

Montana Department of Public Health and Human Services

CHILD NUTRITION PROGRAM - CHILD AND ADULT CARE FOOD PROGRAM
UNANNOUNCED AND ON-SITE CALENDAR YEAR REVIEWS WAIVER REQUEST

- 1. State agency submitting waiver request and responsible State agency staff contact information:** State of Montana DPHHS Brooke Pickett, Program Manager CACFP PO Box 4201; 1625 11th Ave Helena, MT 59620-4201 406-444-4086 bpickett@mt.gov
- 2. Region:** Mountain Plains Regional Office
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** State of Montana Agency Staff
- 4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

Due to the national on-site monitoring waiver and DPHHS restrictions for travel for work, the state agency is not able to meet the requirement of 15% of monitoring visits to be unannounced. The State Agency is seeking to resolve deviations in compliance for all unannounced monitoring requirements and sustain the on-site waiver for the **calendar years 2020 and 2021**. Montana operates through the **calendar year**, and would require these requirements to be waived, independent from the implementation and expiration dates of the national waivers. With the approval of the waiver this will alleviate encounters the State or service providers will meet and allow for programs to operate optimally. As of 1/1/2020 there were 157 CACFP Providers with permanent agreements. As of 11/16/2020 there are 139 providers with Permanent agreements in the state.

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

7 CFR 226.6(b)(i) On-site monitor requirements for State agencies,
7 CFR 226.16(d)(4)(iii) On-site monitor requirements for sponsoring organizations,
Frequency and type of required facility reviews. Review each facility three times each year, unless averaging. In addition: At least two of the three reviews must be unannounced.
7CFR226.6 (m)(6) Frequency and number of required institution reviews. The State agency must annually review at least 33.3 percent of all institutions. At least 15 percent of the total number of facility reviews required must be unannounced. The requirement to complete any and all on-site review requirements and all unannounced reviews through the **calendar year 2020 and 2021**.

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

The State of Montana would like to be able to support social distancing for the State Agency and center staff and to support efforts to slow the spread of communicable diseases, when Child and Adult Care institutions are operational. The State Agency is requesting a waiver to eliminate on-site reviews and the 15% of the total number of

facility reviews required to be unannounced, since these unannounced reviews would need to be conducted independent of the national waiver timelines, before they were implemented or once they have expired. The approval of this waiver would reduce the risk of disease transmission for all individuals who participate in, work for, and monitor Child Care establishments.

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

The State of Montana has opted into the National Waivers currently offered to reduce the risk of disease transmission.

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

Some reviews may not be possible due to programs requiring a program review possibly not being open due to covid-19.

9. How will the waiver 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)(1)(A)(iii) of the NSLA]:

No additional resources or equipment are needed, as a result, there will be no increase to the overall cost of the program as a result of the waiver implementations.

10. Anticipated waiver implementation date and time period:

1/1/2020-12/31/2021, unless potential for disease transmission decreases the need for social distancing. The impending risk of communicable disease transmission has been at the forefront of all of the planning of conducting business remotely. This waiver is being submitted less than 60 calendar days prior to the anticipated implementation date as a result of a clarification provided to the State Agency on September 8, 2020.

11. Proposed monitoring and review procedures:

The program will have an administrative review completed during the calendar year in which the review is due however, it will be conducted as an off-site desk review rather than an on-site or unannounced review.

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

The State Agency will Provide FNS with the State Agencies tentative monitoring schedule for **calendar year 2020 and 2021** if requested.

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

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

Patty Butler 11/24/2020 pbutler@mt.gov

Title:

Requesting official's email address for transmission of response:

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:

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**