

Request to USDA to Waive Onsite Monitoring Requirements for State Agency in the Child and Adult Care Food Program as a result of the COVID-19 Outbreaks

Waiver Request submitted July 22, 2020

Colorado Department of Public Health & Environment -
Child and Adult Care Food Program

State agency staff contact information:

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Region: USDA Mountain Plains Region

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

The Colorado Department of Public Health and Environment, Child and Adult Care Food Program (CDPHE-CACFP) requests a waiver to allow state agency staff to complete monitoring as desk audits for providers participating in CACFP who are due for their review or a pre-approval visit.

Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

The State agency is requesting a waiver allowing the CDPHE-CACFP state agency staff to continue completing monitoring reviews and pre-approval visits as desk audits through September 30, 2020. This would support the ability to complete monitoring and uphold program integrity while minimizing exposure to the novel coronavirus (COVID-19).

The Nationwide Waiver to allow state agency staff to complete monitoring reviews as desk audits is set to expire August 31, 2020.

Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

We are seeking a waiver of the requirements at:

- 7 CFR 226.6(b)(1) and 226.6(m)(6)

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

State agency staff has been conducting desk audits since late March 2020. The state agency staff would continue to complete monitoring reviews and pre-approvals as desk audits. There are no impacts on technology or State systems.

Description of any steps the State has taken to address regulatory barriers at the State level. [12(1)(2)(A)(ii) of the NSLA]:

There are no regulatory barriers at the state level.

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

There are no major anticipated challenges for the State agency or providers being reviewed via desk audit.

Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds [Section 12(l)(l)(A)(iii) of the NSLA]:

This waiver would not result in additional costs associated with reimbursing CACFP. The net impact to USDA is still anticipated to be a cost decrease rather than a cost increase even with the implementation of this waiver.

Anticipated waiver implementation date and time period:

September 1, 2020 through September 30, 2020.

Proposed monitoring and review procedures:

State agency staff will work with institutions/sponsoring organizations, who are due for a review, to either pick up review documentation or agree on an electronic method of receiving the documentation for the review.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:

<https://www.colorado.gov/pacific/cdphe/cacfp>

Notice to be released:

The CDPHE-CACFP submitted a waiver to waive the onsite monitoring requirements for the State Agency in the Child and Adult Care Food Program through September 30, 2020. Visit <https://www.colorado.gov/pacific/cdphe/cacfp> for more information.

Signature and title of requesting official:

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TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Date Received:
- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(l)(A)(ii) of the NSLA
- Regional Office Analysis and Recommendations:
 - Recommend Approval
 - Recommend Denial