

Notice of Termination and Disqualification – Suspension for Providers for Imminent Threat to Health and Safety

[Note: Sponsoring organizations can use this prototype letter when the day care home provider does not submit a request for appeal and the appeal deadline has passed.

Send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax, or e-mail as required by 7 CFR 226.2, definition of “notice” in the regulations.]

Date
Provider Name
Provider Street Address
Provider City, State 00000

Dear [Provider]:

This letter concerns the [date] notice which suspended your participation in the Child and Adult Care Food Program (CACFP) and all CACFP payments. In that letter, [name of sponsoring organization] also proposed to terminate your CACFP agreement for cause and to disqualify you from further CACFP participation. These actions were based on the determination that you were seriously deficient in your operation of the CACFP and posed an imminent threat to the health or safety of CACFP participants or the public.

You received the Notice of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification on [date received]. The deadline to submit a request for appeal was [insert deadline for requesting appeal]. No request for an appeal was submitted by that deadline.

TERMINATION AND DISQUALIFICATION

As a result of this decision, [name of sponsoring organization] took the following action:

- Terminated your agreement to participate in the CACFP for cause effective on [first business day following the appeal deadline.]
- Disqualified you from future CACFP participation effective on [first business day following the appeal deadline.]

You may not appeal the termination for cause or the disqualification.

As a result of the disqualification, your name will be placed on the National Disqualified List (NDL). While on the NDL, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility.

You will remain on the NDL until seven years after your disqualification date unless the Colorado Department of Public Health and Environment, in consultation with [name of

sponsoring organization] and the Food and Nutrition Service of the United States Department of Agriculture determines that the serious deficiencies have been corrected. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

[name of sponsoring organization] takes these actions pursuant to 7 CFR 226.16 (l)(4) of the CACFP regulations.

Sincerely,

[sponsoring organization employee name and title]

Cc: Colorado Department of Public Health and Environment (CDPHE), Child and Adult Care Food Program