



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING
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BILL HASLAM
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

Certified Mail - Return Receipt Requested # 70123050000243400339

June 8, 2015

Susan Eatherly, Owner
Child Care USA Learning Center
3300 Elm Hill Pike
Nashville, Tennessee 37214

RE: Notice of Termination and Disqualification of Child and Adult Care Food Program Agreement Number 03-47-70597-00-0

Dear Ms. Eatherly:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Child Care USA Learning Center and Susan Eatherly, Owner (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP and the Institution's failure to return the over-payment money due to the Department. The authorization for this action is found in Paragraph 1.e. of your FY 2013 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to provide the over-payment money due to the Department. On January 9, 2015, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following: (1) CACFP applications on file had regulatory deficiencies; (2) the number of participants reported in the free, reduced-price and paid categories was incorrect; (3) the Institution did not meet the requirement that at least 25% of the enrollment or license capacity be beneficiaries of the Child Care Certificate Program (CCCP) or participants who are eligible for free or reduced-price meal payments for the test month; (4) there were menus that did not meet USDA meal pattern requirements; (5) insufficient quantities of milk were purchased; (6) the updated application form

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was not utilized; and (7) there were participants that did not have a CACFP enrollment addendum form.

These failures resulted in the Department determining that the Institution and the Owner are seriously deficient in their operation of the CACFP. **The Institution has not submitted the over-payment of \$24,071.20. To provide for the recovery of the over-payment, please remit a check payable to the Tennessee Department of Human Services in the amount of \$24,071.20.**

The Institution has not paid the over-payment identified in the monitoring report issued November 12, 2014. In addition, the responsible individual was asked to complete corrective action. The Institution and responsible individuals completed an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Owner have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued March 9, 2015. The Institution then submitted an acceptable (CAP) without the over-payment money. The Institution did appeal the Notice of Proposed Termination and did not win the appeal. As a result, the Institution's CACFP Provider Agreement is formally terminated as of April 27, 2015 and Child Care USA Learning Center and the Owner are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid. In accordance with 7 C.F.R. § 226.14(a), in part, the State agency must assess interest beginning April 27, 2015. For information about applied interest rates please visit the following website:

http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Mamawah Hill at (615) 313-5451.

Sincerely,



Raquel Hatter, MSW, Ed.D.
Commissioner
MH/ba