**Public Notice**

**Southeast Tennessee Human Resource Agency is requesting a waiver that would require only two visits during this monitoring year, and that unannounced visits, the 4-week review of a new facility and the six months between visits regulation are waived during this pandemic.**

1. **Sponsoring agency submitting waiver request and responsible agency staff contact information:**

**Nancy Sutherland, Executive Director**

**Karen Davis, Community Services Programs Director**

**Karen Green, CACFP Program Director**

**Alex Marshall, CACFP Program Assistant Director**

**Southeast Tennessee Human Resource Agency (SETHRA)**

**312 Resource Road**

**P.O. Box 909**

**Dunlap, TN 37327**

**(423) 949-2191**

**(800) 852-6155**

1. **Region: Tennessee**
2. **Eligible service providers participating in waiver and affirmation that they are in good standing:**

This waiver request applies to all Southeast Tennessee Human Resource Agency Daycare Homes and Daycare centers approved to operate on the Child and Adult Care Food Program (CACFP) and are in good standing.

1. **Description of the challenge the Sponsoring 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]:** 
   1. **The virus that causes Coronavirus 2019 Disease is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community. Southeast Tennessee Human Resource Agency requests Regulatory relief for public health and safety concerns about transmission of communicable disease.**
   2. **Based on evidence of increasing occurrence of Coronavirus Disease 2019 ("COVID-19") throughout the United States, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the nation places them at risk for serious health complications, including death, from COVID-19. Some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even persons without symptoms can transmit the disease, and because evidence shows the disease is easily spread, CACFP monitoring activities can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is social distancing in the early stages of the emergency.**
   3. **Complying with the current CACFP monitoring regulations requires program monitors to make CACFP institution and facility inspections throughout each day. This is inconsistent with public health authority recommendations to engage in social distancing and the elimination of non-essential travel. For this reason, the Southeast Tennessee Human Resource Agency is concerned that by continuing to enforce monitoring inspections, CACFP could be unintentionally contributing to the spread of the pandemic. Monitors could inadvertently be carrying the coronavirus from one institution or facility to another thereby putting children, providers and staff at risk. In addition, making the monitoring visit has become increasingly difficult as many institutions and facilities are instituting CDC-based pandemic protocols that prohibit outside visitors from entering the building or home. Finally, we foreseen that ultimately a sizable number of CACFP institutions and facilities may be closing operators for the duration of the pandemic.**
   4. **Southeast Tennessee Human Resource Agency is requesting a waiver that would require only two visits during this monitoring year, and that unannounced visits, the 4-week review of a new facility and the six months between visits regulation are waived during this pandemic. We will make every effort to check in with those institutions and facilities scheduled to be monitored via phone and/or teleconferencing (FaceTime/skype.)**
   5. **We join you in the shared goal of keeping Tennesseans safe and healthy. We are doing everything in our power to reach that goal but we need some help adapting the CACFP to this current unprecedented threat. This waiver would be a strong step in accomplishing this public health goal.**
2. **Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** 
   1. At present the regulation, 226.16 (d) (4)(iii), states that Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section. In addition:
   2. A. At least two of the three reviews must be unannounced;
   3. B. At least one unannounced review must include observation of a meal service;
   4. C. At least one review must be made during each new facility's first four weeks of Program operations; and
   5. D. Not more than six months may elapse between reviews.
3. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** 
   1. **Southeast Tennessee Human Resource Agency is requesting a waiver that would require only two visits during this monitoring year, and that unannounced visits, the 4-week review of a new facility and the six months between visits regulation are waived during this pandemic. We will make every effort to check in with those institutions and facilities scheduled to be monitored via phone and/or teleconferencing (FaceTime/skype.)**
4. **Description of any steps the Sponsoring Agency has taken to address regulatory barriers at the agency level. [Section 12(l)(2)(A)(ii) of the NSLA]:**

Southeast Tennessee Human Resource Agency is not anticipating any regulatory barriers at the agency level.

1. **Anticipated challenges agency or eligible service providers may face with the waiver implementation:**

The agency does not anticipate any challenges with implementing this waiver.

1. **Description of how the waiver will 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]:**

The agency does not anticipate any this waiver increasing the overall cost of the Program to the Federal Government.

1. **Anticipated waiver implementation date and time period:** 
   1. **March 1, 2020 to June 20, 2020** **or upon expiration of the federally declared public health emergency, whichever is earlier.**
2. **Proposed monitoring and review procedures:** 
   1. **We will make every effort to check in with those institutions and facilities scheduled to be monitored via phone and/or teleconferencing (FaceTime/skype.)**
3. **Proposed reporting requirements (include type of data and due date(s) to FNS):** 
   1. **Southeast Tennessee Human Resource Agency is requesting a waiver that would require only two visits during this monitoring year, and that unannounced visits, the 4-week review of a new facility and the six months between visits regulation are waived during this pandemic.**