

Kentucky

Commodity Supplemental Food Program

State Plan of Program Operation and Administration

This document represents our plan for the administration of the Commodity Supplemental Food Program in Kentucky. The purpose of the State Plan of Operation is to document the procedures that shall be used in the certification of eligible individuals for supplemental foods and the procedures for distributing food to participants.

A. STATE AGENCY IDENTIFICATION AND AUTHORITY

1. Identification:

Name of Agency:

Kentucky Department of Agriculture, Division of Food Distribution

2. Mailing Address:

107 Corporate Drive
Frankfort, Kentucky 40601

B. AUTHORITY

Pursuant to KRS 246.055 and by agreement with the United States Department of Agriculture (USDA), the Commodity Supplemental Food Program (CSFP) shall be administered by the State Agency.

C. STATE PLAN OBJECTIVES AND PURPOSE

1. The purpose of the State Plan of Operation is to document the procedures that shall be used to provide supplemental foods and nutrition education to eligible persons by the State and Local Agencies. Eligible persons include participants 60 years of age or older in low-income groups.
2. The State Plan of Operation is required by the USDA, Food and Nutrition Service (FNS), Regulation 7 CFR Part 247 and must be submitted to FNS for approval. Once submitted and approved, the State Plan is considered permanent, with amendments submitted at the State agency's initiative, or at FNS request. All amendments are subject to FNS approval.
3. The State Plan of Operation shall be the basis for program operations and shall be used to monitor State and Local Agency performance. The State Agency shall enter into written agreements with Local Agencies which shall assure that the Local Agencies shall comply

with program rules and regulations as outlined in 7 CFR Part 247. Local Agencies shall sign written agreements approved by the State Agency with Local Certification/Distributing Agencies (LDAs) that provides assurances that LDA's shall also operate the program in accordance with 7 CFR Part 247.

D. AGENCY IDENTIFICATION

The following Local Agencies have signed an agreement with the State Agency to operate the Commodity Supplemental Food Program:

Dare to Care Food Bank
1685 Fern Valley Road
Louisville, Kentucky 40228

God's Pantry Food Bank
1685 Jaggie Fox Way
Lexington, Kentucky 40511

Feeding America, Kentucky's Heartland
313 Peterson Drive
Elizabethtown, Kentucky 42701

Purchase Area Development District
1002 Medical Drive
Mayfield, Kentucky 42066

Northern Kentucky Area Development District
22 Spiral Drive
Florence, Kentucky 41042

Tri-State Food Bank
2504 Lynch Road
Evansville, IN 47711

1. Certification and Food Distribution Sites: Each Local Agency shall provide storage for all food under its jurisdiction. Food shall be delivered to certification/distribution sites monthly.
2. Application Process for Local Agencies: Public or private non-profit agencies wishing to operate the CSFP shall be approved by the State Agency and enter into an agreement with the State Agency. The following procedures shall be utilized for Local Agency applications to initiate or expand program operation:
 - a. A written application shall be submitted to the State Agency providing sufficient information for a determination of eligibility to be made by the State Agency

- b. The State Agency shall notify the agency in writing of the approval or denial of its application within thirty (30) days. In cases where the application has been denied, the Local Agency shall be informed of the reason(s) for denial. The Local Agency shall also be advised regarding their right to appeal the State Agency's decision.
- c. An agency approved for program initiation or expansion shall be notified within thirty (30) days. If there are no administrative funds available for the program, the State Agency shall notify the agency when funds become available.

E. CERTIFICATION

- 1. Eligibility Requirements: To be certified as eligible to receive supplemental foods, the LDA shall ensure that each applicant meet the following criteria:
 - a. Participants must be at least 60 years of age
 - b. Participants certified on or after September 17, 1986, shall be sixty (60) years old or older with household income at or below One Hundred Fifty percent (150%) of the annually published federal poverty income guideline. Participants certified prior to September 17, 1986, shall be subject to the terms and conditions in effect on the date of their certification; or
 - c. Income eligibility determinations shall be based on the gross monthly household income of the family unit. The family unit is defined as a group of related or non-related individuals who share all the significant income and expenses of its members.
 - (1) Monthly income is defined as gross income before required or voluntary deductions.
 - (2) Eligibility determinations shall be made based on income received by the household during the month prior to application. If income received during the month prior to application is not representative of current income, the certification staff may consider income received for a longer period of time to more accurately determine current income.
 - (3) Determination of Monthly Income:
 - (a) Weekly income times 4.33.
 - (b) Biweekly income [every two- (2) weeks] times 2.15.
 - (c) Semi-monthly (twice a month) times 2.
- 2. There shall not be any nutritional risk requirement imposed.

3. Applicants shall reside in a county served by the local agency to which the request for benefits is made. No fixed residency or duration requirement shall be imposed as a condition for eligibility.
4. Certification site staff shall calculate the applicant's income, and verify applicant's identification, age, and residency prior to certification. Sources of verification include, but are not limited to:
 - a. Driver's License or other state-issued identification card.
 - b. Birth certificate.
 - c. Medicare card.
 - d. SNAP card.
 - e. FDIRP.
 - f. SSI card.
 - g. Low Income Subsidy Program.
5. A Social Security card **IS NOT** an acceptable source of verification.

F. COMMODITY SUPPLEMENTAL FOOD PROGRAM

1. Processing Standards: If the maximum caseload has not been reached, applications for program benefits shall be processed within specific time frames. If there are no funds available to provide benefits to all eligible applicants, a waiting list shall be established. The processing standards are as follows:
 - a. Notify applicants of their eligibility or ineligibility for CSFP benefits, or their placement on a waiting list within ten days from the date of application. The ten (10) daytime limit does not apply to telephone inquiries concerning program participation.
 - b. A person determined eligible shall receive supplemental foods on the next scheduled distribution date at agency where client was certified or placed on the waiting list if applicable.
2. Caseload Management: The State Agency will maintain the caseload as assigned by Food Nutrition Services for participants during this program year. The caseload shall be assigned by county and clients shall be served on a first-come, first-served basis. The

State Agency shall monitor participation using the FNS-153 Form. The maximum approved caseload shall not be exceeded.

Should additional caseload be made available to the State Agency the State Agency will distribute the new caseload among the Local Agencies pro-rata based on successful utilization of existing caseload.

The State Agency reserves the right to redistribute unused caseload among Local Agencies in a manner that ensures that the program utilizes the caseload as fully and appropriately as possible.

3. Identification of Participant Population:

- a. Current United States Census Bureau Data will be used to determine, as closely as possible, the number of individuals sixty (60) years of age or older living in the counties to be served by the CSFP in Kentucky and to determine approximate number of individuals that have income at or below One Hundred Fifty percent (150%) of the federal poverty income guideline.
- b. The State Agency has established communications with the State Bureau of Senior Services and Area Council on Aging Offices and shall utilize these and other community groups to identify homebound participants. Local Agencies who have signed an agreement with the State Agency shall also seek to identify homebound participants and the individuals who may be eligible for program benefits. Program materials regarding CSFP shall be distributed to these groups, as well as churches, civic organizations, etc., to distribute to homebound participants.
- c. Homebound participants are defined as persons who are, in the judgment of the Local Agency, unable to obtain monthly food packages without assistance provided by or through the Local Agency.

- (1) Homebound participants shall be certified by the LDA Certification staff or other volunteers providing services to these individuals. Volunteers shall collect eligibility data; however, certification shall be accomplished by LDA Certification staff.

During the certification process volunteer staff shall explain to homebound participants how the CSFP operates as well as their rights and responsibilities as a participant of the program. Homebound participants shall be provided with the name of the LDA site responsible for issuing their food package and the name of a contact person to be called for assistance.

- (2) LDA shall cause food to be delivered to homebound participants each month. Homebound participants shall sign the Issuance Register acknowledging receipt of food packages.

- (3) State Agency staff shall provide training to Local Agency staff and volunteers prior to program implementation regarding the responsibilities involved in serving homebound participants. Ongoing training shall be provided as needed by State Agency to assist Local Agencies in training new volunteer staff. This training shall consist of, at a minimum:
 - (a) Eligibility determination process;
 - (b) Documentation requirements;
 - (c) Civil rights; and
 - (d) Food issuance procedures.
4. Outreach: The following activities shall be employed by the State Agency in conjunction with Local Agencies to raise public awareness about the CSFP to attain the maximum allowed caseload:
 - a. Brochures and flyers providing information about the program shall be developed and disseminated to senior congregate meal sites, faith-based organizations, civic organizations, and other community groups.
 - b. The State Agency also administers The Emergency Food Assistance Program (TEFAP). TEFAP participants who may be eligible for CSFP shall be informed about the program and referred to the Local Agencies for program benefits.
 - c. Newspaper articles, radio and television announcements may be utilized by State and Local Agencies, if necessary, to inform the public of CSFP services and how to apply.
5. Waiting List:
 - a. When the maximum caseload has been achieved, any person who cannot be served due to limits in funding shall have their name placed on a waiting list. Local Agencies shall notify the State Agency of the implementation of priority waiting list procedures. Individuals shall be notified in writing of their placement on the waiting list within ten (10) days of the date of application for program benefits. To enable the local agency to contact individuals on the waiting list when caseload space becomes available, the waiting list shall include the following information:
 - (1) Applicant's name.
 - (2) Date placed on waiting list.
 - (3) Address and phone number of the applicant; and

- b. If a waiting list is implemented, the applicants shall be placed on the waiting list on a first-come, first-served basis.

6. Certification Forms:

- a. Certification of applicants shall be accomplished after an application for benefits has been filed and a determination of eligibility has been made using the State Agency approved document which contains all family household information. This document shall also serve as the prescription document for issuance. This document is available online at the Food Distribution web site, www.kyagr.com.
- b. Certification data for each applicant shall be recorded on the CSFP Application/Certification Form which shall include the following:
 - (1) Applicant's name and address.
 - (2) The date of initial visit to apply for participation and the date of certification,
 - (3) The criteria used to determine the person's eligibility and the signature and title of the person making the eligibility determination
- c. The following statement shall be located directly above the applicant's signature line and shall be read by or to the applicant or the applicant's parent or caretaker before the application is signed:

“This application is being completed in connection with the receipt of Federal assistance. Program officials may verify information on this form. I am aware that deliberate misrepresentation may subject me to prosecution under applicable State and Federal statutes. I am also aware that I may not receive CSFP benefits at more than one CSFP site at the same time. Furthermore, I am aware that the information provided may be shared with other organizations to detect and prevent dual participation. I have been advised of my rights and obligations under the program. I certify that the information I have provided for my eligibility determination is correct to the best of my knowledge.

I authorize the release of information provided on this application form to other organizations administering assistance programs for use in determining my eligibility for participation in other public assistance programs and for program outreach purposes. (Please indicate decision by placing a checkmark in the appropriate box.) YES [] NO []”

- 7. Applicant's Rights: The following paragraphs shall be read by or read to the applicant or the applicants' parent or caretaker at the time of certification. Where a significant proportion of the population served by a Local Agency is composed of non-English or

limited English-speaking persons who speak the same language, the sentences shall be stated to such persons in a language they understand:

In accordance with Federal 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, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, and 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/about-usda/general-information/staff-offices/office-assistant-secretary-civil-rights/how-file-program-discrimination-complaint>, 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;
- (2) fax: (833) 256-1665 or (202) 690-7442;
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

The Kentucky Department of Agriculture does not discriminate on the basis of race, color, religion, gender, national origin, age (over 40), sexual orientation, gender identity, disability, genetics, ancestry or veteran status. Reasonable accommodations are provided upon request.

8. Notification Requirements: Each applicant and participant has the right to be properly notified of their program rights and responsibilities. The Local Agency shall perform the following:
 - a. Each applicant shall be informed verbally and in writing, during the certification procedure, of the right to a fair hearing.

- b. A person found ineligible for the program at any time during the certification period shall be advised in writing at least fifteen (15) calendar days prior to termination of eligibility of the reasons for ineligibility and of the right to a fair hearing.
 - c. Each participant shall be notified in writing at least fifteen (15) days prior to the expiration of the certification period that eligibility for the program is about to expire.
 - d. Each participant shall receive an explanation of how the food delivery system in the Local Agency operates. This may be accomplished verbally by the LDA staff.
 - e. Each participant shall be advised of the importance of participating in ongoing routine health care, the types of health care services available to low-income persons, the locations of the health care facilities, and how individuals can obtain these services. This may be accomplished by the LDA through issuance of printed materials and verbal instructions and directions from the staff.
9. Certification Periods: Program benefits shall be based upon certifications established in accordance with the following time frames:
- a. Participants will be certified at the time of entrance into the program and at the third year, if the following conditions are met annually at the local agency:
 - (1) The person's address and continued interest in receiving program benefits are verified.
 - (2) The local agency has sufficient reason to believe that the person still meets the income eligibility standards (*e.g.*, the participant has a fixed income).
 - h. Under the Farm Bill, KDA is also permitting to provide temporary monthly certifications to eligible CSFP applicants to fill any caseload slots resulting from nonparticipation by certified participants. Consistent with existing program policy, KDA is permitting the local agencies to certify individuals for one-month periods to maximize caseload use and provide temporary CSFP benefits to participants on waiting lists when a regular program participant misses a scheduled distribution. This facilitates effective caseload management practices by permitting KDA and its Local Agencies to fully use caseload and serve as many food packages as authorized in each month.

10. Verification of Certification

- a. The LDA shall issue a Verification of Certification Form to CSFP participants who intend to relocate during the certification period and wish to continue participation in the program. The Local Agency shall also accept Verification of Certification forms from participants who have been participating in the program at other locations. If the Local Agency has a waiting list for participation, the transferring participant shall be placed on the list ahead of all waiting applicants.
- b. The Verification of Certification is valid until the certification period expires and shall

be accepted as proof of eligibility for program benefits.

c. The Verification of Certification shall include the following information:

(1) Name of participant.

(2) The date of the certification.

(3) The date the certification will expire.

(4) The signature of the Local Agency Official who issued the form, the name and address of the agency and the identification number for the participant.

11. Dual Participation: The following sentences appear in the signature box of the application and must be read by, or read to, the applicant or the applicant's caretaker, in the appropriate translation, at the time of certification. "I am aware that deliberate misrepresentation may subject me to prosecution under applicable State and Federal statutes. I am also aware that I may not receive CSFP benefits at more than one CSFP site at the same time."

a. Local agencies shall establish safeguards against dual participation in two different CSFP programs at the same time by establishing procedures that identify participants who are participating in two different programs or by establishing specific service areas for each distribution site.

b. Participants disqualified because of dual participation must be notified in writing at least 15 days before the effective date of disqualification using Notification of Removal from Program, Documentation of the notification shall be maintained on a log or a copy retained in the individual's file.

12. Disqualification:

a. The State Agency may disqualify applicants and participants from program participation for a period not to exceed one year if it is established that the applicant, participant, or caretaker fraudulently obtained or used program benefits. Fair hearing information shall be given to the participant at the time of disqualification. Reasons for disqualification may include the following:

(1) Making false statements orally or in writing to obtain benefits to which the individual would not otherwise be eligible.

(2) Concealing information to obtain benefits for which the individual is not eligible.

(3) Altering a Verification of Certification Form.

(4) Using supplemental foods in an unauthorized manner, such as trading or selling

the food; or

- b. If it is determined by the State Agency or the Local Agency that a serious health risk will result from disqualification from the program and the participant is currently eligible, the disqualification may be waived.
- c. Clients may be disqualified if they do not collect their food for two consecutive months without a legitimate reason for doing so. Clients disqualified in this manner will be notified, in writing, at least 15 days prior to removal from the program. Clients disqualified in this manner may apply for the program again but, if eligible, will be placed at the end of any waiting list. Specific guidance on this policy is provided by the State Agency in a Policy Memo.

13. Program Referrals

- a. Each applicant/participant shall be provided with written information regarding SNAP, Supplemental Security Income (SSI) Program, Senior Farmers' Market Nutrition Program, and the Medicaid Program, including medical assistance, provided to qualified Medicare beneficiaries at the time of the initial certification. The certification staff shall document the date information was provided on the certification form when eligibility for program benefits is determined.

G. NUTRITION EDUCATION

The Local Agency shall insure that nutrition education is available to all eligible persons in their distributing area. The Local Agency shall be responsible for meeting all objectives outlined in the state plan using the designated methods of operation.

1. Goals

- a. To emphasize the relationship of proper nutrition as an integral part of good health.
- b. To assist CSFP participants in making a positive change in food habits, resulting in an improved nutritional status through maximum use of supplemental and other nutritious foods.

2. Objectives

- a. Include age specific educational materials, such as handouts and pamphlets, in coinciding CSFP food packages to educate participants about general nutrition concepts and practical applications of food selection.
- b. Establish nutrition education display areas that offer additional nutrition education materials and resources at each certification site.
- c. Refer participants to local extension offices which will provide structured nutrition

education classes specific to targeted age groups and the limited income population.

- d. Educate Local Agency administrators on the importance of good nutrition to reinforce messages provided to the target population.

The following nutrition topics shall be covered at the time of certification by the Local Agency:

- a. An explanation of the importance of consumption of supplemental foods by the participant for whom it is prescribed rather than by other family members.
- b. An explanation of the program as a supplemental rather than a total food program.
- c. Information on additional nutrition assistance resources.
- d. Information on the use of supplemental foods and on nutritional values of foods.
- e. An explanation of the importance of healthcare.

3. Methods

For CSFP to provide both immediate and long-term improvement in the health status of participants, the Local Agency shall make nutritional education available as outlined below. This nutrition education shall be thoroughly integrated into program operations and shall have the dual purpose of (1) ensuring that the CSFP foods are used properly, and (2) providing knowledge that encourages habitual selection and consumption of nutritious foods necessary for optimal health.

The Local Agency shall agree to implement a plan of action including the following categories for ensuring that the nutrition objectives and goals of the Kentucky CSFP are met:

- 1 Include age specific education materials in coinciding CSFP food packages to educate participants about general nutrition concepts and practical applications of food selection.
- 2 Establish nutrition education display areas that offer additional nutrition education materials and resources at each Local Agency.
- 3 Refer CSFP participants to local extension offices which provide structured nutrition education classes specific to targeted age groups of the limited resource population.
4. Educate Local Agency administrators on the importance of good nutrition to reinforce messages provided to target population.
5. The following nutrition topics shall be covered at the time of certification by the Local Agency:

- a. An explanation of the importance of consumption of supplemental foods by the participant for whom it is prescribed rather than by other family members.
 - b. An explanation of the Program as a supplemental program rather than a total food program. Information on other nutrition assistance programs available in Kentucky shall be provided to eligible and non-eligible participants.
 - c. Information on additional nutrition assistance resources; and
 - d. Nutrition education classes.
4. Nutrition Education Reviews: The State Agency shall review the Local Agency for compliance with the nutrition education plan during the Agency Review process.

H. FOOD DELIVERY SYSTEM

USDA-donated foods for the CSFP program shall be received and stored by the Local Agencies identified in Section D.

All Agencies shall separate CSFP USDA Foods from other food stored at their facilities. Each Local Agency shall receive USDA Foods directly from USDA or the State Agency in sufficient quantities for distribution in the counties under their jurisdiction.

1. Ordering, Shipping and Delivery Procedures: The State Agency shall order USDA Foods as directed by USDA. USDA approved systems such as the Web Based Supply Chain Management System (WBSCM) shall be used to order food. USDA Foods shall be ordered as Multi-Food ("Mixed Load") shipments or Direct Shipment ("Full Truckloads of one Item"). All orders shall be submitted as directed by USDA (up to one year in advance of the anticipated delivery date for direct shipments and approximately two (2) months prior to the month of distribution for Multi-Food shipments).

Each Local Agency's food estimate for the quarter shall be computed based on the average caseload levels by category during the previous quarter and anticipated growth if the maximum caseload has not been achieved. The amount of food ordered should also consider food that is "on hand" at the Local Agency as well as "food in transit." Inventory levels shall be maintained with a two (2) month carry-over whenever possible. The Local Agency shall provide input to the State Agency regarding the types and quantities of USDA Foods that should be ordered during a given quarter.

Deliveries shall be made directly to Local Agency warehouses from USDA vendors. USDA shall pay the cost of shipping to Local Agencies. Bulk food orders sufficient for monthly food packages may be delivered to Local Agency Certification/Distribution sites by truck or will be picked up from Local Agency warehouse by Certification/Distribution Agency staff for distribution to participants. Local Agencies may also assemble monthly food packages. Local Agencies shall absorb the cost of transporting food packages to LDA sites.

2. Food Distribution Procedures: The Local Distributing Agency shall issue supplemental food packages to participants monthly. Each participant shall receive a one (1) month supply of food based on the maximum monthly distribution rates. Participants shall receive a food package each month at the LDA site where they were certified. Homebound participants may designate a proxy to pick up their food and the staff person issuing the food shall verify the identification of the proxy. If no proxy is designated the Local Distributing Agencies shall deliver food packages to homebound participants.

All recipients of food (including proxies) shall acknowledge receipt of supplemental foods by signing a Supplemental Food Issuance Register or other Local Agency documents approved by the State Agency documenting receipt of food for the issuance month. All Food Issuance Registers shall be kept on file for inspection by the State Agency during annual reviews.

3. Inventory Accountability: Local Agency staff shall be responsible for maintaining a system that shall ensure the proper handling, storage, and distribution of supplemental foods.
 - a. Local Agencies shall conduct an inventory to document distributions occurring during the month and report month-end inventory levels on an FNS-153 form to State Agency CSFP staff by the tenth (10th) of each month.
 - b. Local Agencies shall report all situations of damages or losses to the State Agency within ten (10) days after a loss occurs. All food losses and damages shall also be documented and tallied in the Food Loss column of an FNS 153 Report form with an explanation of the food losses. Book inventory adjustments to physical inventory counts shall be shown in the positive and negative columns of the FNS 153 form.
 - c. Local Agencies shall ensure that all food packages distributed to LDA sites are accounted for each month. Each LDA site shall submit a monthly report to the Local Agency by the fifth (5th) of each month to document distributions occurring during the previous month.
4. State agency has the discretion to allow a for-profit company to provide home delivery of CSFP food packages, if certain conditions are met. First, consistent with 7 CFR 250.4(c) and (d), an agreement or contract must be in place between the company and local agency which ensures that the delivery service adheres to all CSFP program regulations (see also 7 CFR 247.4). At a minimum, a contract or agreement for these delivery services must require the company to provide:
 - a. Safe storage and transportation of the foods in compliance with program regulations at 7 CFR 250.
 - b. Verification of the identity of each CSFP participant through a review of the participant's, or proxy's, one -time to confirm identification before issuing the CSFP food package, consistent with 7 CFR 247.10(b); self-attest thereafter.
 - c. All applicable records required by the State and local agency; and
 - d. An assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36.
 - e. Civil Rights training for delivery personnel.

If the local agency plans to use CSFP administrative funds to procure this service, they must follow procedures outlined in 2 CFR 200, subpart E, and all applicable State and local procurement regulations. If the for-profit company is donating its services, local agency does not need to follow procurement regulations, but must still have a contract or service agreement in place, preferably a no-cost contract or agreement.

In order to conduct deliveries in this way, Local agency must be aware that employees of the for-profit delivery service are not permitted to carry out key local agency responsibilities, such as making participant eligibility determinations (see 7 CFR 247.5(c)(1)-(8) listing the major local agency responsibilities). Such employees may not be considered proxies for participants. Additionally, CSFP food packages may not be dropped off at a door or left unattended at a pick-up location due to the requirement at 7 CFR 247.10(b) that participant or their proxies present identification before being issued a food package.

I. STATE PLANNING

The State Agency shall meet periodically with Local Agencies operating the program to discuss issues regarding program operations and to identify and evaluate suggestions for improvement.

The State Agency and Local Agencies shall seek input from program participants using questionnaires, telephone conversations, and interviews.

J. STATE AGENCY AUDITS

The Kentucky Department of Agriculture, Division of Food Distribution, is audited by the State Auditor's Office using requirements for financial and compliance audits as established by the OMB Circular Number A-133. The scope of the audit includes detailed audits of receipts and expenditures to assure compliance with state and federal accounting principles and regulations. All USDA-FNS programs operated by the State Agency are included in the universe of federal awards from which an audit sample is taken. The State Auditor's Office is an independent department of state government and is completely independent of the Kentucky Department of Agriculture.

Local Agency Audits: All Local Agencies operating the program shall be audited annually in accordance with the Single Audit Act and OMB Circular A-133. Local Agencies shall supply the State Agency a copy of such audit, data collection form, any management form associated with the audit, and a corrective action plan within thirty (30) calendar days of the receipt of the audit report but no later than nine (9) months following the end of the Local Agency's fiscal year.

The State Agency staff shall review all audits and take appropriate follow-up action on all Local Agency audits. A complete copy of the audit shall be on file with the State Agency for review by USDA.

K. COMPLAINTS

The State Agency shall be responsible for ensuring that all complaints regarding supplemental foods are resolved appropriately. The following steps shall be taken:

- a. Upon receipt of any complaint regarding supplemental food, the Local Agency shall document the date complaint was received, participant's name, address, and the nature of the complaint.
- b. The Local Agency shall forward a copy of the complaint to the State Agency immediately for a follow-up investigation.
- c. The State Agency staff assigned to the CSFP shall initiate contact with the participant to determine the validity and seriousness of the complaint.
- d. If the complaint is not of a serious nature, the State Agency shall work with the Local Agency and participant to resolve the complaint.
- e. Any complaints deemed to be of a serious nature shall be forwarded to the United States Department of Agriculture - Food and Nutrition Service, Southeast Regional Office within ten (10) days for further investigation and a final disposition.

L. CLAIMS

The State Agency has established the following claim procedures regarding foods received or used by a participant through fraud:

- a. The Local Agency will issue a letter to the participant indicating that they are ineligible for participation in the CSFP program for a period of up to one year, in accordance with the requirements of §247.20(b).
- b. A letter demanding repayment for the value of the USDA Foods improperly received or used will be issued in instances when the dollar value is determined to be over \$100. Payment is to be received within 30 days of date letter was sent.
- d. Additional measures will be taken as necessary if payment is not received within 30 days.



LILLY I. BOUIE, Ph.D.
Regional Director
Special Nutrition Programs

May 11, 2023