



### School and Community Nutrition

Adult day care centers are eligible for the Child and Adult Care Food Program (CACFP) if they meet the following requirements:

1. Adult day care centers shall provide a community based group program designed to meet the needs of functionally impaired adults through an individual plan of care. Day care for the functionally impaired must be the primary purpose of eligible adult day care centers. The program must be a structured, comprehensive program that provides a variety of health, social, and related support services to enrolled adult participants.
2. In Indiana, adult day care centers are not licensed, but must have approval from appropriate authorities.
3. Except for proprietary Title XIX or Title XX centers, adult day care centers shall be public or have tax-exempt status under the Internal Revenue Code of 1954.

Private for-profit centers can participate only if they receive compensation under Title XIX of Title XX of the Social Security Act for at least 25 percent of adult participants.

Documentation must be submitted with each monthly claim for reimbursement documenting the 25 percent eligibility.

### **Definitions:**

1. *Adult participant* means a person enrolled in an adult day care center who is functionally impaired or 60 years of age or older.
2. *Functionally impaired adult* means chronically impaired disabled persons 18 years of age or older, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, who are physically or mentally impaired to the extent that their capacity for independence and their ability to carry out activities of daily living are markedly limited. Activities of daily living include, but are not limited to, adaptive activities such as cleaning, shopping, cooking, taking public transportation, maintaining a residence, caring appropriately for one's grooming or hygiene, or using telephones and directories, or using a post office. Marked limitations refer to the severity of impairment, and not the number of limited activities, and occur when the degree of limitations is such as to seriously interfere with the ability to function independently.
3. *Proprietary Title XIX center* means any private, for-profit center (a) providing nonresidential adult day care services for which it receives compensation from amounts granted to the states under Title XIX of the Social Security Act, and (b) in which Title XIX beneficiaries were not less than 25 percent of the enrolled eligible participants in the calendar month preceding initial application or annual reapplication for program participation.

4. *Proprietary Title XX center* means any private, for-profit center (a) providing nonresidential adult day care services for which it receives compensation from amounts granted to the states under Title XX of the Social Security Act, and (b) in which Title XX beneficiaries were not less than 25 percent of the enrolled eligible participants in the calendar month preceding initial application or annual reapplication for program participation.
5. Program regulations define **family** in the case of adult participants, as the adult participant, and if residing with the adult participant, the spouse and dependent(s) of the adult participant. There may be instances in which a spouse or dependent does not live continuously with the participant. That spouse or dependent continues to be considered a part of the participant's family as long as his usual residence is with the participant. Functionally impaired adults living with their parents are considered a "family" separate from their parents for the purpose of determining family size and income.
6. **Income** for the purposes of determining free and reduced-price meal eligibility, includes earnings, wages, welfare, pensions, support payments, unemployment compensation, Social Security, and other cash income received or withdrawn from any source, including savings, investments, trust accounts, and other resources. Individual Retirement Account and Keogh withdrawals are considered income.

### **Site Requirements**

To be eligible for participation, an adult day care center must be in compliance with the Adult Day Care Standards issued by the Indiana Family and Social Services Administration and the standards for adult day care centers set forth in the USDA's CACFP program requirements. Specifically, the center must:

1. Serve functionally impaired adults.
2. Provide a structured, comprehensive program of health, social and related support services.
3. Develop and maintain an individual plan of care for each enrolled participant.

### **Title III Reimbursement**

Adult day care centers participating in the Child and Adult Care Food Program may not claim a meal under both the CACFP and part C of the Title III of the Older Americans Act of 1965. Additionally, if a center claims reimbursement for a meal under the CACFP, it may not use any Title III funds to pay for the costs associated with that meal or vice versa. Further, commodities and/or cash-in-lieu of commodities, available under both programs, may not be received if the benefit is based upon the same meal for both programs.

In spite of this prohibition, an adult day care center may use program funds to provide different meals within the same meal service or different meal types (breakfast, lunch, snack, or supper). However, this flexibility results in requiring that accounting and other necessary program records be maintained to ensure that federal funds are not duplicated by the various federal programs.

### **Application for Free and Reduced-Price Meal Eligibility**

Program regulations require that an *Application for Free and Reduced-Price Meals* be on file for each participant receiving free or reduced-price meals benefits. Income information on file at the center is not acceptable in place of an *Application for Free and Reduced-Price Meals*.

Given the population served by the adult day care provision of the CACFP, it is unlikely that it would be necessary for an adult day care center official to complete an *Application for Free and Reduced-Price Meals* for a program participant. In most cases, the functionally impaired or elderly adult who is not able to complete an application for himself/herself would have a family member or guardian complete the application for him/her. Family member refers to any family member regardless of residence, financial relationship, or dependence on the participant.

Should a center enrollee be unable to complete the application and if no family member or guardian is available to complete it for him/her, the center may, with the concurrence of the State Agency, complete an application on the enrollee's behalf if the enrollee is categorically eligible for free meals, i.e., is receiving food stamps, Medicaid, or SSI. The participant's file must contain documentation of his/her categorical eligibility.

In situations where a family member, guardian, or adult day care center staff member completed the application on behalf of an impaired participant, the individual signing the application should indicate what his or her relationship is to the participant. However, this written notation cannot be required in order for the form to be valid for approval or denial purposes.

### **Meal Service/Requirements**

Each adult day care center participating in the CACFP shall serve one or more of the following meal types: breakfast, lunch, supper, and supplemental food (snacks). Reimbursement shall not be claimed for more than two meals and one supplement, or one meal and two supplements, daily to each participant.

Menus must be maintained to document compliance with meal pattern requirements. In centers using a cafeteria-style food service, menus would list all food items available during a meal service. Such a list would show that a participant could select a meal meeting the full meal pattern requirements from the foods offered.

Program regulations allow substitutions to be made in food items required by the CACFP meal patterns if individual participants are unable, because of medical or other special dietary need, to consume such foods. A statement from a recognized medical authority must support substitutions because of medical needs. Separate individual menus are not to be maintained for each special dietary need.

### **Offer Versus Serve**

Each adult day care center shall offer its participants all of the required food servings set forth in the food components charts. However, at the discretion of the adult day care center, adult participants may be permitted to decline:

- I. One of the four food items (one serving of milk, one serving of vegetable and/or fruit, and two servings of bread or bread alternate) required at breakfast;

2. Two of six items (one serving of milk, two servings of vegetable and/or fruit, two servings of bread or bread alternate, and one serving of meat/meat alternate) required at lunch; and
3. Two of five items (two servings of vegetable and/or fruit, two servings of bread or bread alternate, and one serving of meat/meat alternate) required at supper.

The price of a reimbursable meal shall not be affected if an adult participant declines the food item.

### **Record Keeping**

In addition to maintaining the *Application for Free and Reduced-Price Meals*, each adult day care center shall maintain daily records of the number of meals by type (breakfast, lunch, supper, and supplement) served to enrolled participants. If the center has clients living in a residential institution or clients under age 60 without a functional impairment, it must have a system to prevent claiming meals served to those persons. Daily attendance records are also required. Meal participation records and attendance sheets should list participants in alphabetical order, including both first and last names.

CACFP institutions must also document program expenses and maintain a non-profit food service account.

Additionally, please note the following are among the documents that must be submitted *at the time of application*, before approval for participation is granted:

1. A complete Alternate Approval Form
2. A copy of tax-exempt status [501 (c)(3) Determination Letter] issued by the Internal Revenue Service or a Proprietary Certification Form (for-profit entities)
3. VCA Profile
4. A copy of your facility's latest health inspection report
5. Pre-Award Compliance Review
6. Board of Director Listing
7. Vendor Information Form

A CNP Agreement must be executed between the institution and the Department of Education. The application process is complex; it is not just a checklist of items submitted to our office for review. The application includes a detailed management plan as to how the sponsor will operate the program, information on the organization's governing board and administrative structure, and an administrative budget. In order for your organization to participate in the CACFP, the management plan and budget must demonstrate financial viability, administrative capability, and program accountability. USDA Standards to be met are the following:

- The sponsor can clearly demonstrate in its management plan that the organization and its principals have sufficient experience to ensure financial viability.
- The sponsor commands adequate resources to ensure the effective management of the CACFP. It must also command adequate outside resources to support its non-CACFP activities.
- The sponsor must be financially sound.

Thank you again for your interest in the Child and Adult Care Food Program in Indiana. If you have further questions or comments, please contact:

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Inquiries regarding compliance by the Indiana Department of Education with Title IX and other civil rights laws may be directed to the Human Resources Director, Indiana Department of Education, 151 West Ohio Street, Indianapolis, IN 46204, or by telephone to 317-232-6610, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 North Canal Street, Suite 1053, Chicago, IL 60606-7204.

-Dr. Tony Bennett, State Superintendent of Public Instruction.