center must correctly approve the *Meal Benefit Income Eligibility Forms* that are collected from enrolled participants. The center must ensure that the *Meal Benefit Income Eligibility Forms* are stored in an organized and secure manner. The center must make forms available for review and copying.

All records shall be retained for a period of six (6) years after the date of submission of the final claim for the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the end of the six-year period as long as may be required for the resolution of the issues raised by the audit.

See Chapter 10 for Free & Reduced-price meal policy.

ADULT CARE FOOD PROGRAM Meal
Benefit Income Eligibility Form
INSTRUCTIONS

Use the *Meal Benefit Income Eligibility Form* labeled with the CURRENT Contract year at the bottom of the form.

PART 1 – All Household Members

- List full name of the adult day program participant who is applying for the Free & Reduced-Price Meal eligibility.
- For any participant with no income, you must check the “No Income” Box.
- List the current age of individual named in this part.

PART 2 - Benefits

If any member of the household receives State SNAP, FDPIR, State SSI, or Medicaid, provide the name and case number for the person who receives benefits. If no one receives these benefits, skip to part 3.

PART 3 – Total Household Gross Income – You must tell us how much and how often it was received.

Skip Part 3 if Part 2 was completed accurately

- A. List only the participant(s), spouse and dependent children of participant(s).
- B. Gross income and how often it was received.
 - 1. Earnings from work before deductions
 - 2. Welfare, child support, alimony
 - 3. Pensions, retirement, Social Security, SSI, VA benefits
 - 4. All other income

If the individual listed in Part 1 does not receive any income they must check the “no income” box in section 1.

PART 4 – Signature and last four digits of Social Security number

An adult household member must sign the form. If Part 3 is completed, the adult signing the form must also list the last four digits of his Social Security number or mark the “I do not have a Social Security number” box.

PART 5 – Participant’s ethnic and racial identities (Optional)

The applicant may answer this question if they choose. They may complete both the racial and ethnic identities. The applicant may check more than one racial identity. If the applicant does not wish to complete this part of the *Application*, the center representative is authorized to, and must, check a box for both race and ethnicity using their best judgment.

Income eligibility forms should be considered current and valid until the last day of the month in which the form was dated one year earlier.

For Institution Use Only.

The *Meal Benefit Income Eligibility Form* is not official until the center representative has assigned a category of eligibility, signed, and dated the eligibility form. The participant cannot be enrolled on the *ACFP Enrollment Roster* until the center representative has completed this procedure. The participant's enrollment date cannot precede the date of the applicant's signature or approval date. The eligibility forms should be considered current and valid until the last day of the month in which the form was approved and dated one year earlier.

The form signed and dated by the center representative on January 12, 2017, is considered valid until January 31, 2018.

The application must be approved for one of the three eligibility categories, Free, Reduced-Price, or Non-Needy, by marking the appropriate category. A reason should be recorded for each eligibility.

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Section 8.13
Enrollment Roster

The information gathered from newly approved or renewing current ACFP participant applications is transferred to the ACFP *Enrollment Roster*. This roster is used for tracking Free and Reduced-Price meal eligibility and monthly ACFP participation activity. The number of ACFP participants and their eligibility category affect the provider's rate of reimbursement.

Each new contract year requires new ACFP *Enrollment Rosters*. Providers will establish new rosters, when their institution's contract is approved/renewed, on or after the beginning of each new contract year (October 1). Each provider's site will maintain its own set of ACFP *Enrollment Rosters*. Label each roster page with the following: provider's ACFP contract number, name of institution, provider's contract approval date (month, day, year), and Adult Care Center's name site.

All approved *Meal Benefit Income Eligibility Forms* completed prior to or on the provider's contract approval/renewal date will be sorted alphabetically by participant's last name and listed (enrolled) on the ACFP *Enrollment Roster* with the same enrollment date as the provider's Contract approval date.

All subsequently approved and enrolled ACFP participant names will be listed chronologically with participant's enrollment date listed as the date the center representative signed and approved the application. Use all lines on a roster page before starting another. The ACFP participant listed on each roster page will have an application attached behind that roster page. The applications should be in the order in which they appear on the roster.

ACFP Enrollment Roster

General Instructions

This is a required program record. Do not send the *Enrollment Rosters* or the attached *Meal Benefit Income Eligibility Forms* to the DOEA. Adult Care Food Program providers shall only claim reimbursement for reimbursable meals served to eligible, enrolled ACFP participants.

Once appropriately enrolled, each ACFP participant's name will remain on the ACFP *Enrollment Roster* during the entire contract year. Each new contract year requires new ACFP *Enrollment Rosters*.

Upon the institution's contract approval or renewal, providers will establish new rosters on or after the contract year (October 1). Each provider's site will maintain its own set of ACFP *Enrollment Rosters*. Label each roster page with the name of the institution, the provider's ACFP contract number, the name of the provider's site, and the provider's contract approval date (month, day, and year). All approved *Meal Benefit Income Eligibility Forms* completed prior to, or on the provider's contract approval date will be sorted alphabetically, by participant's last name, and listed (enrolled) on the ACFP *Enrollment Roster* with the same enrollment date as the provider's contract approval date.

Transfer information from each of the newly approved or renewing *Meal Benefit Income Eligibility Forms* to the ACFP *Enrollment Roster*. *Enrollment Rosters* are used for tracking free and reduced-price meal eligibility and monthly ACFP participation activity. The number of eligible participants, along with their category of eligibility, determines the rate of reimbursement. Exercise care when transferring this information. A simple posting error, especially under the category of eligibility, may cause the provider to receive more or less reimbursement than actually earned.

Fill all lines of the left column of the roster with participants' names. When the left column is filled, proceed to the right column and fill all the lines. When page is full, begin a new roster page, following the same procedure.

All ACFP participants enrolled after the provider's contract approval date will be listed in chronological order on the next available roster line. The participant's enrollment date is listed as the date the center representative signed and approved the application. Each ACFP participant listed on the roster page will have an application attached behind that roster page, in the order in which it appears on roster, left column (top to bottom), then right column (top to bottom).

- ACFP participant's name (last name, first name)

When entering the participant's information on the ACFP *Enrollment Roster*, please print neatly and make certain to include the following:

- Participant's age
- A check in the Title XIX column for those participants enrolled in a **For-Profit Center**, whose day program services are funded by Medicaid Waiver funds
- Date of ACFP enrollment (month, day, year)
- Category Change Date (if applicable) – See criteria below
- A check identifying his/her eligibility category (**Free**, **Reduced**, or **Non-Needy**)

An enrolled participant's category of eligibility may change due to the following reason:

- Participant's inability or refusal to re-certify his/her zero income every month, causing the Free eligibility to expire; or
- Household income or benefits change that is significant enough to cause a change in participant's eligibility category.

If a participant's category of eligibility changes after submitting his/her original *Meal Benefit Income Eligibility Form*, the following steps must be followed:

- Obtain a new *Meal Benefit Income Eligibility Form* with updated information.
- The Center Representative will review for completeness, determine Free, Reduced-Price or Non-Needy eligibility category, date, and approve the application.
- On the original enrollment line, fill in the Category Change Date column. The Category Change Date will be the same as the approval date on the newly submitted *Meal Benefit Income Eligibility Form*.
- On the next available line of the *Enrollment Roster*, re-enroll the participant. Use the same enrollment date as the new application's approval date.
- Place a check identifying the participant's new eligibility category (Free, Reduced, or Non-Needy).

Chapter Nine

Monitoring and Program Review



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**Chapter 9
Monitoring and
Program Review**

**Section 9.1
Areas Reviewed**

The purpose of the Program Review is to ensure that the provider is operating the Adult Care Food Program (ACFP) in accordance with the USDA regulations and to provide technical assistance in any areas relating to the ACFP. The Program Review may be announced or unannounced.

Records maintained by the provider serve as a basis for verifying compliance with program regulations. The areas and records which will be reviewed include but are not limited to the following:

- Center and participant eligibility,
- Meal Benefit Income Eligibility Form and Enrollment Rosters,
- Meal count verification and reconciliation,
- Non-profit food service verification,
- Meal pattern compliance,
- Civil rights compliance,
- For-profit program eligibility (if applicable),
- List clients enrolled in the ACFP whose meals are paid by Statewide Medicaid, Managed Care contract (for profit centers),
- Food service procurement/production documents,
- Food service sanitation inspection,
- Monitoring and training records (required for provider of multiple sites),
- Individual *Plans of Care* for functionally impaired participants,
- Actual meal service delivery, and
- Other required documentation.

Non-compliance with program requirements may result in the following actions:

- Disallowances,
- Re-payment,
- Serious Deficiency,
- Suspension,
- Agreement Termination,
- Disqualification, and
- Debarment.

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Section 9.2
Program Review

Each ACFP provider will have a Program Review no less than once every three (3) fiscal years. Providers may be reviewed on a more frequent basis. Program Reviews may be announced or unannounced.

- A. For an announced Program Review, the contact person, Board Chair, or Owner will receive approximately two (2) weeks or more advance notice announcing the upcoming review. The Notification of Program Review may arrive by email or mail. The provider will acknowledge receipt of notice by contacting the ACFP Office by email or mail. An unannounced visit is an on-site review with no prior notification given to the provider.
- B. Generally, the review period will be the most recent month for which a claim for reimbursement has been filed by the institution. However, the DOEA could choose another month(s). If this is an announced review, the confirmation letter will include the timeframe or period that will be reviewed. Additionally, if the DOEA determines it warrants additional review, the DOEA may review the institution's records beyond the claim month to determine the extent of the noncompliance.
- C. The **Entrance Conference** gives the DOEA monitors an opportunity to meet with the institution staff to discuss the review process, gather information on internal policies, procedures, and documents to set up a work schedule for accomplishing the review. The entrance conference will allow for introductions to be made of all team members and to find out who is the institution's contact for each review area.
- D. The purpose of the *Exit Conference* is to discuss the preliminary review findings and observations, and to provide technical assistance. This also can provide a date that the correction action plan is due if deficiencies were found. The DOEA can identify program strengths, findings, required corrective actions, observations, and recommendations.

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**Chapter 9
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**Section 9.3
Unannounced Review**

All ACFP provider sites are subject to unannounced Reviews by a DOEA or Federal Agency representative. Unannounced reviews will be made during normal hours of operation. The representative will show a photo identification that demonstrates that they are employees of the DOEA or Federal Agencies. ACFP records will be made readily available to the reviewer upon request.

The representative will review, at a minimum, the following:

- Current Participants' *Meal Benefit Income Eligibility Form* (Free & Reduced-Price eligibility),
- *ACFP Enrollment Rosters*,
- Attendance Rosters, and
- Meal Service.

Deficiencies found may require the provider to take the following actions:

- Make immediate correction,
- Submit revised Monthly Claim(s) for Reimbursement, and
- Submit a corrective action statement and/or proof of corrective action.

Depending on the deficiency, administrative actions may be taken against the provider by the DOEA.

See Chapter 12, Administrative Actions.

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Program Review

Section 9.4
Center Eligibility

ACFP applications and agreements are used for the Department of Elder Affairs (DOEA) to determine eligibility of new and renewing centers. During the Program Review the DOEA representative will observe the day programs activities and program services.

The review of the current *Adult Day Care License* and other required program documents will indicate whether the center is eligible to continue to participate in the ACFP.

If during a Program Review it is found that a Adult Care Center is ineligible to participate in the ACFP, it will be terminated from the Program. The provider will receive official notice of termination and effective date by registered mail.

See Chapter 12 for Administrative Actions.

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Section 9.5
For-Profit Program Eligibility

The DOEA representative will observe the day programs activities and program services. In addition, a review of the current *Adult Day Care License* and other required program documents should indicate the individual day program eligibility to participate in the ACFP.

The for-profit Adult Care Program must meet all program requirements plus the following additional requirements:

- The DOEA representative will review participants' eligibility for the month reviewed to verify that no less than 25% of enrolled participants were Title XIX beneficiaries.
- The DOEA representative will review appropriate records to ensure that ACFP-enrolled participants under the Statewide Medicaid Managed Care contract are not being included in the *Point of Service Meal Counts*.
- Monthly records for each Adult Care Program site participating in the ACFP will support the provider eligibility to claim reimbursement for the month reviewed.

The claiming of program payment for meals served by a proprietary title XIX during a calendar month in which less than 25% of enrolled participants or license capacity, whichever is less, is considered a serious deficiency and will jeopardize the eligibility of the provider.

See Chapter 12 for Administrative Actions.

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**Chapter 9
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**Section 9.6
Non-Profit Food Service
Verification**

Non-profit food service means all food service operations conducted by the institution principally are for the benefit of enrolled participants, from which all of the program reimbursement funds are used solely for the operations or improvement of such food service. Pursuant to *FNS Instruction 796-2, Revision 4*, excess funds must be used to benefit the program participants through improvement or expansion of the non-profit food service program.

Receipts and invoices for food and other approved expenditures will be reviewed for the last calendar month for which the provider received reimbursement or for the selected month(s) under review. If available receipts for total food service costs are less than the actual ACFP reimbursement, the provider's food program is considered in profit and provider may be subject to repayment.

When excessive non-profit food service program balance is identified; the institution must submit a *Corrective Action Plan* to reduce the excess balance. The provider will have ten working days to submit a revised claim. Excessive non-profit food service balance is three months of operating budget. As appropriate, the provider will be required to submit a revised *Monthly Reimbursement Claim(s)* for the month identified to get rid of the excess. Claim(s) will list the operating expense figures submitted by Sponsoring Organization and approved by a DOEA representative.

When an institution is notified by DOEA that their profit exceeds the excess balance threshold, the institution will have ten working days to submit a corrective action plan for proper use of excess funds.

See Chapter 12 for Administrative Actions. See Chapter 8, Section 8.2 of this Policy Manual.

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**Section 9.7
Participant Eligibility**

Individual Adult Care Center participant eligibility for the ACFP may be verified by review of the participant's application, his/her adult day program file, and an interview with center staff and/or the individual participant.

Participants who are determined ineligible to participate will be withdrawn from the ACFP *Enrollment Roster*. The DOEA will determine appropriate re-payment and a date for provider to submit revised reimbursement claim to the ACFP Office.

See Chapter 8.13 for details on Meal Benefit Income Eligibility Form.

See Chapter 12 for Administrative Actions.

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Section 9.8
Pre-Site Visit
Records Review

In the event that a review of records is necessary prior to the Program Review, the DOEA will notify the provider regarding its need to review the provider's current *Meal Benefit Income Eligibility Forms*, *ACFP Enrollment Rosters*, *Point of Service Meal Counts*, and/or attendance records. The provider will mail the original documents to the DOEA. The ACFP representative will evaluate the forms to determine individual applicant's eligibility to participate and the appropriate eligibility category such as "free," "reduced," or "non-needy." The Enrollment, Attendance, and Point of Service meal counts will be reconciled. Any applications not fully completed or properly followed-up for the month reviewed will be determined as "non- needy." The DOEA will return the reviewed records.

When the on-site Program Review is conducted, if permanent changes are made to any participant's category, the reimbursement rate will be recalculated for the month(s) affected and an over-claim or under-claim may be determined. The provider will be advised and the DOEA will make any necessary adjustments to the claim.

See Chapter 12 for Administrative Actions.

See Chapters 8.12 & 8.13 for Meal Benefit Income Eligibility Form and Enrollment Roster.

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**Section 9.9
Meal Pattern Compliance**

The dated daily menus for the month reviewed will be critiqued to determine whether the participants were receiving the required components, creditable foods, and the proper portion sizes. If it is determined the Adult Meal Pattern requirements were not met, those deficient meals may be disallowed.

As appropriate, the provider will submit a *Revised Monthly Reimbursement Claim* listing the verified number of reimbursable meals served based on the review findings.

The Meal Service Review will be conducted as part of Program

Review. *See Chapter 12 for Administrative Actions.*

See Chapter 7. Sections 7.1 – 7.10 and Chapter 8, Sections 8.1, 8.6, 8.7, and 8.8.

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Section 9.10

**Point of Service
Meal Count Reconciliation**

**Monitoring and
Program Review**

During a Program Review the DOEA representative will, at a minimum, review the Adult Care Programs meal count documentation for the month reviewed.

The month usually reviewed will be the last month for which the provider has received reimbursement. The DOEA representative reconciles enrollment, attendance, and meal counts with the provider submitted claim for the month reviewed.

Any adjustments required will be identified and the provider will submit a revision containing verified figures. These figures will be documented on the providers *Revised Monthly Reimbursement Claim*. The revised claim(s) must be received in the ACFP Office by the date determined by the DOEA and documented on the Review documentation.

See Chapter 12 for the Administrative Actions.

See Chapter 8, Section 8.5 of this Policy Manual.

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**Chapter 9
Monitoring and
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**Section 9.11
Civil Rights Compliance**

During the Program Review, the DOEA representative will conduct a Civil Rights Compliance Check.

Adult Care Program staff will be interviewed about their programs policies regarding non-discrimination.

Programs receiving federal funding, such as the ACFP reimbursement, must comply with the USDA non-discrimination regulations issued under *Title VI of the Civil Rights Act of 1964*.

Adult programs determined non-compliant with this regulation are, by law, not eligible to participant in the ACFP.

See Chapter 12 for Administrative Actions.

See Chapter 5, Section 5.6 and Chapter 6, Section 6.7 of this Policy Manual.

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**Section 9.12
Expenditures Review**

The DOEA representative will review and verify the *Monthly Expenditures Worksheet* and all documents that support Operating and Administrative Expenditures/Costs claimed for the month reviewed.

The DOEA will evaluate invoices for allowable costs, comparing invoices against approved menus, and determine if enough food was purchased to support the number of meals claimed. Unallowable cost will be disallowed and removed from Operating Expenses. If it is determined that not enough food was purchased to support the number of meals claimed the unsupported meals will be disallowed. Administrative Costs will be limited to 15% of total allowable expenditures.

Support documents include the following:

- Invoices and receipts for food purchases,
- Invoices and receipts for non-food purchases,
- Cash register receipts from grocery store,
- Food Service Labor Cost – detail,
- Administrative Labor Cost – detail, and
- Indirect Administrative Cost – detail.

Original or copies of these supporting documents will be kept with the providers monthly ACFP records for six (6) years plus the current year.

Failure to maintain supporting documentation may result in meal disallowances and re-payment of ACFP funds received. The provider may appeal any or all disallowances.

See Chapter 12 for more information.

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**Section 9.13
Food Safety**

During the Program Review, the DOEA representative will conduct a Meal Service Review of the Adult Care Center's food services. The food service production, storage, and dining areas will be reviewed for their compliance with state food hygiene regulations. The most recent *Food Service Inspection Report* will be reviewed as well as the caterer's report prior to the review. Technical assistance will be provided to providers during review.

If deficiencies are identified, a corrective action plan will be required. The corrective action plan must be submitted to the ACFP Office by a date determined by the reviewer to meet program compliance.

See Chapter 12 for Administrative.

Actions. *See Section 7.9 for Food Safety.*

See Florida Administrative Code [Chapter 64E-11 for Food Hygiene regulations](#).

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Program Review**

**Section 9.14
Multiple Provider
Monitoring and Training
Records Review**

Providers with multiple sites accept responsibility for the ACFP management of each Adult Care Center under their jurisdiction. It is, therefore, required that these providers train staff at each center regarding ACFP requirements and monitors each site according to the schedule submitted in their application to ensure all requirements are being met.

Key staff at each site of a multiple-site provider must participate in ACFP training prior to program operations and annually thereafter. The required monitoring and training records will be reviewed and the provider's compliance with the approved management plan will be evaluated. Technical assistance will be provided, as needed, during the review.

Failure to provide/participate in the required training is a serious deficiency. The provider may be required to submit documentation records and/or a statement of corrective action regarding deficiencies identified. To meet program compliance, these documents will be received in the ACFP Office by the date determined by the reviewer.

Monitoring visits for each participating Adult Care Center under the sponsor's jurisdiction, shall be completed at least three times each contract year. The initial review shall be conducted using the ACFP *Monitoring Review Form* during each center's first four weeks of ACFP participation. The provider will establish a monitoring schedule and submit a Sponsor Monitoring Tracking schedule with the annual ACFP Application Renewal. All reviews must use the authorized monitoring forms furnished by ACFP.

Reconciliation of meal counts. Sponsoring Organizations must examine meal counts recorded by the facility for five consecutive days during the current or prior claiming period. For each day examined, reviewers must use enrollment and attendance records to determine the number of participants in care during each meal service and attempt to reconcile those numbers to the numbers of breakfasts, lunches, suppers, and/or snacks recorded in the facility's meal count for that day. Based on the comparison, reviewers must determine whether the meal counts are accurate. If there is a discrepancy between the number of participants enrolled or in attendance on the day of the review and prior meal counting patterns, the reviewer must attempt to reconcile the difference and determine whether the establishment of an overclaim is necessary
See Chapter 12 for Administrative Actions. See Chapter 6, Section 6.6 for required training.

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**Section 9.15
Other Required
Documentation**

Independent Auditors who audit federal programs within the Adult Care Center or its institution, regardless of the total dollar amount, are required to sign a debarment certification form.

The DOEA will provide this form upon request. The provider will forward this form, with the instructions, on to the Independent Auditor for his/her original signature.

The provider will keep a copy of the form and forward the signed original to the DOEA.

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**Section 9.16
Disallowances/
Seriously Deficient Providers**

Meals will be disallowed if the records reviewed do not support the reimbursement claim. If the provider does not agree with the Review findings, an appeal may be filed. *See Chapter 12, Section 12.2 for Administrative Actions.*

Under certain conditions, a provider may be determined to be seriously deficient and will be terminated from the ACFP. Conditions by which a provider may be considered seriously deficient and subject to termination, suspension, or debarment may include, but are not limited to the following:

- Noncompliance with applicable bid procedures, contract requirements, and federal nutrition program regulations;
- Submission of false information to the DOEA;
- Failure or continuous failure to maintain required records;
- Failure to adjust meal orders to conform to variations in the number of participants;
- Claiming of program payments for meals not served to eligible participants;
- The service of a significant number of meals which do not meet the Adult Meal Pattern;
- Continued use of food service management companies that are in violation of state health codes and/or are not on the approved vendor list;
- History of administrative or financial mismanagement in any federal nutrition program;
- Claiming program payments for meals served by a for-profit center during a calendar month in which less than 25% of enrolled participants were Title XIX beneficiaries;
- Failure to comply with requirements of corrective actions resulting from review findings in a timely manner; and
- Failure to meet the terms of the ACFP Contract entered into with the DOEA.

Chapter Ten

Free and Reduced-Price Policy



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Chapter 10
Free and Reduced-Price
Policy

Section 10.1
Free and Reduced-Price
Meal Policy Statement

ACFP participants eligible for free and/or reduced-price meals must complete an application with documentation of the following eligibility information:

- Number in household and names of all household members;
- The last four digits of the Social Security number of the head of household/primary wage earner or adult signing the application or, an indication that a household does not have a Social Security number;
- Total monthly household income or SNAP, SSI, or Medicaid identification number; and
- Signature of an Adult Care Center participant.

Meals will be provided to enrolled eligible participants and will be provided regardless of race, color, national origin, age, disability, sex (including gender identity and sexual orientation), gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, or sexual orientation.

Each provider must submit a written Free and Reduced-Price Meal Policy Statement with their annual application. If the provider has multiple sites, this statement must apply to all sites. The contents of the policy statement include information on the provider's meal pricing system and an assurance that no participant will be discriminated against during ACFP service.

Non-Pricing Adult Care Centers are those centers in which the provider makes no separate charges for meals served to enrolled participants. These centers charge fees covering all areas of their day care services. The participants' meals are covered by the fee payments, and no money is exchanged at mealtime. If an Adult Care Center does not charge a portion of the fee specifically earmarked for food service, then the Adult Care Center is a non-pricing program.

See 10.2 for the Non-Pricing Policy statement.

Pricing Adult Care Centers are those in which enrolled participants who do not qualify for free meals are charged separate fees for their meals.

See 10.3 for Pricing Policy statement.

The Non-Pricing, and Pricing Policy Statements are included in the ACFP Permanent Contract, page 14.

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Policy

Section 10.2
Non-Pricing
Adult Care Centers

Non-Pricing providers are those who do not charge a separate, identifiable charge for meals served to enrolled participants. When submitting an annual ACFP application, all non-pricing providers shall include a written Free and Reduced-Price Meal Policy Statement. Providers with multiple sites will use this policy uniformly in all sites. In addition, the provider must submit information from the Free and Reduced-Price Meal Policy Statement to the media in the form of a new release. A *Public News Release* form is provided by ACFP in the annual application packet.

The policy statement that must be submitted by providers consists of the following:

- The name of the center announces the provider and that the U.S. Department of Agriculture funding of the Child and Adult Care Food Program.
- An assurance that all enrolled participants are served the same meal at no separate charge, regardless of race, color, national origin, sex, age, or disability.
- There is no discrimination during the center's meal service.

The Non-Pricing Policy Statement is incorporated into the form titled *Public News Release for Non-Pricing Adult Care Centers*. A copy of this news release, including any additional information the provider wishes to announce, must be provided to one or more newspapers, magazines, radio, or television stations that serve the area. A copy of the news release should be kept on file and one copy sent to the DOEA. Whether or not the media uses the public release for Non-Pricing Adult Care Centers, the responsibility has been fulfilled when the release is sent to them.

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Free and Reduced-Price
Policy

Section 10.3
Pricing Adult Care Centers

Pricing providers are those in which enrolled participants who do not qualify for free meals are charged a separate identifiable charge for their meals. This payment may be a direct payment from the adult at the time each meal is served or it can be included as part of a tuition payment which is specifically earmarked for food service.

Providers that charge separately for meals must develop and submit a policy statement that includes the following:

- The name of the center announcing the provider and that the U.S. Department of Agriculture funding of the Child and Adult Care Food Program.
- Sets forth the criteria and form that will be used to determine free and reduced-price eligibility for enrolled participants.
- Description of the procedures used to accept free and reduced-price statement forms from each participant.
- Description of the methods used to collect payments from participants paying the full price of the meal without overtly identifying those paying the reduced-price or those receiving a free meal.
- A hearing procedure for a participant or their household to appeal a questionable free and reduced-price eligibility determination.
- An assurance that there will be no disclosure or overt identification of free and reduced-price eligible participants and no discrimination against any participant on the basis of race, color, national origin, gender, age, or disability.
- An assurance that participants eligible for reduced-price meals are not charged more than the full price of the meal, but in no case more than 40¢ for a lunch or supper, 30¢ for a breakfast, and 15¢ for a supplement/snack. In addition, neither the participant nor any member of his/her family is required to work in the food service program.

Contact the DOEA for more information.

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Section 10.4
Determining Eligibility

To operate within the ACFP, independent centers and sponsoring organizations must determine each participant's eligibility for free, reduced, or non-needy (paid) meals. Individual eligibility information must be collected from all enrolled participants at least once each year. Participants are categorically eligible for free meals if they are a Medicaid, Supplemental Social Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP), or Food Distribution Program on Indian Reservations (FDPIR) beneficiary. If a participant does not receive one of the mentioned benefits, then income guidelines are used.

The amount of income must be the most recent information available, which may be for the current month, projected for the month in which the application is filled out, or for the month prior to application.

The participant's income and household size are compared to the U.S. Department of Agriculture's eligibility guidelines. The income and household size guidelines are revised annually, and are in effect from July 1 each year through June 30 of the following year.

See *Income Guidelines at ACFP link* <http://elderaffairs.state.fl.us/doea/acfp.php>.

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Section 10.5
Eligibility Categories

There are three categories of eligibility associated with the ACFP: Free, Reduced, and Non-needy (also referred to as “Paid”). Each participant is individually assessed to determine her/his eligibility category. Income eligibility forms should be considered current and valid until the last day of the month in which the form was dated one year earlier. After this time, a new application must be completed.

The three eligibility categories are as follows:

Free Meal: Category identifies a participant who:

- Receives benefits from Medicaid, Supplemental Social Security Income (SSI), SNAP, or Food Distribution Program on Indian Reservations (FDPIR), or
- Household size and gross income are at or below the eligibility level for free meals according to the current eligibility guidelines.

Reduced Price Meal: Category identifies a participant whose

- Household size and gross income do not meet the requirements for free meals, but are at or below the eligibility level for reduced-priced meals according to the current income eligibility guidelines.

Non-Needy or “Paid” Meal: Category identifies a participant whose

- Household size and gross income exceed the eligibility guidelines for free or reduced price meals.
- Incomplete applications cannot be approved if required information is missing.
- An application is incomplete due to one of the following reasons:
 - Participant/Authorized Representative refuses to sign and/or date;
 - The last four digits of Social Security number are not listed for Participant/Authorized Representative or they did not check the box “I do not have a Social Security number;”
 - Inaccurate or incomplete Medicaid, SSI, Food Stamp, or FDPIR case number;
 - Participant/Authorized Representative refuses to disclose household’s gross income;

- Center representative does not sign and/or date the form; and or,
- Participant/Authorized Representative did not check ethnic and racial identities.

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Section 10.6
Meal Benefit Income
Eligibility Form

Every enrolled participant must have a current *Meal Benefit Income Eligibility Form* on file. The federally mandated forms, which determine the Free and Reduced-Price meal eligibility, must be kept confidential, on file, and available for DOEA or USDA review.

The *Meal Benefit Income Eligibility Form* must be accurately completed prior to enrolling participant into the Adult Care Food Program.

Income eligibility forms should be considered current and valid until the last day of the month in which the form was approved and dated one year earlier. After this time, a new eligibility form must be completed.

Web link to Meal Benefit Income Eligibility: <http://elderaffairs.state.fl.us/doea/acfp.php>

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Section 10.7
Public News Release

Annually, the provider must prepare and issue a Public News Release to the local media announcing their intention to operate the federally funded Child and Adult Care Food Program.

The release must include the following:

- The current USDA Income Eligibility Guidelines for free and reduced-price meals; and
- A statement that the center does not discriminate against any adult because of race, color, national origin, sex, age, or disability.

The Public News Release is incorporated into the form titled *Public News Release for Non-Pricing Adult Care Centers*. A copy of this Public News Release, including any additional information the provider wishes to announce, must be provided to one or more newspapers, magazines, radio, or television stations that serve the area. A copy of the release should be kept on file and one copy sent to the DOEA as appropriate with the Provider Application Package. Whether or not the media uses the public release, the responsibility has been fulfilled when the release is sent to them.

See Public News Release for Non-Pricing Adult Care Centers, provided with annual application.

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Section 10.8
Means Testing

Adult Care Centers are not prohibited from requiring family size and income information for benefits provided under the ACFP.

Chapter
Eleven

Meal
Procurement



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Chapter 11
Meal Procurement

Section 11.1
Overview

Meal procurement is vital to the success of the Adult Care Food Program (ACFP). The program's ultimate goal is to provide nutritious, wholesome meals to Adult Care Center participants.

When a Center initiates the ACFP, one of the first concerns is how to obtain meals. The meal procurement method is the choice of the Adult Care Center. Once that choice is made, the federal and/or state government mandates specific criteria for each method of procurement.

The following outlines the general methods of meal procurement. Each center must evaluate its Adult Care Center's specific circumstances and choose a method that meets the center's needs.

Self-Preparation: The self-preparation Adult Care Center prepares the participants' meals on site. A self-preparation kitchen will purchase food, prepare the meals, serve the meals, and maintain the kitchen area. The self-preparation Adult Care Centers must maintain receipts and necessary records in support of the ACFP records retention requirements. Self-preparation Adult Day Care Center's kitchen must meet *Florida Statute 64E-11* requirements.

Central Kitchen: The Central Kitchen within a Sponsoring Organization (SO) provides meals to numerous sponsored programs. The Adult Care Center is one of the separate programs within the SO that serves meals to participants. A Central Kitchen maintains all aspects of the food service operation. The SO's finance department must calculate an estimated meal cost. This per meal cost must be justifiable, and is subject to review. The per-meal cost is recorded on the Memorandum of Agreement (MOA). The MOA lists the per meal cost, types, and approximate number of meals needed. The MOA is between the Central Kitchen and the Adult Care Center. The Central Kitchen maintains the *Monthly Expenditures Worksheet* with all receipts and necessary records in support of the ACFP records retention requirements.

Public School as Food Service Vendor: If an Adult Care Center establishes a food service contract with a local school, regardless of the annual amount, the Adult Care Center must complete a MOA with that school or school district. The Adult Care Center must ensure that meals are available when needed, that the ACFP Meal Pattern is met, and that meals are maintained at safe temperatures.

Informal Procurement Methods

Micro Purchase: The value of the purchase does not exceed \$3,500. To the extent possible, centers must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the center considers the price to be reasonable.

Small Purchases: If the value of the purchase is less than \$100,000, three written quotes are required.

Adult Care Centers expending less than \$100,000 on meal procurement may elect to solicit a food service contract and MOA with a local food provider who is a Registered Caterer. The center must contact a minimum of three qualified Caterers to ensure the meal service contract is awarded to the responsive and responsible bidder with the lowest price. All quotations received shall be maintained on file for review upon request by the DOEA. The Vendor Contract and MOA must be submitted to the Department of Elder Affairs for approval.

Formal Procurement Methods

Large Purchase: Adult Care Centers expending \$100,000 per year or more on meal service contract, must comply with formal guidelines. There are two formal competitive methods, Invitation to Bid (ITB) and Request for Proposal (RFP).

Invitation to Bid (ITB)/Contract: Competitive Sealed Bids or ITBs are publicly solicited and firm-fixed-priced (per unit price). The ITB packet has clear and complete menu specifications, meal delivery, and payment specifications. ACFP has two types of Invitations to Bid; one is with the Blind Taste Test and one is without the taste test. The Blind Taste Test allows providers to evaluate a sample menu prior to bid opening in an effort to rate the food quality prior to awarding the bid. Without blind sampling, the contract is awarded to the responsible bidder whose bid is lowest in price and who is a Registered Caterer or Vendor. *See Section 11.14* of this Policy Manual. If blind sampling is conducted, the ITB is awarded to the lowest bidder with high food quality who is a registered caterer. The ITB packet will be provided by your contact manager at the DOEA. All adult care centers completing an ITB must notify the SA, in writing, at least 14 days prior to any bid opening of the bid's date, time, and place.

Request for Proposal (RFP)

Competitive Negotiation/Contract: Competitive Negotiation [or Request for Proposal (RFP)] is publicly solicited but allows negotiation of both price and terms. Only Registered Caterers or Vendors (*see Section 11.14* of this Policy Manual) may participate in negotiations. The RFP must identify all significant evaluation factors including technical and cost where required and their relative importance. The institution must list proposed technical evaluation method(s) in the RFP. When the top proposals from responsible bidders are determined, these bidders will be contacted for the purpose of further written and verbal discussions and selection for a contract award. The contract must be awarded to the responsible bidder whose proposal is most

advantageous to the Institution when price and other factors are considered. The DOEA must approve RFP prior to release.

Government Adult Care Center: If an Adult Care Center is a subsidiary of a local, county, state, or federal agency, the center may follow the agency's written procedures for procurement if they comply with standards set forth in *2 CFR part 200, subpart D* and USDA implementing regulations *2 CFR part 400 and part 415*.

Noncompetitive Negotiations contract: In the rare exception that the Adult Care Center publicly solicits an ITB or RFP, and competition is found to be lacking (one or less responsive, responsible bids), the center may choose to utilize a Noncompetitive Negotiation Contract. With DOEA approval, the noncompetitive negotiation method is meal procurement through solicitation of a proposal from only one source. The vendor must be a Approved Caterer or Vendor. This form of procurement can only be used in select circumstances. *See Section 11.8* of this Policy Manual for details on this form of negotiation.

The Invitation to Bid packet will be provided by your contract manager at the DOEA.

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Section 11.2
Self-Preparation Kitchen

Adult Care Centers with the ability, staff, space, and license to prepare meals for their participants are considered self-preparation kitchens. These Adult Care Centers must ensure that the menu components are procured, prepared, and served in a safe manner. The food service staff must have good knowledge of basic food service safety and be supervised by Certified Food Service Manager.

In addition to ACFP procedures, self-preparation kitchens must meet the following criteria:

- The kitchen area is inspected by Public Health Department or equivalent agency;
- The manager responsible must have Food Service Manager Certification (64E-11.012), and the staff must be skilled in food service, food safety, and food production;
- It must maintain posted menus, with substitutions annotated;
- It must maintain production records for each meal; and
- It must maintain the *Monthly Expenditures Worksheet* with all support documentation.

See Sections 5.12, 6.13, and 8.7 for more information on required record keeping.

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Meal Procurement**

**Section 11.3
Central Kitchen**

Adult Care Centers that are a unit within a multi-unit agency Sponsoring Organization that have a main kitchen may be eligible to be a Central Kitchen. The following provisions must be met for a Central Kitchen:

- The kitchen is not co-located within the Adult Care Center;
- The kitchen provides meals to multiple units within the Sponsoring Organization;
- The kitchen area is inspected by the Public Health Department or equivalent, and the agency maintains the kitchen area;
- The manager responsible for the kitchen must have Food Service Manager Certification (64E-11.012), and the staff must be skilled in food service, food safety, and food production; and,
- The kitchen must maintain the *Monthly Expenditures Worksheet* with all support documentation.

An Adult Care Center will use a Memorandum of Agreement (MOA) for contracting meal services between itself and the Central Kitchen. The MOA must be signed by the Adult Care Center and the Central Kitchen. A per unit cost must be affixed for meals served to the Adult Care Center. This per meal cost is calculated by the Sponsoring Organization's financial department. Monthly, the agency must charge the Adult Care Center the meal cost by an invoice. The monthly cost must be reconcilable to Sponsoring Organization's accounting system and will be verified during an administrative review or audit. The kitchen is inspected by the Public Health Department or equivalent and must be maintained in a satisfactory manner.

Link to ACFP web page to: [Memorandum of Agreement](#)

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**Chapter 11
Meal Procurement**

**Section 11.4
Small Purchase Option**

Adult Care Centers expending less than \$100,000 annually on meal procurement may utilize the informal small purchase option.

Small purchase regulations require the provider to contact at least three Registered Caterers or Vendors (see section 11.14) for a cost comparison. Caterers must have the capability to provide meals, ensure safe food handling, and be in good standing with the Public Health Department's or equivalent's routine inspection. The accumulation of 12 high priority violations in 12 months (July 1-June 30), an Administrative Complaint, and/or closure (temporary or permanent) issued by the Department of Business and Professional Regulation (DPBR) will result in immediate termination of the contract.

The provider must choose the responsible bidder whose bid conforms to safe food handling, meal and administrative requirements, is lowest in cost, and is a Registered Caterer.

The Vendor Contract and the Memorandum of Agreement must be submitted to the DOEA for approval.

The provider must maintain a copy of the proposed vendor quotes. The DOEA will review documents submitted for approval with the ACFP annual application and during program reviews or audits.

The Contractor may not subcontract for the total meal or the assembly of the meal. Subcontracting includes producing food from any kitchen other than from the location stated in Section 3 of the contract.

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Section 11.5
School Food Service as Vendor

Meals may be purchased from a school that participates in the National School Lunch Program. Adult Care Centers negotiating a food service contract with a public school (or system) must use a Memorandum of Agreement (MOA). The MOA contains the basic provisions of the Center's requirements.

The MOA is signed by the Adult Care Center's authorized representative and the County Food School Director or School Board President. The MOA must list a fixed price.

School Food Service is an option that is open to almost all providers, but issues must be resolved prior to initiation. The following outlines the drawbacks and also lists possible alternatives to using school food service:

- School Food Service rarely delivers meals. Provider must arrange for transportation.
- Transportation equipment is necessary to ensure that potential hazardous foods remain at the correct temperature. Provider must ensure food is transported in a safe manner.
- Schools are closed on school holidays and during the summer months. An Adult Care Center could negotiate a secondary contract with a Registered Caterer for food service on days that the school cannot provide meals. Then the informal or formal bid procedures must be followed.
- Some county schools are open year-round (with summer school and summer feeding), so there is the possibility of using a school that is open during the summer for its summer meals.
- Menu negotiations. Some elders would not like the meals offered to young school age children. The provider should negotiate with the food service director as to the availability of menu substitutions.

Please call the DOEA with any questions or concerns about using the School Food Service as the vendor.

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**Section 11.6
Invitation to Bid
Without Blind Taste Test**

Adult Care Centers expending more than \$100,000, on meal service must follow formal, large purchase procurement regulations. Formal procurement procedures include Invitation to Bid (Competitive Sealed Bid) and Competitive Negotiation (Request for Proposal). The provider may choose either method, but the DOEA provides the Invitation to Bid contract for the provider's use. If a provider chooses Request for Proposal, they must submit the proposed RFP for State Agency's review.

Competitive Sealed Bids:

Competitive Sealed bids are publicly solicited and firm-fixed-price. The Competitive Sealed Bid (or Invitation to Bid) contract is awarded to the bidder who is a registered caterer and whose bid, conforming to all terms of the Invitation to Bid (ITB), is lowest in price. A fixed-price contract is defined as a contract to pay a certain amount per each unit of goods or services.

In order for the competitive sealed bid procedure to be feasible, the following conditions must be present:

- Complete, adequate, and realistic specifications, or purchase descriptions are available.
- Two or more responsible suppliers are willing and able to compete effectively for the business.
- The procurement lends itself to a firm-fixed-price contract. Selection of a successful bidder can be made principally on the basis of price.

The Invitation to Bid packet will be provided by your contact manager at the DOEA.

Prior to Bid Release, complete the bid packet. Ensure the following are completed prior to release:

- Indicate Bid's opening date, time, and place;
- Indicate the number and types of meals required. If therapeutic meals are needed, this must be indicated in the ITB;
- List non-food items that are essential for the conduct of the meal service;
- List extra food service items that are needed for the conduct of food service; and,
- Add the DOEA's appeal policy, which must identify recourse for unselected vendors.

Then the provider may formally advertise for potential ACFP approved Bidders.

7 CFR, Part 226.21 specifies that for any contract having an aggregate value greater than \$100,000, the provider must do the following:

- Publicly announce all proposed contracts at least once, 14 calendar days prior to the scheduled bid opening. The announcement shall include the date, time, and place of the bid opening.
- Notify, in writing, the DOEA at least 14 calendar days prior to the bid's opening date, time, and place.
- Ensure that the Invitation to Bid (ITB) shall not provide for loans or any other monetary benefit or terms or conditions to be made to institutions by food service management companies.
- Certify that non-food items required are included in the ITB. All items must be listed for all bidders. Any bidder that provides for unrequested, unwritten products or services will be considered unresponsive, and the bid will be discarded before review.
- List special meal requirements necessary to meet ethnic or religious needs of the participants to be served in the ITB.
- Publicly open all bids at the date, time, and place stated in the ITB.

For all formal ITBs, including bids of \$50,000 to \$100,000 and above, all the above conditions apply. In addition, the provider must do the following:

- Submit the bid to the DOEA for approval before acceptance.
- Submit all bids to the DOEA for approval before accepting a bid which exceeds the lowest bid. The DOEA shall respond to any request for approval within 10 working days of receipt.
- Inform the DOEA of the reason for selecting the Registered Caterer chosen. State Agencies may require institutions to submit copies of all bids submitted under this section.

Once the provider has made a choice to award the bid, a firm-fixed-price contract award shall be made by written notice to the responsive bidder whose bid, conforming to the ITB, is lowest in price. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program to waive informalities and minor irregularities in bids received. The accumulation of 12 high priority violations in 12 months (July 1-June 30), an Administrative Complaint, and/or closure (temporary or permanent) issued by The Department of Business and Professional Regulation will result in immediate termination of the contract.

The Contractor may not subcontract for the total meal or the assembly of the meal. Subcontracting includes producing food from any kitchen other than from the location stated in Section G of the contract.

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**Section 11.7
Invitation to Bid
With Blind Taste Test**

Adult Care Centers expending more than \$100,000, on meal service must follow formal procurement regulations. Formal procurement procedures include Invitation to Bid (Competitive Sealed Bid) and Competitive Negotiation (Request for Proposal). The provider may choose either method, but the DOEA provides the Invitation to Bid/Contract for Provider's use. If a Provider chooses Request for Proposal, the packet must be reviewed by the DOEA prior to release.

Competitive Sealed Bids:

Competitive Sealed Bids or Invitations to Bid (ITB) are publicly solicited and are firm-fixed-price. The Blind Taste Test bid is awarded to the bidder who is a registered caterer and, conforming to all terms of the ITB, is lowest in price and meets the minimum determined taste test evaluation score. Adding a Blind Taste Test component to the ITB permits providers to sample vendors' food prior to awarding the contract. The Blind Taste Test must follow specific guidelines that ensure fairness and competition amongst the bidders.

In order for the competitive sealed bid procedure to be feasible, the following conditions must be present:

- Complete, adequate, and realistic specifications, or purchase description is available.
- Two or more responsible suppliers are willing and able to compete effectively for the business.

The Invitation to Bid packet will be provided by your contact manager at the DOEA.

Prior to Bid Release, complete the bid packet. Ensure the following tasks are completed prior to release:

- Enumerate Blind Taste Test criteria. All bidders must provide the exact food items. Menu specifications must meet or exceed the food specifications listed in the Invitation to Bid (ITB).
- Indicate Blind Taste Test date, time, and place.
- Indicate Bid opening date, time, and place.
- Indicate number and types of meals required. If therapeutic meals are needed, this must be indicated in the ITB.
- List nonfood items essential for the conducting of the meal service.
- List extra food service items needed for the conduct of food service.
- Add the DOE's appeal policy, which must identify recourse for unselected vendors.

Then provider may formally advertise for potential ACFP approved Bidders. *7 CFR, Part 226.21* specifies that for any contract having an aggregate value greater than \$100,000 the provider must do the following:

- Publicly announce all proposed contracts at least once, 14 calendar days prior to the scheduled bid opening. The announcement shall include the date, time, and place of the bid opening. Fourteen calendar days is the minimum amount of time between advertising and bid opening. With the additional Blind Taste Test, it is recommended that the provider add more time between the advertising and the opening. The DOE recommends 21 days between advertising and bid opening.
- Notify, in writing, the DOE at least 14 calendar days prior to the bid opening date, time, and place.
- Ensure that the ITB shall not provide for loans or any other monetary benefit or terms or conditions to be made to institutions by food service management companies.
- Certify that non-food items required are included in the ITB. All items must be listed for all bidders. Any bidder that provides for unrequested, unwritten products or services will be considered unresponsive, and the bid will be discarded before review.
- List special meal requirements necessary to meet ethnic or religious needs of the participants to be served in the ITB.
- Publicly open all bids at the date, time, and place stated in the ITB.

The Blind Taste Test should occur after the advertisement of the Invitation to Bid (ITB) and prior to the Bid opening. The following procedures will be followed when conducting the Blind Taste Test:

- Provider will designate a rating system and the criteria needed for inclusion in the bid. The DOEA has examples in the ITB. If these are changed, inform the DOEA prior to release of bid.
- Potential vendors will prepare and deliver to the provider two of the designated sample menus, in proposed delivery system (i.e., bulk or individual trays, coolers, or heating units), on the designated day. All meals will be evaluated on the same day, in a manner that will prevent any excess temperature change in the foods. Vendors will not stay during the Blind Taste Test.
- One meal will be frozen and one meal will be tested.
- Taste testers will utilize the *Menu Critic Form* located in the ITB.
- The taste test panel will grade each bidder's meal in confidence. Evaluations will not be discussed. Grading sheets will be put into a sealed envelope or other secure container. Evaluations will be opened and tallied after the bid opening.

This same process will occur for all vendors, and use all the same testers. Testers may include agency staff, participants, or volunteers. Employees or affiliates of any food service company are excluded from being taste testers.

Bid Opening:

- Publicly open all bids at the date, time, and place stated in the ITB.
- All bids that do not conform to bid specifications should be discarded. Unresponsive bids are not evaluated.
- Note all prices of responsive bids.
- Open and tally Blind Taste Test results.
- The complete bid with the lowest overall price per meal and the highest average quality grade shall be accepted, unless the institution has documented reason to reject that vendor's bid.

For all formal Invitation to Bids (ITB), including bids of \$50,000 to \$100,000 and above, all the above conditions apply. In addition, the provider must:

- Submit the bid to the DOEA for approval before acceptance.
- Submit all bids to the DOEA for approval before accepting a bid which exceeds the lowest bid. The DOEA shall respond to any request for approval within 10 working days of receipt.
- Inform the DOEA of the reason for selecting the Registered Caterer chosen. State agencies may require institutions to submit copies of all bids submitted under this section.

Once the provider has made a choice to award the bid, a firm-fixed-price contract award shall be made by written notice to the responsive bidder whose quality is within high range and price is lowest. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program and to waive informalities and minor irregularities in bids received. The accumulation of 12 high priority violations in 12 months (July 1-June 30), an Administrative Complaint, and/or closure (temporary or permanent) issued by the Department of Business and Professional Regulation (DBPR) will result in immediate termination of the contract.

The Contractor may not subcontract for the total meal or the assembly of the meal. Subcontracting includes producing food from any kitchen other than from the location stated in Section G of the contract.

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Section 11.8
Non-competitive Negotiation

The non-competitive negotiation method of procurement is through solicitation of a proposal from only one source. This form of procurement can only be used under the following circumstances:

- The item or service is available from a single source;
- Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation;
- FNS authorizes noncompetitive negotiation; or
- After solicitation of a number of sources, competition is determined inadequate; and
- No response to advertisement for Invitation to Bid.

For additional information contact the DOEA.

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Section 11.9
Opening, Evaluating, and
Awarding the Invitation to Bid

All Invitation to Bids (ITBs) accepted shall remain sealed and maintained in a secure place prior to the scheduled bid opening. All bids received must be date and time stamped and made part of the public record. Any bids exceeding \$100,000 shall be publicly opened.

Bids shall be evaluated based on cost and criteria outlined in the ITB. Based on these factors, a decision shall be made to award the bid.

Awards shall be made only to responsible Registered Caterers that have met all established criteria (see Section 11.14) and possess the potential ability to perform successfully under the terms and conditions of the proposed contract. Consideration shall be given to such matters as contractor integrity, compliance with public policy, records of past performance, and financial and technical resources.

If no Blind Taste Test was conducted, the complete bid with the lowest overall price per meal shall be accepted, unless the institution has documented reason to reject that vendor's bid. Based on the bid evaluation, a firm-fixed-price contract award shall be made by written notice to the responsible bidder whose bid conforms to the ITB.

If a Blind Taste Test was conducted, the complete bid with the lowest overall price per meal and the highest average quality grade shall be accepted, unless the institution has documented reason to reject that vendor's bid. Any bid disputes resulting from the ITB will be handled in accordance with hearing procedures established by each institution. These procedures will be included, by the institution, as part of the ITB package. The selected vendor will be notified of the bid award no later than three (3) business days after the opening.

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Section 11.10
Monitoring the Food Service
Vendor Contract

The Provider is ultimately responsible for assuring that all contract requirements are being met by the food service catering/vendor contractor. The ACFP provider must monitor the meal services to assure the contractor is fulfilling all requirements of the contract. Items/points that should be monitored include the following:

- Contractor has a current sanitation inspection on file. Any deficiencies noted by the Sanitation and Safety Specialist are corrected.
- Contractor with an accumulation of 12 high priority violations in a 12 month period (July 1 – June 30), an Administrative Complaint, and /or closure (temporary or permanent) issued by the DBPR will result in immediate removal from the ACFP catering list, and subsequent immediate termination of any contracts with ACFP providers.
- Contractor is using foods from an approved source.
- Contractor is charging ACFP provider correctly based on the terms of the current contract.
- Contractor is maintaining all records necessary to document costs charged to the ACFP provider.
- Contractor is maintaining production records to support required serving sizes provided.

The Contractor may not subcontract for the total meal or the assembly of the meal. Subcontracting includes producing food from any kitchen other than from the location stated in Section 3 of the contract.

The use of a Food Service Caterer does not abate or alleviate the provider's responsibility to provide the minimum meal pattern components, at safe temperature.

See Chapter 7 for more information.

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Section 11.11
Standards of Conduct
And Appeals Policy

Providers contracting for services shall maintain a written code of standards of conduct which governs the performance of officers, employees, or agents involved in the administration or award of the food service contract. No officer, employee, or agent shall participate in the selection, award, or administration of a contract supported by ACFP funds if a conflict of interest or a possible conflict of interest would be involved.

A conflict of interest is possible when any of the following has a financial or other interest in the firm (caterer/vendor) selected for the award:

- The employee, officer or agent;
- Any member of his/her immediate family;
- His or her partner; or
- An organization which employs, or is about to employ, any of the above.

A provider's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

Appeals Policy. The provider must provide all bidding caterers/vendors a copy of their institution's appeal policy. This policy must be inserted in the Invitation to Bid prior to its release to bidders.

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Section 11.12
Contracting with Small
and/or Minority Businesses

To the extent possible, efforts must be made to include small, minority, women, and labor surplus area firms on the solicitation list. These firms must be solicited when they are potential sources for purchased goods and services. When economically feasible, total requirements must be divided into small quantities and delivery requirements or schedules established to permit maximum participation by these firms.

When indicated, the services of the Small Business Administration and the Office of Minority Business Enterprise should be used.

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Section 11.13
Caterers/Vendors
Receiving Title III Funds

Some Title III programs, such as senior centers, act as food service contractors by selling meals to other facilities. Some of the recipients of these meals are Adult Care Centers that receive ACFP reimbursement.

Facilities receiving ACFP reimbursement are recipients of federal funding. Any agency which is federally funded must follow procurement standards established in the ACFP regulations. One ACFP requirement is that the Food Service Contract be awarded in an open, fair, and competitive manner.

To assure that the award is made in a competitive manner, the Title III food service vendors must assure that the meals provided are not supported by Title III funding. The senior center must charge the ACFP Adult Care Center the full cost of providing the meal. The full cost of the meal should include raw food costs, value of commodities, labor costs, and any indirect costs.

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Section 11.14
Approved Caterers

To be considered for the *ACFP Approved Caterer List*, the caterer must meet the program requirements and submit all completed required documents.

Program Requirements:

- Must be rated with a *Risk Level 3* license with the Department of Business and Professional Regulations (DPBR) due to the high-risk population served in the ACFP;
- Has not received a “temporary closure” or “Administrative Complaint” within 12 months of applying to become a Approved Caterer;
- Must have at least three (3) sanitation inspections and/or have been open for business at least six months; and
- Understanding that once on the list, an accumulation of 12 high priority violations in a 12 month period (July 1 – June 30), an Administrative Complaint, and/or closure (temporary or permanent) issued by the DBPR will result in immediate removal from the ACFP catering list, and subsequent immediate termination of any contracts with ACFP providers.

Documents required to be submitted to the DOEA, Nutrition Program on an annual basis include the following:

- A completed *Catering Information Form*;
- A copy of a current food service permit or license;
- A copy of their most recent food service inspection report;
and
- A copy of a current food service manager certification. Link:

[FAC 64E-11, the Food Hygiene Code.](#)

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Section 11.15
Code of Conduct

All Institutions must maintain a written Code of Conduct. This policy governs performance of the officers, employees, and agents of the Institution who are engaged in selecting, awarding, and administering procurements and contracts. Of these individuals, none may participate in selecting, awarding, or administering procurements and contracts if, to his/her knowledge, a conflict of interest, real or apparent, exists. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for an award:

- The employee, officer, board member, or agent; or
- Any member of his/her immediate family; or
- His/her partner; or
- Any organization, which employs any of the above or with which any of them have an arrangement concerning prospective employment.

No member of the Board of Directors, officers, employees, or agents of the Institution shall solicit or accept gratuities, favors or anything of monetary value from current or potential vendors, consultants, or contractors. A violation of this provision by an officer shall result in disciplinary action pursuant to the corporate bylaws; a violation by an employee shall result in disciplinary action pursuant to the Institution's personnel policies; and a violation by an agent shall result in disciplinary action pursuant to the contract with the DOEA.

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Section 11.16
Mandatory Disclosures

Certification of Business Integrity

The *Certification Statement Regarding Business Integrity and Publicly Funded Program Compliance* forms must be completed, signed, and submitted with the ACFP annual application.

Submission of false information on the application for participation, including but not limited to a determination that the Institution has concealed a conviction for any activity that occurred in the past seven years and that indicates a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the DOEA.

Chapter
Twelve

Administrative
Actions



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Chapter 12
Administrative Actions

Section 12.1
Rights to Appeal

The Department of Elder Affairs (DOEA) and the Adult Care Food Program (ACFP) have established a fair hearing system following the Federal guidelines [7 CFR 226.6(k)] and the *Florida Administrative Code (Chapter 120.68, Judicial Review)*. The system is administered for providers to appeal any adverse administrative action and/or decision made by the DOEA.

In the event of a program denial or other adverse action, the provider must file a written appeal within fifteen (15) calendar days of receiving notification of the action. Adverse actions and decisions that may be appealed include, but are not limited to the following:

- Denial of a provider application for participation in ACFP. *See Chapter 3.3 for more information.*
- Denial of approval of an Adult Care Center participation in ACFP. *See Chapter 3.3 for more information.*
- Termination of a provider participation in ACFP. *See Contract, page 9, for more information.*
- Termination of an Adult Care Center participation in ACFP. *See Contract for more information.*
- Denial of all or part of a reimbursement claim [except late submission (per 7 CFR 226.10) or as a result of a federal administrative decision (7 CFR per 226.6 (11))]
- Denial of the DOEA to forward to USDA Food and Nutrition Services an exception request by the provider for the following:
 - payment of a late claim,
 - request for an upward adjustment to a claim,
 - demand for the remittance of an overpayment, and
 - any other action of the DOEA affecting the participation of the provider in the program or of the providers claim for reimbursement.

If the Provider follows the above procedure, the DOEA will make reasonable efforts to mediate the adverse action. This does not apply in instances where a formal criminal investigation has been commenced by an authorized investigatory party. See the Contract for more information. The provider may initiate the formal appeal procedure if not satisfied with the outcome of the informal mediation. *See Chapter 12.2 for more information of the appeal procedure.*

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Chapter 12
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Section 12.2
Appeal Procedures

In accordance with the *7 CFR Part 226.6(k)*, the Florida Department of Elder Affairs (DOEA), Adult Care Food Program, has established the following procedures which should be used by an appellant (provider and responsible principals/individuals) requesting a review of administrative action taken by DOEA. These procedures are provided annually to all providers, to each provider and responsible principals/individuals at the time of notification of an administrative action, and at any other time as requested.

NOTICE OF ADMINISTRATIVE ACTION:

1. The provider or responsible principals or individuals will be advised in writing of the grounds upon which DOEA based the action.
2. The notice of action, which shall be sent by certified mail, return receipt requested, will include a full description of the basis for the action, and the procedures under which the provider and the responsible principals or individuals may request an administrative review of the action.
3. The provider will be advised in writing that the request for the review must be made no later than fifteen (15) days from the date of receipt of the notice of action.

PROCEDURE FOR FILING REQUEST FOR APPEAL:

Requests for an appeal by a provider or responsible principals/individuals must be submitted in writing and received no later than fifteen (15) days from the date of receipt of action. A request for an appeal shall be mailed or filed in person with:

Ms. Paige Baker, Hearing Officer
Florida Department of Elder Affairs
4040 Esplanade Way, Suite 335N
Tallahassee, Florida 32399-7000

Contents of Written Request for an Appeal: The provider or responsible principals/individuals must submit a written request for an appeal that clearly identifies the administrative action or actions that are being appealed, the basis for filing an appeal, and the specific reasons why an appeal is being filed. The provider must submit in writing to the Hearing Officer all documentation to support the basis for the appeal and documentation that supports the provider's position for requesting and filing an appeal.

The provider or responsible principals/individuals may refute the findings contained in the notice of action in person at a hearing, or by submitting written documentation to the Hearing Officer, or both.

If the provider or responsible principals/individuals wish to submit information and documentation that supports the request for an appeal by showing grounds on which the appeal is being sought from the administrative action, this information and documentation must be submitted to the Hearing Officer no later than thirty (30) days from receipt of the notice of action. Therefore, the provider may not simply request a hearing and appear for the hearing with no documentation to support the basis for their appeal. The provider **MUST** submit documentation and information in support of the appeal to be considered by the Hearing Officer. The documentation must be attached to the original request for a hearing or the Provider must state in the request that the documentation will be submitted at a later date, but must not exceed the above thirty-day deadline.

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Section 12.3
Seriously Deficient

This policy incorporates those serious deficiencies found in 7 *CFR* 226.6(c) (Adult Care Food Program [ACFP] federal regulations) and provides examples of non-compliance with program requirements. Providers who commit or engage in any serious deficiencies, including but not limited to those incorporated herein, shall be subject to termination from the ACFP.

1. Non-compliance with the applicable bid procedures and contract requirements of federal nutrition program regulations.

- Failure to competitively procure goods and services.
- Anti-competitive practices, such as collusion, kickbacks, and/or conflicts of interest.
- Inclusion of non-competitive provisions in a bid, e.g., “successful bidder for a contract to provide meals must establish a scholarship fund”.
- Failure to submit Food Service Management Company (FSMC) contract to the DOEA for approval prior to implementation of contract and meal service delivery.

2. The submission of false information to the DOEA.

- Failure to disclose ineligible officers, directors, or key employees.
- Listing fictitious employees, officers, or board members on an application.
- Claiming tax-exempt status when denied, rescinded, etc.
- Submitting the IRS tax-exempt determination letter of a different or defunct organization.
- Claiming non-existent or non-participating facilities or participants.
- Inflated meal counts.
- Claiming nonexistent costs.
- Claiming costs disallowed or not included in the approved budget.
- Claiming costs for fictitious employees.
- Submitting information to the DOEA that does not accurately reflect ACFP operations.
- Falsification of documentation.

3. Failure to maintain adequate records.

- Consistently missing records during different reviews, technical assistance visits, complaint investigations, agreed-upon procedures or audits.
- Missing, incomplete, incorrect invoices, receipts, canceled checks, and/or inventories resulting in false, inflated, and/or unsubstantiated claimed costs.
- Cost records not maintained according to generally accepted accounting principles resulting in false, inflated, and/or unsubstantiated claimed costs.
- Missing, incomplete enrollment records and/or income eligibility applications.
- Missing, and/or incomplete participation/attendance records.
- Missing, and/or incomplete menus and food production records.
- Missing, and/or incomplete invoices for milk purchases to support meals claimed.
- Missing, and/or incomplete meal count records.
- Missing, and/or incomplete, falsified sign-in/sign-out sheets documenting the attendance of participants during approved meal service times for claimed meals.

4. Failure to adjust meal orders to conform to variations in the number of participants.

- Inflated meal counts, the meals claimed always equals the number of meals ordered, planned, or the number of participants on the center roster.

5. The claiming of Program payments for meals not served to participants.

- Claiming meals delivered/planned as meals served to participants.
- Claiming meals for participants not present on a given day or for a particular meal.
- Claiming meals served to non-existent adults.
- Claiming meals served to non-enrolled adults or to staff.
- Inflating facility meal counts.
- Claiming non-existent and non-participating facilities.
- Claiming meals for ineligible facilities.
- Claiming the same participant for the same meal at more than one facility.
- Claiming meals that are paid for by another agency.

6. Service of a significant number of meals, which did not include required quantities of all meal components.

- Observance of meals served to participants that do not meet the USDA component and quantity requirements.
- Producing menus that do not include the required quantities of all meal components.
- Purchase of an insufficient quantity of milk to support the number of meals served and claimed.

7. **Continued use of food service management companies that are in violation of health codes and/or that have not been approved by the DOEA.**
8. **A history of administrative or financial mismanagement in any Federal nutrition program.**
 - Being a Provider that left or terminated from another Federal Nutrition Program because of a serious deficiency in its operation.
 - Repeated instances of failing to maintain required corrective action.
 - Repeated instances of failure to cooperate with resolution of reviews, audits, and repayment of over claims.
9. **The claiming of program payment for meals served by a proprietary title XIX center during a calendar month in which less than 25% of enrolled participants or license capacity, whichever is less, were title XIX beneficiaries.**
10. **The following acts or omissions are also serious deficiencies:**
 - Failure to make records associated with the ACFP available upon request at a reasonable time and place.
 - A principle in the organization being convicted of a crime in which the underlying facts involve a crime of dishonesty (e.g., forgery).
 - Failure to maintain current licensure requirements.
 - A single incident of ACFP funds being misused (other than a minor violation).
 - A single incident of serious mismanagement (e.g., failure to monitor properly).
 - Failure to obtain a required audit.
 - Failure to notify the DOEA of change in IRS status.
 - Violations of IRS regulations.
 - Failure to remit periodic payments (required by statute or regulation) to regulatory agencies (e.g., employee withholding for income taxes, Social Security, unemployment compensation).
 - Failure to submit an acceptable corrective action plan within required timeframes.
 - Failure to follow-up/require and maintain corrective actions for facility review findings.
 - Creating fictitious records.
 - Failure to make required repayment of program funds to the DOEA.
 - Failure to comply with state incorporation requirements.
 - Failure to maintain a separate bank account if required.
 - Failure to attend training required by the DOEA.
 - Failure to make payment(s) to subcontractors for program services rendered.

Florida Department of Elder Affairs
Adult Care Food Program

Adult Care Centers
Policy & Procedure Manual 8th Edition

Revised 11/2024

Chapter 12
Administrative Actions

Section 12.4
Seriously Deficient Procedures

This policy outlines procedures for addressing findings of serious deficiencies, requirements for corrective action, and actions resulting from failure to correct serious deficiencies.

ACFP regulations define seriously deficient as the status of a provider that has been determined to be non-compliant in one or more aspects in its operation of the program. The serious deficiency process offers a systematic way for institutions and centers to correct serious program problems and ensures due process. If the provider is unwilling or incapable of correcting serious problems, the serious deficiency process protects the program's integrity by removing the provider from the program and preventing Responsible Person/Individuals (RP/Is) from returning to the program until the approval to reapply for participation is granted by the Food and Nutrition Service (FNS).

As established in Section 12.3 any ACFP provider committing or engaging in acts which constitute serious deficiencies, including but not limited to those in the section, is subject to termination from the program. *Section 12.3* of this Policy Manual incorporates those serious deficiencies found in *7 CFR 226.6(c)* and provides examples of noncompliance.

In most cases when serious deficiencies are identified, the provider shall be provided ample opportunity to correct the deficiency prior to action by the Department of Elder Affairs. Program termination may, however, be immediately imposed by the Department if fraud, gross negligence, or other serious administrative or financial mismanagement is discovered.

PROCEDURE:

The serious deficiency process has six steps that start when the DOEA identifies a serious deficiency. The resolution will be either the correction of the problem and the issuance of a temporary deferment of the serious deficiency, or the institution's termination and disqualification from the program.

The six steps in the serious deficiency process are as follows:

1. Identify the serious deficiency;
2. Issue a notice of serious deficiency;
3. Receive and assess the institution's written *Corrective Action Plan (CAP)* for adequacy;

4. Issue a notice of temporary deferral of the serious deficiency if the CAP is approved, or issue a notice of proposed termination and disqualification, including appeal procedures, if the CAP is not adequate (or if no CAP plan is received);
5. Provide an appeal review (appeal hearing, administrative review), if requested, of the proposed termination and disqualification; and
6. Issue a notice of final termination and disqualification if the appeal is upheld or if the timeframe for requesting an appeal has passed, or issue a notice of temporary deferral if the appeal is overturned.

When the time for requesting an appeal expires or when the appeal official upholds the DOEA's proposed termination and disqualifications, the DOEA must immediately do the following:

- Notify the institution and its executive director/owner and chairman of the Board of Directors, and any other RP/Is, that the institution agreement has been terminated (or will be terminated on a specific date) and that the institution and the RP/Is have been disqualified (or will be disqualified on a specific date);
- Update the DOEA list at the time such Notice is issued; and
- Provide a copy of the Notice, the mailing address, and date of birth for each RP/I, with the full amount of any determined debt associated with both the institution and/or RP/Is, to the FNS Regional Office for inclusion on the NDL. Note that the termination and disqualification is not appealable [7 *CFR* 226.6(c)(1)(iii)(E); (c)(2)(iii)(E);(c)(3)(iii)(E)].