

FEDERAL FISCAL YEAR 2026 UPDATE

TO THE

LOUISIANA COMMODITY SUPPLEMENTAL

FOOD PROGRAM

STATE PLAN OF OPERATIONS

BUREAU OF NUTRITION SERVICES

OFFICE OF PUBLIC HEALTH

LOUISIANA DEPARTMENT OF HEALTH

STATE OF LOUISIANA

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Chapter 1: Louisiana CSFP Goals and Objectives

This State Plan outlines the procedures to be utilized in the administration of the Commodity Supplemental Food Program (CSFP) in Louisiana.

Goals and Objectives: To improve the health of low-income participants, by supplementing their diets with nutritious United States Department of Agriculture (USDA) foods.

Goal 1: Enhance program delivery to participants served by the program.

Objectives

- Increase participant awareness of health resources available in their communities and improve referral networks
- Improve customer service by providing useful information about USDA Foods and conducting participant surveys
- Maintain participation that utilizes entire assigned monthly caseload

Goal 2: Enhance inventory and participation tracking system

Objectives

- Explore ways to improve data management through the use of technology
- Implement a state agency inventory management system that will eliminate the need for data re-entry and provide data analysis

Goal 3: Expand nutrition education provided throughout the state

- Ensure that nutrition education materials are easily understood and relates to the specific nutritional needs of participants
- Provide material on nutritious and inexpensive ways to use USDA Foods
- Emphasize the importance of proper healthcare and the role nutrition plays in preventative health
- Expand the partnership with University Agriculture Research, Cooperative Extension Services, and other agencies to develop tools that are appropriate and useful

Chapter 2: State and Local Agency Identification

State: The Bureau of Nutrition Services in the Office of Public Health (OPH), Louisiana Department of Health (LDH) is the designated State agency for the CSFP in Louisiana.

Local Agency: The LDH/OPH Bureau of Nutrition Services (BONS) currently contracts with Feeding Louisiana and its network of five food banks to serve as the local agency sub-grantee.

As the CSFP local agency, the five food banks deliver food boxes for distribution at approximately 180 sites throughout the state. These sites include churches, senior citizen centers, community centers, and parish-run buildings. (**Attachment 2**).

Chapter 3: Certification

Eligibility for participation in CSFP in Louisiana will be based upon an individual at least 60 years of age and household income. Nutritional risk criteria will not be used.

Certification Procedures

All certification data will be recorded on a CSFP application/certification form. Data collected on this form include: date, name and address, household income, household size, date of birth (age), distribution site, certifying agent, pre-printed certification statement (CFR 247.8 (b)), applicant signature and date, and form of identification provided. Applicants will be notified of their eligibility or placement on a waiting list within 10 days of the application date.

The local agency must inform applicant, orally or in writing, of their rights. This document shall include:

1. Notification of a decision to deny or terminate CSFP benefits, and of an individual's right to appeal this decision by requesting a fair hearing
2. Nutrition education available to all participants and will encourage them to participate; and
3. Information on other nutrition, health, or assistance programs, and make referrals as appropriate.

The local agency must inform applicant, orally or in writing, of their responsibilities. This document shall include:

1. Improper use or receipt of CSFP benefits as a result of dual participation or other program violations may lead to a claim against the individual to recover the value of the benefits, and may lead to disqualification from CSFP; and
2. Participants must report changes in household income or composition within 10 days after the change becomes known to the household.

Flexibility

Regulation 7 CFR 247.8 (b) requires a signature by applicants or their caretakers as part of the certification process. Signatures may be obtained via:

- Electronic signatures, mail, in-home visit, or in-person at a scheduled time.
- If certification is conducted over the phone, local agency staff may sign (or print) their name on behalf of applicants and subsequently obtains the applicant's signature through one of the methods described above.

Certification Period

Certification periods are not to exceed 3 years. On an annual basis, the local agency must:

- Verify the address and continued interest of the participant; and
- Have sufficient reason to determine that the participant still meets the income eligibility standards, which may include a determination that the participant has a fixed income.

All records must be retained for a period of 3 years from the end of the fiscal year to which they pertain, or if they are related to unresolved claims actions, audits, or investigations, until those activities have been resolved. All records must be available during normal business hours for review.

Income Guidelines

Participants are income eligible if they have household income at or below 150% of Federal Poverty Income Guidelines. Income eligibility is also demonstrated via participation in the following federal programs:

- Supplemental Nutrition Assistance Program (SNAP)
- Food Distribution Program on Indian Reservations (FDPIR)
- Supplemental Security Income (SSI)
- The Low-Income Subsidy Program (LIS)
- Medicare Savings Programs (MSP)

Self-attestation of household income and participation in the above Federal Programs will be allowed by the client on the application. Trained staff will check against the income guidelines or allowed Federal Programs to determine eligibility.

Residency Requirements

Proof of Louisiana residency must be established, with the exception of homeless individuals, in which case it is waived.

Waiting List

Waiting lists will be established in accordance with 7 CFR 247. Prospective participants will be notified of their placement on the waiting list when they certify by local agency staff. Participants being placed on a waiting list to reduce caseload will receive written notice. Written notice is extended to all waiting list applicants when caseload slots become available.

Detection of Dual Participation

Dual participation reports are run a minimum of twice a year. Participants implicated as dual participants by the local agency are sent a certified letter informing them of their suspension from the program for a period of three (3) months. The letter also informs the participant of their right to a fair hearing and includes an appeal form. If the participant returns the appeal, participant CSFP benefits will continue until a judgment has been rendered. If it is determined that suspension from the program will result in nutritional endangerment the suspension is waived.

Program Violations

If applicants or participants, or caretakers of applicants or participants, commit program violations, the local agencies may disqualify the applicants or participants for a period of up to one year. However, if the local agency determines that disqualification would result in a serious health risk, the disqualification may be waived.

For program violations that involve fraud, the local agencies must disqualify the participant from CSFP for a period of up to one year, unless the local agency determines that disqualification would result in a serious health risk. The local agencies must permanently disqualify a participant who commits three program violations that involve fraud. For purposes of this program, fraud includes:

- Intentionally making false or misleading statements to obtain USDA Foods;
- Intentionally withholding information to obtain USDA Foods; or
- Selling USDA Foods, or exchanging them for non-food items.

The local agency must provide the individual with written notification of disqualification from CSFP at least 15 days before the effective date of disqualification. The notification must include the effective date and period of disqualification, the reason for the disqualification, and a statement that the individual may appeal the disqualification through the fair hearing process, in accordance with §247.33.

Cost Effective Claim Standards for Improper Receipt or Uses Through Fraud

The local agency must initiate a claim against a participant to recover the value of USDA Foods improperly received or used if the local agency determines that the participant, or the caretaker of the participant, fraudulently received or used the USDA Foods. If the value exceeds \$100 or at least 5 months of benefits were improperly received or used, a claim against the participant must be pursued. Local agencies are required to use this standard in determining if a claim is to be pursued and to pursue claims in accordance with §247.30.

Program Referrals

A referral document is provided to applicants or caretaker during initial certification. The document includes information regarding the Temporary Assistance to Needy Families (TANF) program, the Child Support Enforcement Program, the SNAP Program, the WIC Program, Supplemental Security Income and Medicaid Program. (**Attachment 3**)

Chapter 4: Caseload Management Requests

Assignment and management of caseload will be accomplished in accordance with Federal regulations and departmental policies with the goal of fully utilizing annual assigned caseload.

The USDA announces caseload allocation annually by December 31 or within 30 days of the enactment of legislative appropriations for the fiscal year, whichever comes later. USDA caseload allocation is based on caseload utilization during the prior fiscal year.

Louisiana's caseload requests are submitted annually and are based on projected eligible population within the state, actual participation numbers, local agency capabilities, and the local agency's request. Primarily, caseload management at the state agency function is to support the tracking and analysis of caseload allocations and actual participation at the local level.

Furthermore, the local agency shall allocate monthly assigned caseload to each distribution site throughout the states 64 parishes based on current participation data, estimated eligible population in the service area and the capacity of the site. The local agency will monitor participation levels monthly to ensure sites maximize assigned caseload. The local agency will also monitor no-show rates as a means of assuring that applicants and certified participants are able to access services. Monthly monitoring will allow the local agency to adjust outreach efforts as appropriate. The local agency must report corrective actions implemented to address fluctuations in participations each month to the state agency. The local agency is responsible for adjusting allocated caseload for sites that consistently fail to serve assigned caseload.

Outreach efforts are critical in addressing unused caseload to reduce the participation gap and prevent a caseload decrease. The primary goal is to ensure caseload usage remains between 95-100%. In accordance with 7 CFR 247, base caseload is assigned in part based on the number of years each state has been in the program. Each state's base caseload calculation is equal to or greater of (1) average monthly participation for the previous FY, or (2) average monthly participation for the last quarter of the previous FY.

Outreach Plan

The goal of the outreach plan is to grow participation through a variety of activities centered on awareness of the CSFP Program. The activities include attending agency meetings with food banks, visiting senior centers, area Councils on Aging, senior housing apartments, religious organizations, cooperative extension services, state governmental agencies and health fairs. Flyers and newsletters will be made available to community and health organizations. The local agency website hyperlink is printed on all promotional materials. Broadcast media, such as public services announcements on radio and television, is occasionally used to announce availability of the program and notify current participant of distribution changes.

Historical participation and census data will be utilized to determine which areas will benefit most from activities. Data collection and analysis will be conducted periodically to assess the impact of activities. This will determine the activity reach and direct expansion/discontinuance of activities.

In an effort to fully utilize assigned caseload, Louisiana is implementing new strategies to reach the target population with a primary goal of reaching total caseload and reestablishing services in impacted communities, ultimately ensuring program accessibility to eligible participants throughout the state. Efforts to close the gap between caseload and participation include implementing multiple strategies aimed at increasing program access to participants:

- Analysis of the target population to determine areas where new distribution sites should be established, alternate distribution times as needed, and areas that will benefit most from the addition of new local agencies and/or methods of home delivery.
- Implementing new strategies to increase participation in underserved communities. The State agency recognizes that forming and strengthening new partnerships is critical to increase CSFP services in Louisiana.

- Increasing communication with current and potential clients/caregivers. Mail outs and robo calls have been used to publicize program information, remind participants of distribution dates and notify participants of changes in distribution.
- Working with new partners to increase enrollment by leveraging resources among organizations with a shared interest in ending senior hunger.
- Initiating a contract with for-profit third party delivery service that allows participants to receive their CSFP food packages through a for-profit third party delivery service driver, which eliminates the need for the participants to travel to the distribution site.

Chapter 5: Nutrition Education

Goals

- Provide basic nutrition information for participants. Enabling them to make appropriate food choices in order to promote optimum health.
- Maximize the effective use of the CSFP program food package.
- Encourage participants to make positive changes in dietary patterns that would result in an improved nutritional status.
- Encourage participants to try previously untried or refused USDA Foods.
- Promote the development of cooking skills by encouraging participants to experiment with recipes using USDA Foods.
- Provide training experiences for students and interns from area universities, colleges, and dietetics and nutrition internship programs.

Plan

The type of nutrition education activities offered and frequency will differ by site due to the various distribution structures, staffing, and resources.

Nutrition Education materials will utilize publication such as the Dietary Guidelines for Older Americans, Healthy People publications, and USDA Foods Facts Sheets as resources for nutrition information, according to the following plan:

Nutrition education will be provided to participants each quarter and will include information regarding:

- Nutritional value of USDA Foods and their relationship to the special nutritional needs of participants and how these needs may be met
- Nutritious ways to use USDA Foods
- The importance of health care, and the role nutrition plays in maintaining good health;
- The importance of the use of the foods by the participant to whom they are distributed, and not by another person; or

USDA Foods may be used to conduct cooking demonstration and food tasting during the year. However, USDA Foods may not be used for outreach, refreshments, or purposes not listed above.

Local agency staff provided guidance to respond to elementary nutrition questions and/or provide referral to nutritionist.

Work in conjunction with staff at area farmers' markets to increase participation by CSFP clients in the Seniors Farmers' Market Nutrition Program, thus increasing our clients' consumption of fresh produce.

The following resources are available to support the above activities:

Technical assistance:

State agency professional staff (nutritionists); Expanded Food and Nutrition Education Program (EFNEP) staff (program coordinator and aides)

Approved visuals:

Commercially developed (e.g. National Dairy Council); State agency developed (slide presentations of food packages and use of USDA Foods); developed by the USDA and USDA recommended sources: developed by local agency (with approval).

Nutrition education handouts and materials:

Developed by State and local agencies, as well as outside State and local CSFP agencies; developed in-house with State agency approval; commercially developed, if approved by State agency

Training for food distribution site personnel:

Annual in-services to train staff to respond to elementary nutrition questions and provide referrals; materials used for training are the same as those provided to participants for nutrition education.

This plan will be evaluated as follows:

Nutrition education activities and services must be collected and reported by the local agency. Reports of nutrition education activities must be available for review by the state agency upon request.

The state agency will conduct a Management Evaluation of the local agency including nutrition education activities at least every two years to determine compliance.

A nutrition education participant survey will be conducted every 5 years as part of the state agency's plan to evaluate effectiveness of nutrition education and gather participant input. The results can provide information regarding participants overall health, identify topics for nutrition education, and assess USDA Food preferences.

Chapter 6: Food Delivery System

State Agency

- Estimates inventory needs, places requisitions for USDA Foods by due dates provided in the WBSCM catalog, and enters goods receipts on behalf of the local agency
- Ensures inventory levels are within the recommended range
- Serves as the consignee for USDA Food deliveries to the Louisiana CSFP Program
- Monitors programmatic inventory management and food distribution
- Prepares monthly FNS 153 Report

Local Agency

- Receives USDA Foods and enters into WBSCM within two (2) days of receipt
- Ensures deliveries of USDA Food orders are correct and free of damage
- Provides storage in approved facilities including warehouses, pre-pack sites, and permanent distribution site
- Assembles food packages for distribution in accordance with the food guide rate
- Identifies and establishes mobile distribution sites
- Schedules monthly distribution
- Distributes or oversees the distribution of USDA Foods at mobile distribution sites (e.g. Council on Aging)
- Certifies participants for the program
- Disposes of damaged or out of condition USDA Foods

Distribution

The local agency delivers USDA Foods to mobile or drop-off distribution sites throughout the state. USDA Foods are issued to eligible participants on a monthly or bi-monthly basis. Bi-monthly issuance can only be issued for the subsequent month. Retroactive distribution is not allowed without prior approval.

Retroactive distribution with prior approval from FNS is allowed when:

- Local agency is unable to distribute food packages
- Participants are unable to pick up their food package during the regularly scheduled distribution
- An alternate CSFP food package delivery date cannot be scheduled within the same month

Use of proxies is allowed for distribution. Participants may designate a proxy either verbally or in writing without signature. An individual or organization may serve as a proxy for more than one participant. However, proxies must be individually designated by each participant and participants cannot be required to designate a proxy.

Signatures are not required during distribution. The local agency may sign for participants or indication issuance in record. The local agency must:

- Verify the applicant/participant identity
- Sign for each recipient in a group individually

Participants are assigned identification numbers in the computerized databases. The database creates distribution documents which are stored by distribution site, date, and participant identification number. This data is compiled into monthly transaction summaries for reporting. Then all activity is submitted to the state agency for FNS153 reporting by the 10th of the subsequent month.

Local agencies that opt to use a for-profit company to provide home delivery must execute a State Agency approved agreement that assures all program regulations are met. Administrative Funds may be used to procure a third-party delivery service for home delivery. If administrative funds are used to procure delivery services, the local agency must follow all Federal and State procurement regulations as applicable. The agreement must not permit the for-profit company to perform any key local agency responsibilities such as eligibility determinations in accordance with CFR 247.5(c)(1)-(8). The for-profit company or employees must not be permitted to act as participant proxies. The agreement for delivery services must require the company provide:

- Safe storage and transportation of the foods in compliance with program regulations at 7 CFR 250;
 - Verification of the identity of each CSFP participant through a review of the participant's, or proxy's, identification* before issuing the CSFP food package, consistent with 7 CFR 247.10(b);
 - All applicable records required by the State or local agency; and
 - An assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36.
 - Packages must be delivered directly to participants or proxies. Food packages are not permitted to be left at a door or unattended.
- *Identification can include self-attestation (stating name, verbally confirming identity, etc) when a form of identification such as government-issued ID, unique cards provided by distribution sites, pieces of mail, etc. is not available

Group Issuance

There are two types of group distributions— "mobile" groups and "drop off" groups.

Mobile - USDA Foods are prepacked and delivered to mobile sites by the local agency. Local agency staff and contact agency staff distribute. Participants at some of these sites are issued food in a drive-thru manner. Volunteers are allowed to pick up food packages at distribution sites for delivery to alternative locations where participants congregate or live. For group deliveries, the volunteer may serve as a alternate to pick up the food and obtains the participant's signature at the time of delivery or distribution to verify participant receipt.

Drop-Offs – USDA Foods are dropped at partner agency. The partner agency distributes USDA Foods. Volunteers may serve as alternates and obtain the recipients' signatures at the time of delivery or distribution. These "proxy sheets," containing the signatures of participants, verifying that the participants received their food, are returned to the local agency by the end of the serving month.

USDA Food Protection and Safeguards

The contract with local agency (**Attachment 1**) has clauses regarding insurance protection to include extended coverage and theft in connection with food stored. The warehouses have a security system and meet all fire code requirements. By contractual agreement, the local agency provides exterminating services to prevent and limit vermin infestation of stored USDA Foods at warehouse and distribution sites.

Oversight of Physical Count and Physical Damage USDA Food Losses

Any loss of USDA Foods must be reported monthly on the FNS 153 Report. Warehouse and distribution site supervisors report all damages immediately to the State agency for investigation prior to destruction. The local agency must take immediate action to salvage and mitigate further loss in accordance with protocol for reporting damage.

Inventory salvage will only be utilized under recommendation from USDA. Warehouse supervisors must perform spot checks on all shipments. Damages identified during delivery must be immediately reported to the state agency for further instructions regarding offloading and submission of complaint. Damages must be documented on the BOL and promptly photographed. As per instructions from the USDA-SWRO, the State agency has the authority to dispose of damaged USDA Foods valued at or below \$2,500.00; in order to dispose of any greater amounts, the State agency must first obtain authorization from the USDA-SWRO.

Physical damages are tabulated in a Damage Log monthly by USDA Food and by site to determine whether individual instances of damage at a particular location exceed \$500, the threshold at which the State may opt to assess a claim against the local agency, pending determination of fault. If the State determines that an instance of damage with a valuation of between \$500 and \$2500 was due to improper conduct on the part of the local agency (the local agency was or should have been aware of circumstances leading to damages and has taken no corrective action or has been negligent) and assigns liability for the damage to the local agency, the State agency will make a claim for the value of damaged USDA Foods on behalf of USDA-FNS. In instances where the value of damaged foods is greater than \$2,500.00 but less than \$100,000.00, the USDA-FNS-Southwest Regional Office is assigned the task of assessing responsibility, based in part on advice offered by the State agency.

At the end of each federal fiscal year, the State agency conducts an annual physical inventory and assesses whether a net inventory loss by value exists (the value of inventory losses exceeds the value of inventory gains). If such a net loss exists, a claim is processed against the local agency. The state agency also examines inventory gains and losses on a monthly/quarterly basis to determine whether net losses exist within particular food groups (meats or fruits and vegetables, for example).

Chapter 7: Management Evaluation & Review

The State agency reviews the Local agency and all warehouses every two years. The local agency review includes on-site reviews of 15% of the Local agency's main distribution sites. All reviews are performed based on the federal fiscal year, October 1 – September 30.

On-Site Reviews

Each on-site review examines the following areas (see **distribution site review form, Attachment 4**):

- Distribution and Certification
- Administrative Record Keeping
- Civil Rights Compliance
- Nutrition Education
- Food Storage and Delivery Practices

Warehouse and Storage Facility Review

Each warehouse review examines the following areas:

- Condition of inventory including storage and handling
- Condition of storage area
- Pest control maintenance
- Condition outside the warehouse

The State agency also reviews all Local agency reported losses monthly in conjunction with FNS-153 reporting. For losses resulting in a claim determination, the State agency will suggest storage and handling improvements to Local agency to avoid future losses. Additionally, “spot inventory reviews” are conducted at facilities experiencing significant losses.

State Agency Review of Program Administration

The State Agency evaluates program administration on an ongoing basis by reviewing financial reports, audit reports, food orders, inventory reports, and other relevant information for compliance with applicable regulations and the State agreement.

Chapter 8: State Planning

Staff from the State and local agencies collaborate throughout the year to ensure State Plan compliance and to prepare the State Plan for the next fiscal year. Phone contact occurs on a near-daily basis. Officials from the two agencies meet on an ad hoc basis, as needed. Results of management evaluations and reviews are discussed jointly between the two agencies.

Planning with Local Governments, Agencies, and Businesses

Representatives of the general public are also made a part of the planning process. Placement of new distribution sites is most often based on requests for service from prospective recipients and local governments, social service agencies, community groups, and faith based organizations.

The State Agency has worked with leaders in local government and religious, non-profit, and community organizations to locate new senior group distribution sites. These local contacts provide estimates of potential numbers of new participants, lists of eligible participants, public announcements, distribution locations, participant parking, traffic control, clerical assistance, actual distribution of pre-packed food packages, and other necessary services. The types of agencies and organizations which local agency administrators have established direct contact and consultations with include the following:

- Community Action Programs

- State health units
- Churches
- Housing projects
- Parish governments
- City governments
- Home health agencies
- TEFAP agencies
- Councils on Aging
- Louisiana Great Expectations and Healthy Start Programs
- Louisiana Charity Hospital system
- Second Harvester agencies
- Universities
- Hispanic community organizations
- Anti-poverty programs

The local agency relies especially upon local Councils on Aging, Faith Based Organizations, human service agencies, and food banks to assist with the establishment of senior group distributions and expansion of volunteer deliveries to the homebound participants.

Chapter 9: Financial Management

The Fiscal Services Section of the LDH Office of Management and Finance provides financial services for the Office of Public Health. Monthly expenditure reports are prepared and submitted to program administrators for review and information. The Fiscal Office prepares and submits all financial reports required by the funding agency.

Determination of Authorized Fund Level

Authorized funds for the fiscal year are obtained from the program manager through communication with the USDA Food and Nutrition Service. As funds are made available the Fiscal Office receives verification via Form FNS 495. As Letters of Credit are processed the amount drawn is accumulated and compared to the authorized amount, thereby providing an on-going balance of funds available.

State Agency Procurement Procedures

The State agency follows state procedures for the procurement of all equipment and for property inventory control. Written approval of purchases and contracts is requested and obtained by the State agency from the USDA Food and Nutrition Service SWRO prior to incurring costs, when such approval is required.

How State Agency Distributes Administrative Funds

Monthly reimbursements are based on the contractually approved per participant rate. The Local Agency receives a predetermined amount per participant to whom food is issued during the month and is reported to the State Agency via monthly invoices with participation reports. By the

20th day after the close of each month, the local agency submits this invoice to the Business Operations section. The local agency is required to follow all State agency fiscal procedures.

Chapter 10: Complaints

General Complaint Policy

- A participant may address any complaint concerning program operations, program staff, or food quality to the local agency's administrative team or, in situations regarding food quality or safety (see the next section), directly to the State Agency CSFP Manager.
- A supply of complaint forms and pre-addressed envelopes will be available at each certification/food distribution site and given to participants on request. Staff will offer assistance in completion of the form, if needed.
- Oral complaints will also be accepted, either to Feeding Louisiana's administrative office (225-310-0091) or the State Agency CSFP Manager (225-342-8254). Anonymous complaints are discouraged; however, such complaints will be investigated at the recipient administrator's discretion.
- Either the local agency's administrative team or the CSFP Manager, whichever is the recipient of a complaint, will conduct an investigation within 30 days of receipt of the complaint.
- A written response will be made within 40 days of the receipt of the complaint to the complainant.
- The following procedure will be followed if the local agency is the complaint recipient. If corrective action be deemed necessary following the investigation of a complaint, the recommended corrective action will be submitted to the CSFP Manager for prior approval before it is implemented. If no corrective action be deemed necessary, reasons for this decision will be submitted to the CSFP Manager for review, prior to responding to the complainant.

A copy of the complaint reporting form is enclosed (**Attachment 5**).

Participant Food Quality Complaints

- Participants contact their local distribution site, the local agency's main administrative office, or the State Agency when they receive food items they suspect are of substandard quality.
- If not contacted directly by the participant, the State agency CSFP Manager is informed of the complaint by the local agency. The local agency attempts to collect the suspect food items from the complainant, or, if this is not possible, obtains the lot number(s) from the packaging. The local agency then delivers the suspected foods or a random sampling of items from the same lot number(s) to the CSFP Manager.
- The CSFP Manager delivers the samples to the Office of the State Sanitarian, located within the State Office of Public Health, for testing. The State laboratory tests for evidence of microorganism contamination, chemical irregularity, and filth or foreign materials.

- The Sanitarian's Office submits a report to the CSFP Manager, who reports the results to the local agency. If the findings are positive, a USDA Donated Foods Complaint Form is filled out by the Manager and sent to the Southwest Regional Office in Dallas, Texas. Permission is requested to destroy the identified lot(s) of substandard USDA Foods.
- If permission is granted, the substandard foods are then buried in a local landfill, under the supervision of one of the State's sanitarians.
- All other participants who may have received food items from the suspect lot(s) are contacted by the local agency and are requested to return the suspect food items to a distribution site for disposal or, if this is not possible, to dispose of them themselves. Participants are offered the option of exchanging the suspect food items for identical replacement items.

Chapter 11: Audits

The funds awarded to the State Agency are received and disbursed by the Fiscal Service Section of OPH. This section performs all fiscal accounting for the agency and all financial records and reports are maintained in that office.

The Legislative Auditors audit the State Agency annually. The auditors are employees of the State legislature and are completely independent of LDH. There is continuous auditing of all funds received and disbursed by this agency. All funds paid, by sub-contract, are reimbursements for documented expenditures, as are funds paid through other sub-contracts. The local agency payments are reconciled amounts between the monthly estimated expenses and the authenticated expenditures. If problems occur with payments to the local agency sub-contractee or its subcontractors, these auditors could trace funds expended for the program.

A copy of the most recent audit will be made to USDA upon request.

Chapter 12: Civil Rights

Data Collection

Racial and ethnic data is collected during certification by food distribution site certifier. Racial and ethnic data must be safeguarded to ensure access is restricted to authorized personnel at the local agency only. This data must be maintained for a period of three fiscal years from the end of the current fiscal year to which they pertain in accordance with 7 CFR 247.29. If certification forms are completed only during the initial certification, certification forms must be maintained as long as the participant remains on the program.

Racial and ethnic data is collected in a two-question format. Applicants shall be offered the option of selecting one or more racial category. Self-identification should be encouraged by providing applicants and participants information regarding the use of the data.

If the applicant or participant chooses not to self-identify, the certifier must record the participant's race and ethnicity based on a visual observation. The data is encoded and entered in the distribution site's computer database.

The local agency runs reports of racial and ethnic participation by site or parish during the month of April each year. Racial and ethnic participation reports are submitted to the State Agency where they are reported on the FNS-191 Report.

Compliance Reviews

The local agency is responsible for conducting compliance reviews as a component of the management review process. The compliance review areas include:

- Equal opportunity to participate by eligible persons
- Race and ethnicity documented in participant records
- Placement of “Justice for All” posters
- Inclusion of the nondiscrimination statement on applicable printed materials and websites
- Graphic materials reflect inclusiveness based on race, color, national origin, age, sex, and disability
- Availability of program information made available to community organization to reach eligible persons, applicants, and participants
- Collection and maintenance of racial and ethnic data
- Civil rights complaint processing
- Civil rights training for staff and volunteers

Complaints

Each distribution site must maintain a supply of complaint forms (**Attachment 6**) readily available to the CSFP applicants/participants. Participants or applicants must file civil rights complaint within 180 days of the alleged discriminatory action. Complaints shall be accepted in writing, verbal or anonymous and recorded on the CSFP complaint form. The procedure for accepting and processing civil rights complaints is enclosed (**Attachment 7**).

Civil rights complaints filed locally are forwarded to the State Agency. Any complaint received by the State or local agency alleging discrimination based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA is sent to the U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW, Washington, DC 20250-9410 or faxed to (202) 690-7442; email: program.intake@usda.gov.

Chapter 13: Fair Hearings

The following procedures were established in accordance with Section 247.33 of the CSFP regulations. Participants may request a fair hearing upon denial of application for services or termination of participation. State of Louisiana, Division of Administrative Law is charged with providing the official impartial review.

- The participant shall be advised in writing of the grounds on which the administrative agency based its action. The notice of action, which shall be sent by certified mail, return receipt requested, shall also include a full description of the participant's rights and

responsibilities under the hearing procedure. Requests for a review of pertinent records and fair hearing shall be addressed to:

Commodity Supplemental Food Program

Attn: **Jennifer Nicklas**

Director of the Bureau of Nutrition Services

LDH/Office of Public Health

Bureau of Nutrition Services

628 N. 4TH Street

3RD Fl, Bin #4

Baton Rouge, LA 70802

- The written request for review shall be filed by the appellant not later than 60 calendar days from the date the appellant received the notice of action and the administrative agency shall acknowledge the receipt of the request for appeal within 10 calendar days.
- The appellant may refuse the charges contained in the notice of action in person and by written documentation of the review official. In order to be considered, written documentation must be filed with the review official not later than 60 calendar days after the appellant received the notice of action. The appellant may retain legal counsel or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specified in the letter of request for review. Failure of the appellant participant's representative to appear at a scheduled hearing shall constitute the appellant participant's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing.
- If the appellant has requested a hearing, the appellant shall be provided with at least 10 days advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing.
- Any information on which the administrative agency's action was based shall be available to the appellant for inspection from the date of receipt of the request for review.
- The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section.
- The review official shall make a determination based on information provided by the administrative agency and the appellant, as well as based on program regulations.
- Within 45 calendar days of the administrative agency's receipt of the request for review, the review official shall inform the administrative agency and the appellant of the determination of the review.
- Participants who appeal the termination of benefits within the 15 day advance adverse notice period provided by regulations shall continue to receive program benefits until the hearing official reaches a decision. Applicants who are denied benefits at initial certification or at subsequent certifications may appeal the denial but shall not receive benefits while awaiting the hearing.
- The determination by the State review official is the final administrative determination to be afforded to the appellant.

Fair Hearings for Local Agencies

The following procedures governing fair hearings for local agencies were first published in the Louisiana Register, Vol. 11, No. 12, December 20, 1985.

The state agency shall provide a hearing procedure whereby a local agency adversely affected by a state action may appeal.

The right to appeal shall be granted when:

- the local agency's application to participate in the program is denied, or
- the local agency participation is terminated, or
- the local agency contract is not renewed by the state agency, or when
- any other adverse action affects local agency participation. The adverse action shall be postponed until a hearing decision is reached.

The state agency hearing procedure provides the local agency:

- Opportunity to appeal. The local agency which desires to appeal a state agency decision must state and mail its written appeal request to the state agency within 15 calendar days after determination of the adverse action described in B.1.a-d, above.
- Hearing process. Hearings are governed by the procedures set forth in the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. and as mandated by federal regulations, 7 CFR 247.22.
- Postponement of adverse actions. Adverse actions are postponed until a hearing decision is reached.
- Opportunity to reschedule. A hearing date may be rescheduled upon written request to the state agency which within its discretion may or may not grant the request.
- The fair hearing adjudicator would be provided by the State of Louisiana Division of Administrative Law 654 Main Street, Post Office Box 44033, Baton Rouge, LA 70804-4033, P.O. Box 2944, Baton Rouge, Louisiana 70821.

State Plan for Next Fiscal Year

LDH/OPH will amend the CSFP State Plan as needed or upon request from USDA/FNS.