Serious Deficiency and Suspension Process Letter Template Instructions

Letters:
The following letters are referenced on the Serious Deficiency Process for Family Day Care Home Providers flow chart. Use this flow chart to determine which letter template to use. All letters must be sent to the provider and ODE CNP simultaneously.

Letter 1 – Notice of Serious Deficiency (Must be issued when identified)
• Issue immediately when serious deficiency(ies) have been identified and documented

Letter 2 – Notice of Successful Corrective Action Temporary Deferment of Serious Deficiency
• Issue if the corrective action submitted by the provider adequately corrects the serious deficiency

Letter 3 – Notice of Proposed Termination and Proposed Disqualification
Letters 3A – 3D are differentiated by the following corrective action submission details:
• 3A. Corrective action received before the deadline
  o Issue if corrective action was received before the deadline, however the corrective action does not fully and permanently correct the serious deficiency(ies)
• 3B. Corrective action received before the deadline and an unannounced follow-up review was conducted
  o Issue if corrective action was received before the deadline, however during an unannounced follow-up review it is determined the corrective action does not adequately correct the serious deficiency(ies)
• 3C. Corrective action received after the deadline
  o Issue if corrective action was received after the corrective action deadline
• 3D. Corrective action not submitted
  o Issue if corrective action was not received
• 3E. Propose to terminate after temporarily deferred SD
  o Issue if corrective action was received before the deadline and it is determined the corrective action is fully and permanently corrects the serious deficiency(ies). However, during a visit the serious deficiency(ies) is/were not fully and permanently corrected.

Letter 4 – Notice of Termination and Disqualification
Letters 4A – 4B are differentiated by the following corrective action submission details:
• 4A. Issue if the provider did not request an appeal by the appeal deadline and documentation is available that Letter 3 was received by the provider
• 4B. Issue if the provider did not request an appeal and documentation is not available that Letter 3 was received by the provider

Letter 5 – Notice of Temporary Deferment of Serious Deficiency
• Issue if the provider requests and wins the appeal
Letter 6 – Notice of Termination and Disqualification
• Issue if the provider requests an appeal and the sponsor wins the appeal

The following letters are referenced on the Suspension Process for Family Day Care Home Providers flow chart. Use this flow chart to determine which letter template to use. All letters must be sent to the provider and ODE CNP simultaneously.

Letter 7 – Notice of Serious Deficiency, Suspension, and Proposed Termination and Disqualification (Must be issued when identified)
• Issue immediately when an imminent threat to the health or safety of CACFP participants is established, or when the sponsor receives notification from the Office of Child Care that the provider’s license has been suspended.

Letter 8 – Notice of Termination and Disqualification
• Issue if the provider did not request an appeal by the appeal deadline

Letter 9 – Notice of Termination and Disqualification
• Issue if the provider requests the appeal and the sponsor wins the appeal

Letter 10 – Notice of Rescission of Suspension, Proposed Termination and Disqualification
• Issue if the provider requests the appeal and the provider wins the appeal.
  o Follow-up - Issue Letter 2 or Letter 3 based on the evaluation of the corrective action submitted by the provider.

Letter features:
1. The letter templates are locked.
2. Letters are set up as forms with fields the sponsor will complete.
3. The ODE-approved letter templates contain USDA-required information in highlighted fields. Sponsors will complete the letters by entering in the required information in the appropriate fields. Each field describes the information required to enter.
4. When appeal procedures are required, the document is noted as a required enclosure.

Instructions:
1. Click on the following link to download the template letters and flow charts
   https://drive.google.com/folderview?id=0B0oDR8yQvH0ld2RaazU1hKNkE&usp=sharing
2. Use the Access and Downloading Serious Deficiency and Suspension Template Letters instructions to open and save the letters and flow charts
3. Start at the upper-right hand corner of the letter to “Sent: Please Select One” field. Select the mailing method from the drop-down box.
   • Certified Mail/Return Receipt
   • Email
   • Fax
   • Federal Express
4. To navigate to the next highlighted field, use the TAB key. The next field will show up as a darker shade of gray. Type in the required information and tab to the next field.
   a. Tabbing between highlighted fields will allow you to type in the required text, which will automatically replace the template instructions for the field.
   b. If you do not use the TAB key to navigate through the document, the text you enter may not replace the template instructions. The entire field must be highlighted to replace the template instructions.
5. Proceed through the letter, entering the information into each field as you go.
6. **Check boxes**: All finding areas described in the Federal Regulations, 7 CFR 226.16(l), are included in the letters.
   a. Insert a check mark in the appropriate box(es) by clicking the cursor on the box.
   b. Check the box(es) next to the reason(s) for the Serious Deficiency.

**Descriptions of Findings/Serious Deficiencies:**
Refer to Serious Deficiencies listed on Sponsor-Provider Agreement and USDA Serious Deficiency, Suspension, and Appeals for State Agencies and Sponsoring Organizations Handbook pages 34-35. Provide a detailed, complete and accurate description of the serious deficiency. The provider must have a thorough understanding of the violation and what the sponsor did to determine it was a violation (if appropriate). A complete description will allow the provider to understand the issue and your research, and will allow the hearing official to understand the violation (if an appeal is filed at a later time in the process), and ODE CNP to determine compliance.

**Corrective Actions:**
Corrective actions must be implemented and submitted no more than 30 days from the notice issuance date. Shorter corrective action times may be issued. Customize the selected corrective action example to your situation, and include sufficient detail so the provider has a clear understanding of what is expected and how to respond.

When appropriate, provide a clear reason why it was determined the written corrective action is not adequate. If an unannounced visit is conducted to determine if the provider implemented the written corrective action, and the visit shows the provider is not in compliance, please provide a clear reason why it was determined the provider did not adequately correct the deficiency.

**Review your Descriptions of Serious Deficiencies and Corrective Actions:**
Read the descriptions from the standpoint of the provider and the hearings official to determine if all of the required information was included, and if the information is clear and easy-to-understand.

**Signature Authority:**
All Serious Deficiency letters must be signed by the Sponsor’s Authorized Representative or Food Program Coordinator, as listed in CNPweb.