

# Section 4000

## Managing the Program

### Table of Contents

4100	General Administration .....	3
4110	Program Year Period .....	3
4111	Program Operations .....	3
4111.1	Voucher Management Procedures.....	3
4112	Vouchers.....	3
4113	Voucher Security .....	4
4114	Voucher <b>Reconciliation and Redemption</b> .....	4
4114.1	Voucher Reconciliation/Redemption Procedures.....	5
4115	Voucher <b>Reimbursement</b> /Submission Deadlines .....	5
4116	Negligence, Fraud, or Abuse.....	6
4117	Administrative Funding and Claim Reimbursement.....	6
4200	Enrolling Participants and Issuing Vouchers.....	7
4210	Participant <b>Eligibility</b> (7 CFR §249.6).....	7
4210.1	Applicant Information.....	7
4211	Household Income Determination .....	8
4211.1	Converting Incomes to an Annual Equivalent for SFMNP Income Eligibility .....	8
4211.2	SFMNP Benefits Excluded from Consideration as Income.....	9
4211.3	Exclusion of Combat Pay from Income Eligibility Determination.....	9
4212	Dual Participation Is Not Permitted.....	10
4213	Determination of Eligibility .....	10
4213.1	<b>Written Notifications</b> .....	11
4214	The Proxy .....	11
4215	Participant Rights and Responsibilities .....	11
4216	Fair Hearing Request.....	12
4217	Confidentiality.....	12
4300	Sites .....	12
4310	Site Requirements .....	12
4311	Certification Sites .....	12
4312	Adding and Deleting Sites.....	13
4313	Authorizing Farmers, Farmers’ Markets, <b>and Roadside Stands</b> .....	13
4400	Training, Monitoring and Nutrition Education.....	14
4410	Contracting Entity Training.....	14

4411	Staff Training .....	15
4412	Monitoring Contracting Entities' Sites .....	16
4413	Nutrition Education.....	16
4500	Program Administration by Farmers' Market Associations and Farmers.....	17
4510	Agreements with SFMNP Contracting Entities .....	17
4511	Voucher Accountability .....	17
4512	Vendor Identification Number.....	17
4513	Monitoring Farmers' Market Associations, Farmers, and Roadside Stands .....	17
4514	Farmers' Market Associations (FMA) Responsibilities .....	19
4515	Sanctions.....	19
4516	Prohibition on Collecting Sales Tax.....	21
4600	Program Documentation.....	22
4610	Retention Period.....	22
4620	Availability of Records.....	22

## Section 4000 Managing the Program

### 4100 General Administration

#### 4110 Program Year Period

The Senior Farmers' Market Nutrition Program (SFMNP) operates from January through November. Vouchers may only be distributed to participants **between February 1** and September 30 of the program year. Participants may redeem current vouchers from the date of issuances through October 31 of the program year.

Contracting Entities (CEs) may submit claims for reimbursement to TDA from **February** through December 15 of each program year. Claims for reimbursement must be submitted within 30 days of the end of the month in which the expense was incurred. Refer to Item 4115, *Voucher Redemption/Submission Deadlines*, for more information.

#### 4111 Program Operations

TDA provides vouchers to CEs. These vouchers are redeemable by program participants at qualifying local farmers' markets **and roadside stands**. CEs will distribute vouchers to SFMNP recipients.

##### 4111.1 Voucher Management Procedures

CEs must establish and maintain written procedures for the management, distribution, security, and accountability of vouchers. TDA will review the CEs' process/procedure for adequacy to ensure they cover, at a minimum:

- Receipt, storage, and security of voucher booklets prior to issuance;
- Transportation and security of voucher booklets from the CE to distribution site(s), if applicable;
- Security and issuance instructions for voucher booklets at the site(s);
- Distribution of vouchers to participants; and
- System for detecting and resolving voucher issuance problems at the site(s).

#### 4112 Vouchers

Each participant receives five vouchers valued at \$20.00 in increments of \$4.00 per voucher. **CEs**, farmers, and farmers' markets should only accept vouchers that are valid. Each voucher

must include a unique number with the current year printed on it and dated at the time of redemption. Vouchers are printed in a different color each year to help identify valid vouchers.

#### **4113 Voucher Security**

CEs, sub-agencies, Farmers' Market Associations (FMA) and farmers are all responsible for voucher security. CEs must keep vouchers in a secure area before distribution, during transfer from the CE to market, and after they are returned from FMAs for reimbursement.

CEs must record the series of unique numbers on the cover of the voucher booklet received from TDA. If a sub-agency or FMA is used for the distribution of vouchers, they must record the voucher numbers received from the CE. The eligibility specialist enters the voucher's unique numbers on the *Participant Voucher Issuance Log* at the time the vouchers are distributed.

At the time of redemption by SFMNP participants, farmers and FMAs should always make sure the vouchers are valid (see Item 4114, *Voucher Reconciliation and Redemption* and Item 4115, *Voucher Reimbursement/Submission Deadlines*). The redeemed vouchers must be kept in a safe place.

#### **4114 Voucher Reconciliation and Redemption**

Farmers must enter their vendor numbers on the redeemed vouchers to assure proper identification for reimbursement.

Farmers submit their redeemed vouchers to the FMA on a weekly or monthly basis. The FMA must confirm the validity of the redeemed vouchers by ensuring they are dated, and the farmer's vendor number is entered on each voucher. Redeemed vouchers that are missing the date or vendor number may be rejected by CE for payment. The FMA will complete *Farmers' Voucher Redemption List* form and submit it to the CE along with the properly redeemed vouchers.

CEs verify and reconcile the redeemed vouchers to the *Farmers' Vouchers Redemption List* after they have been submitted by the FMAs or sub-agency. CEs must reconcile vouchers by identifying the disposition of all vouchers as properly redeemed, lost or stolen, or not matching issuance records. CEs must verify:

- Unique numbers on the vouchers are valid,
- Dates on the vouchers are current, and
- Farmer vendor identification number is present and valid.

#### 4114.1 Voucher Reconciliation/Redemption Procedures

CEs must establish and maintain written procedures for the reconciliation and redemption of vouchers. TDA will review the CE's procedures for adequacy to ensure they cover, at a minimum:

- Process to determine whether each voucher is validly redeemed, lost or stolen, expired, or inconsistent with issuance records;
  - This should include a process to reduce the number of errors in transactions, where possible.
- Process for handling redeemed vouchers that cannot be traced back to a record of issuance;
- Process for disposing of vouchers that were not issued and/or redeemed;
- Process for voucher redemption.

#### 4115 Voucher Reimbursement/Submission Deadlines

Voucher issuance occurs February 1 through September 30 of each program year. SFMNP participants may redeem vouchers at participating farmers' markets and roadside stands on February 1 through no later than October 31 of each program year. Farmers have until November 15th to submit redeemed vouchers to the FMAs. FMAs should submit redeemed vouchers at least monthly to their CE, with all vouchers being submitted no later than November 30. Failure to submit vouchers by the November 30 deadline will result in non-payment to the farmers.

Voucher Issuance and Redemption/Submission Deadlines	
First Day Vouchers may be Issued to Participants and Redeemed at at Farmers' Markets/Roadside Stands	February 1
Last Day Vouchers may be Issued to Participants	September 30
Last Day Participants may Redeem Vouchers at Farmers' Markets/Roadside Stands	October 31
Last Day Farmers Submit Redeemed Vouchers to FMA	November 15
Last Day FMA Submit Redeemed Vouchers to CE	November 30
Last Day CEs Submit Claim for Reimbursement to TDA	December 15

The CE submits a monthly *SFMNP Claim for Reimbursement* to TDA for payment via TX-UNPS<sup>1</sup> within 30 days from when the expense was incurred. TDA will process the claim and issue payment through the Comptroller of Public Accounts to the CEs. The Comptroller will reimburse CEs according to its payment procedures. The CEs will reimburse the FMAs. The FMAs will reimburse the farmers for the amounts submitted for the redeemed vouchers.

The final *SFMNP Claim for Reimbursement* must be submitted to TDA no later than December 15 of each program year. It is important that FMAs send the redeemed vouchers to their CE no later than November 30, to make sure the CE has time to verify and reconcile the vouchers. Also, CEs must submit any requests for claim adjustments to TDA on or before December 15<sup>th</sup> of the program year.

TDA will conduct Administrative Reviews of submitted claims and/or redeemed vouchers to determine compliance. See Section 5000, *Administrative Reviews and Audits*, for additional information.

#### **4116 Negligence, Fraud, or Abuse**

CEs assume financial liability for negligent or fraudulent administration of the SFMNP, if aware of such activity. CEs and other SFMNP stakeholders must immediately report suspected fraud or misuse of funds or vouchers, and other major criminal activity to TDA. They can notify TDA at [CommodityOperations@TexasAgriculture.gov](mailto:CommodityOperations@TexasAgriculture.gov) or (877)-TEX-MEAL. CEs should include information related to the amount involved, location of the incident, suspected parties, and other details and facts.

TDA will notify the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) Regional Office of suspected illegal activity. The FNS Regional Office reports the case to the USDA Office of Inspector General for investigation.

#### **4117 Administrative Funding and Claim Reimbursement**

SFMNP CEs accept final administrative and financial responsibility for all sites which they operate or delegate (to an approved sub-agency) program activities. SFMNP administrative funds may not cover all of a CE's actual costs.

CEs should submit claims for administrative costs and voucher reimbursement monthly using TX-UNPS. Claims for administrative funds must include all actual and allowable costs for operating the program. Reimbursement for administrative costs is based on distribution and/or redemption of vouchers.

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<sup>1</sup> TX-UNPS is the web-based application and claims processing system for all food and nutrition programs administered by TDA.

If funding is available, there will be a reallocation at the end of the program year, providing additional administrative funds to CEs. The number of vouchers each CE distributed and/or redeemed will provide the basis for calculating the reallocation of funds.

## **4200 Enrolling Participants and Issuing Vouchers**

### **4210 Participant Eligibility (7 CFR §249.6)**

Low-income persons sixty years old and older may apply to participate in the SFMNP. A proxy may apply for the applicant. For detailed information on the proxy, see Item 4214, *The Proxy*, in this handbook section. For each individual who wishes to participate in the SFMNP, *Participant Application* (Form H1430) must be completed each program year. For a copy of Form H1430, access the TDA website at <http://www.squaremeals.org/>, go to “Programs,” click on “Senior Farmers’ Market Nutrition Program,” choose “SFMNP Administration and Forms,” then input the form title or form number in the search field. This form is also available in Spanish on the TDA website (Form 1430S).

Participants must be at least 60 years old or older and reside in the CE’s service area. The participant’s income must be at or below the maximum gross household income of 185% of the annual poverty income guidelines.

Participants 60 years of age or older also qualify for the SFMNP if they take part in the Commodity Supplemental Food Program (CSFP) or receive Supplemental Security Income (SSI) or meet a means test for the 185% poverty income level.

For documentation of income eligibility, TDA will accept the signed statement of the SFMNP applicant.

TDA posts the updated federal income guidelines online each year. You may obtain a copy of the federal income guidelines by accessing the TDA website at: <http://www.squaremeals.org/Publications/IncomeEligibilityGuidelines.aspx#SFMNP>.

Participants may be certified only for the current SFMNP program year. Eligibility must be determined at the beginning of each period of operation. Prior year certifications may not be carried over into subsequent years. (7 CFR §249.6(c))

#### **4210.1 Applicant Information**

The *Participant Application* (Form H1430) must be filled out completely to certify and document the eligibility of program applicants for SFMNP benefits. Instructions accompany the form to assist CE staff in ensuring that the correct information is provided for each section.

The CE must ensure that the complete name, address, and date of birth of the applicant are entered on the *Participant Application*. At the time of application, some form of identification for each applicant must be provided. Identification may include, but not limited to:

- Birth certificate
- Baptismal certificate
- Health card
- Identification card
- Driver's license
- Military ID
- Veteran ID
- Passport
- Refugee visa

Applicants must reside within the service area of the CE.

## **4211 Household Income Determination**

### **4211.1 Converting Incomes to an Annual Equivalent for SFMNP Income Eligibility**

SFMNP applicants who are members of households with more than one source of income may receive income on different payment schedules.

**EXAMPLE:** One adult may be paid weekly while another member is paid twice a month; other types of income, such as Social Security, may be received once a month.

If a household only has one income source, or if all income sources have the same frequency, do not use any conversion factors. Use the *Income Eligibility Guidelines* (Form H1668) for the appropriate frequency and household size to determine income eligibility.

If a household has income sources of more than one frequency, annualize all income by multiplying:

- Weekly income by 52,
- Income received every two weeks by 26,
- Income received twice a month by 24, and
- Income received monthly by 12.

*Do not round totals from each conversion.* Add together all the unrounded, converted values and compare the total to the annual income with the number of household members on Form H1668 to make the income eligibility determination.

**EXAMPLE:** One adult in the household receives a monthly Social Security check of \$500. Another adult earns \$250 weekly.

\$500	Monthly Social Security Income
<i>x12</i>	<i>Multiply by monthly conversion factor</i>
= \$6,000	Converted annualized income
\$250	Weekly Income
<i>x52</i>	<i>Multiply by weekly conversion factor</i>
= \$13,000	Converted annualized income
<b>\$19,000</b>	<b>Total converted annualized income</b>

Based on Form H1668, the total household income is under the annual limit for two people and meets the income guidelines for eligibility in SFMNP.

#### **4211.2 SFMNP Benefits Excluded from Consideration as Income**

SFMNP benefits, such as voucher value, may not be counted as income or resources for any purposes under any federal, state, or local law. SFMNP benefits are excluded from determination of eligibility for other means tested programs, e.g., Supplemental Nutrition Assistance Program (SNAP).

#### **4211.3 Exclusion of Combat Pay from Income Eligibility Determination**

In determining household size for income eligibility, deployed service members should be considered household members and counted. Military combat pay of deployed household members must be excluded as countable income. The combat pay must have been:

- received in addition to the service member’s basic pay,
- as a result of the service member’s deployment to or service in an area that has been designated as a combat zone\*, and
- not received by the service member prior to deployment to or service in the designated combat zone.

\*A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat.

The two most common types of excluded combat pay are Hostile Fire Pay/Imminent Danger Pay (HFP/IDP) and Hardship Duty Pay (HDP).

Other allowances excluded as income if they meet the criteria listed above are:

- Family Separation Pay (FSA) which is only excluded when the service member is on route to a training location prior to deployment or on deployment to a designated combat zone.
- Foreign Language Proficiency Pay (FLPP) for service members certified within the last 12 months and deployed to a designated combat zone.
- Special Duty Assignment Pay (SDAP).
- Hazardous Duty Incentive Pay (HDIP).

Combat-Related Injury and Rehabilitation Pay (CIP) is also excluded and paid after a service member is medivac'ed out of the combat zone and hospitalized or receiving extensive rehabilitation as an outpatient while living in quarters affiliated with the military health care system.

#### **4212 Dual Participation Is Not Permitted**

Participants may not receive SFMNP vouchers from more than one service area during a program year. Participants are limited to \$20.00 per program year. However, participants may redeem their vouchers at any participating farmers' market **and roadside stands** within their service area.

#### **4213 Determination of Eligibility**

After reviewing all data elements on the application, CEs must determine the applicant's eligibility for certification by selecting one of these options:

- Eligible
- **Eligible and on waiting list**, or
- Ineligible.

##### Eligible:

Only those applicants who meet all eligibility criteria, as described in item 4210 above, are eligible for SFMNP benefits.

##### Eligible and on Waiting List:

When all available SFMNP benefits have been allocated to eligible participants, the CE must maintain a waiting list of eligible individuals. In order for the CE to notify eligible individuals that benefits are available, the waiting list must include the name of the applicant, the date placed on the waiting list, and an address or phone number of the applicant. (7 CFR §249.6(g)(2))

##### Not Eligible:

**Persons found ineligible for the SFMNP during a certification visit must be advised in writing of their ineligibility, of the reasons for their ineligibility, and of their right to a fair hearing. The**

reasons for ineligibility must be properly documented and must be retained on file. Such notice is not required when participation is denied solely because of lack of sufficient funding to provide SFMNP benefits to all eligible applicants. (7 CFR §249.6(d)(4))

#### **4213.1 Written Notifications**

Applicants for the SFMNP must be notified of their eligibility or ineligibility for benefits, or of their placement on a waiting list within 15 days from the date of the application. This notification may be made by the CE by providing them with a copy of the *Participant Application* (Form H1430). This form also provides information on the applicant agreement, rights, obligations, and fair hearing requests.

At the time the vouchers are distributed, CEs (or FMAs or sub-agencies that distribute vouchers for CEs) must provide the following notifications:

- Each participant shall receive instructions on how to redeem vouchers, including locations and names of farmers' markets/roadside stands at which SFMNP vouchers are distributed and may be redeemed. (7 CFR §249.10(i)(1)(3))
- Each participant shall receive instructions on how to designate a proxy. (7 CFR §249.10(i)(2))
- Each participant shall receive a description of eligible foods and the prohibition against cash change. (7 CFR §249.10(i)(5))
- Each participant shall be informed during voucher distribution of the CE's complaint procedures about improper farmer/farmers' market practices regarding SFMNP responsibilities and the process for making such a complaint. (7 CFR §249.10(i)(7))

#### **4214 The Proxy**

A proxy is a person designated by a participant to act for the participant as necessary throughout every process of the SFMNP. The proxy may apply for certification, be issued SFMNP vouchers, and use SFMNP vouchers at authorized farmers' market and/or roadside stands, if the participant is unable to perform these actions. The participant may name a proxy any time during the program year. This information must be provided in writing. The participant may list a proxy on the *Participant Application* (Form H1430) during certification or provide a signed statement. (7 CFR §249.6(f))

#### **4215 Participant Rights and Responsibilities**

The following statement on the *Participant Application* (Form H1430) shall be read by, or read to, the applicant (or proxy) at the time of certification:

*I have been advised of my rights and obligations under the Program, including the right to appeal any decision made by the local agency regarding my denial or termination from the Program. I certify that the*

information I have provided for my eligibility determination is correct to the best of my knowledge. This certification form is being completed and submitted in connection with the receipt of Federal assistance. Program officials may verify information on this form. I am aware that intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts may result in paying the Texas Department of Agriculture (TDA) in cash, the value of the food benefits improperly issued to me and may subject me to civil or criminal prosecution under applicable State and Federal laws. I understand that the local agency will make nutrition education available to me and I am encouraged to participate. Standards for eligibility and participation in the SFMNP are the same for everyone, regardless of race, color, national origin, age, disability, or sex.

Additionally, CEs or sites must provide the notification of *Applicant Agreement, Rights, Obligations and Fair Hearing Request* (page 3 of Form H1430) at application, denial of certification, and at termination. The form provides instructions about how to request a fair hearing, as well as information about other rights and responsibilities of participants.

#### **4216 Fair Hearing Request**

TDA will provide fair hearings for participants, farmers, and farmers' market associations. See Item 8400, *Appeal Procedures*, for instructions on requesting a hearing; also known as an "appeal." CEs must provide notification to participants of their right to a fair hearing, as applicable.

#### **4217 Confidentiality**

CEs must protect the confidentiality of any information that has been provided on a SFMNP participant. CEs may only use the information to determine eligibility for SFMNP benefits. Do not release any information that contains a participant's name or other individual information. Summary information, such as the number of SFMNP applicants eligible for benefits, or the number of participants, can be released.

### **4300 Sites**

#### **4310 Site Requirements**

CEs that utilize sites for the operation of the SFMNP (that is, for voucher distribution) must accept final administrative and financial responsibility. During the application process, CEs are required to visit each site as provided in Item 2220.5, *Site Information*. Refer to Item 4512, *Monitoring Contracting Entities' Sites*, for specific instructions related to these visits.

#### **4311 Certification Sites**

When selecting sites where the eligibility of applicants will be certified, CEs should consistently evaluate the administrative costs and ability of the organization, or a sub-agency, to ensure

compliance with the *SFMNP Agreement*. Form H1420, *Farmers' Market Locations and Site Information*, is used when evaluating a potential certification site and the need for a site coordinator who is separate and apart from the CE's administrative staff.

Refer to the *SFMNP Agreement* for a complete list of program requirements that must be met at each certification site. These requirements include:

- Training staff members before they assume any SFMNP duty at one or more certification sites, training each staff member every program year thereafter, including, at a minimum, the required civil rights curriculum; documenting all efforts to train staff and keeping this documentation with SFMNP records.
- Advising applicants of the restriction against participating in the SFMNP with more than one CE.

**NOTE:** Do not select certification sites where supervisors have had a poor performance record during previous program years or where supervisors could not implement or complete corrective action. Depending on the previous performance problems, TDA may not approve such sites.

#### **4312 Adding and Deleting Sites**

During the program year, CEs may wish to add or delete a site. The addition or deletion of a site is a change (that is, an amendment) to the *Application for Participation/Plan of Operation*. If a CE wishes to add a new site, the CE must:

- Visit the site to verify that it will operate in full compliance with the requirements mandated in the *SFMNP Agreement*.
- Complete Form H1420, *Farmers' Market Locations and Site Information*, for each site where participant certification and vouchers will be distributed. In the email submitting the updated Form H1420, CEs must include an explanation that clearly details the reason for the change.
- Complete and sign the *Agreement Between Contracting Entity and Sub-Distributing Agency*.
- Amend *Application for Participation / Plan of Operation* and submit Form H1420 to TDA **when requested to do so**.

If a CE wishes to delete a site, the CE must amend its *Application/Management Plan Change* in TX-UNPS for TDA's review and approval.

#### **4313 Authorizing Farmers, Farmers' Markets, and Roadside Stands**

**Only farmers, farmers' markets, and roadside stands that are authorized to participate in the SFMNP may redeem vouchers.** Farmers' markets wanting to take part in the SFMNP must be

approved by TDA.<sup>2</sup> Farmers, farmers' markets, and roadside stands may only sell eligible foods to participants using the vouchers. If participants want to purchase disallowed produce or goods, they must use other means of payment. Eligible foods must be grown in Texas, New Mexico, Oklahoma, Arkansas, or Louisiana. Food from Mexico or other countries is not permitted in the SFMNP. For the list of eligible foods, see Item 11100, *Allowed/Disallowed Foods in the SFMNP*. The majority of the food being sold must be grown by the farmer; wholesalers are not eligible to take part in the SFMNP. If farmers' markets already participate in the Farmers' Market Nutrition Program (FMNP), they are automatically allowed to participate in the SFMNP.

The redemption period for vouchers is February through October. During that period, farmers, farmers' markets, and roadside stands must display posters advertising that they will accept SFMNP vouchers. Voucher distribution and redemption periods may vary according to growing seasons in different areas of the state. Only valid SFMNP vouchers may be accepted. These vouchers will have a unique number and the current year printed on them.

Farmers must have a written agreement with the FMA to redeem SFMNP vouchers. FMAs must have a written agreement with the TDA CE to participate in the SFMNP. Refer to Section 3000, *Program Agreements*, for additional information.

The CE must ensure there is no conflict of interest between the CE and any participating farmer or farmers' market. For example, employees or volunteers of the CE must not participate in any activity that conflicts with their performance of SFMNP duties. Refer to Section 7000, *Financial Management*, for additional information on financial conflicts of interest.

## **4400 Training, Monitoring and Nutrition Education**

### **4410 Contracting Entity Training**

CEs must attend SFMNP training sessions required by TDA. CEs will be notified, in writing, of all mandatory training requirements. TDA is required to conduct interactive (face-to-face or online) training for CEs, FMAs, and farmers if a CE is new to the SFMNP. (7 CFR § 249.10(a)(7) and (d))

If the CE's staff fails to complete mandatory training, TDA may suspend the CE from participating for the program year.

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<sup>2</sup> A certified farmers' market must have at least two produce growers who are growing and selling their own produce. For information on becoming a Certified Farmers Market, please go to <https://www.texasagriculture.gov/Grants-Services/Certified-Farmers>

## 4411 Staff Training

After a CE's application has been approved, the CE must conduct training for administrative and site personnel, including volunteers and farmers, before they assume any SFMNP duty, and conduct required annual training thereafter. Training topics must include, but are not limited to:

- Identification of eligible foods
- Proper voucher redemption procedures, including deadlines for submission of vouchers
- Equal treatment of participants
- Voucher security, storage, and distribution
- Voucher cancellation procedures
- Civil rights compliance and guidelines
- Record keeping and document retention requirements

CEs must maintain a record of trainings and attendees (sign-in sheets) which includes:

- Date of training,
- Location of training,
- Training topics,
- Name(s) and signature(s) of attendees and
- Name of trainer.

CEs must keep this documentation with SFMNP records.

When developing the training curricula, CEs will benefit from reviewing the information provided in Item 4200, *Enrolling Participants and Issuing Vouchers*; Item 4300, *Sites*; and Section 6000, *Civil Rights*.

In addition to providing SFMNP training to its FMAs, sub-agencies, and other organizations, as applicable, CEs must provide technical assistance to these entities upon request.

CEs provide annual training for the FMAs. At a minimum, the training will include:

- Eligible food choices,
- SFMNP voucher redemption procedures,
- Fair and equitable treatment of SFMNP participants, including availability of foods that are of the same quality and cost as those sold to other customers,
- Civil Rights compliance and guidelines,
- Guidelines for storing SFMNP vouchers safely, and
- Guidelines for redeeming SFMNP vouchers.

Other topics may include:

- Written agreements,
- Purpose of SFMNP, and/or
- Qualification of SFMNP participants.

#### **4412 Monitoring Contracting Entities' Sites**

CEs monitor their administrative and site personnel and sub-distributing agencies to:

- Ensure program compliance,
- Investigate reported problems, and
- Determine whether to operate a site during the following program year.

If problems are identified, CEs must take action, as provided in Item 5120, *Findings*.

Independently or in coordination with TDA, CEs will review sub-distributing agencies and the distribution sites served by those agencies to:

- Evaluate their operations and activities, and
- Ensure program compliance according to the terms and conditions of their agreements, including, but not limited to:
  - Certifying participants,
  - Distributing vouchers,
  - Adhering to non-discrimination requirements,
  - Record keeping requirements, and
  - Voucher security.

#### **4413 Nutrition Education**

Easily understood nutrition education that bears a practical relationship to participants' nutritional needs and household situations must be thoroughly integrated into the SFMNP operation. Nutrition education must be available to all participants.

Specifically, nutrition education activities must:

- Emphasize the relationship of proper nutrition to the total concept of good health.
- Assist participants in obtaining a positive change in food habits that result in improved nutritional status and in the prevention of nutrition-related problems through maximum use of fruits and vegetables and other nutritious foods.

**NOTE:** Nutrition education should be provided within the context of ethnic, cultural, and geographic preferences. Nutrition education should be tailored to meet any limitations

experienced by groups of participants, such as lack of running water, lack of electricity, and limited cooking or refrigeration facilities.

As part of the *Application for Participation/Plan of Operation*, CEs must describe their plans to integrate nutrition education into their SFMNP operations.

## **4500 Program Administration by Farmers' Market Associations and Farmers**

### **4510 Agreements with SFMNP Contracting Entities**

To accept SFMNP vouchers, FMAs must sign agreements with the CEs. Farmers' markets must also have agreements with the farmers in the association, so that the farmers may accept the SFMNP vouchers.

### **4511 Voucher Accountability**

SFMNP participants redeem their vouchers by surrendering them to the farmer to purchase eligible foods. Farmers may not give change. If the participant does not purchase \$4.00 of food, the farmer must provide additional food to meet the value of the voucher. Farmers must record the date of participation on the voucher.

Farmers turn in the redeemed vouchers to the FMA. FMAs must accept only valid vouchers. A valid voucher will state the dates of use. The FMA prepares the vouchers for payment, identifying valid vouchers and ensures the farmers have included their vendor ID numbers directly on the vouchers. The FMA will list all SFMNP redeemed vouchers on the *Farmers' Voucher Redemption List* form. The FMA sends the vouchers to the CE by registered mail, UPS, or any other delivery service that uses a tracking system. Voided, expired, lost or stolen vouchers will not be paid.

### **4512 Vendor Identification Number**

After the farmer signs an agreement with the FMA, a vendor identification number will be assigned to the farmer by the FMA. The farmer is required to put this number on all vouchers received for redemption. A stamp may be used for this purpose. Vouchers without a farmer's vendor identification number will be invalid and will not be reimbursed.

### **4513 Monitoring Farmers' Market Associations, Farmers, and Roadside Stands**

CEs are required to monitor farmers, FMAs, and roadside stands annually. Monitoring includes reviewing the market and the farmers' functions at the market during operation and the processing of SFMNP vouchers.

CEs may use the *Farmers' Market Review* form when monitoring farmers and FMAs to ensure compliance with SFMNP requirements. For a copy of the *Farmers' Market Review* form, access the TDA website at <http://www.squaremeals.org/>, go to "Programs," click on "Senior Farmers' Market Nutrition Program," choose "SFMNP Administration and Forms," then input the form title in the search field.

During monitoring, CEs must, at a minimum, review:

- Produce is locally grown,
- Wholesalers are not selling to SFMNP participants,
- Vouchers are properly managed and redeemed under the requirements,
- Only eligible foods are being sold to SFMNP participants, and
- Training.

Compliance, or test buys, may be performed to make sure vendors are observing all regulations regarding sales to SFMNP participants. The monitor will check that only eligible fresh fruits, vegetables, and herbs are being sold and that no change is being given. The monitor completes the *Vendor Integrity Evaluation Report* and keeps a copy with its SFMNP records.

CEs must conduct on-site reviews of a minimum of 10 percent of farmers, 10 percent of farmers' markets, and 10 percent of roadside stands, including those farmers and farmers' markets identified as being the highest risk. High-risk indicators for program violations for farmers and FMAs include, but are not limited to:

- A high volume of SFMNP vouchers redeemed by one farmer in a FMA,
- Participant complaints, and/or
- First year participation of farmers and FMAs.

For additional information, refer to Item 4512, *Monitoring Contracting Entities' Sites* and Item 4615, *Sanctions*.

### **4513.1 Monitoring Procedures**

CEs must develop and follow written monitoring procedures that describe how the CE will monitor farmers' markets and farmers and administer sanctions when infractions are found. These procedures, at a minimum, must include:

- Monitoring and evaluation, including development of a review schedule that uses high-risk factors;
- Compliance buys;
- Sanctioning;
- Written Notice;

- Corrective Action; and
- Appeals

#### **4514 Farmers' Market Associations (FMA) Responsibilities**

In addition to the guidance already provided in this section, FMAs participating in the SFMNP must:

- Provide only fresh, nutritious, unprepared fruits and vegetables grown by the farmers in Texas, New Mexico, Oklahoma, Arkansas, or Louisiana. Fruits and vegetables allowed under the SFMNP are identified in the list of eligible fruits and vegetables provided by TDA. See Section 11000 for a list of allowed foods in the SFMNP.
- Provide fruits and vegetables to SFMNP participants that are of the same quality and price charged to other customers. Charging a higher price for eligible foods than that charged to other customers for the same foods may result in sanctions.
- Ensure that individual farmers prominently display a sign stating that they are authorized to redeem SFMNP vouchers and that individual farmers display prices for SFMNP eligible foods.
- Ensure that when farmers sell both SFMNP eligible and ineligible produce, the ineligible produce is displayed separately and marked as not eligible for SFMNP purchases.
- Redeem SFMNP vouchers for no less than their value and do not provide cash change for purchases.
- Do not bill or attempt to collect from SFMNP participants any charges from any SFMNP vouchers submitted to TDA for reimbursement but not paid by TDA.
- Notify TDA if any farmer or farmers' market ceases operation prior to the end of the authorization period.
- Notify CE and/or TDA of any market cancellation at least 15 days before market day.
- Abide by SFMNP policies. The FMA has a duty to become familiar with the contents of its Agreement with its CE (SFMNP-03), the SFMNP policies and guidance, and all subsequent revisions.
- Cooperate with periodic compliance monitoring, as conducted by the CE, TDA, and/or USDA.
- Provide access to SFMNP records, including vouchers, upon request by any monitoring agency.
- Agree to administer SFMNP as required by SFMNP regulations in 7 CFR Part 249.

For a comprehensive list, CEs and FMAs should refer to its signed Agreement (SFMNP-03).

#### **4515 Sanctions**

The CE may disqualify any farmer or FMA from participation in the SFMNP if the sanction score reaches 15 points or more during the year of participation. The maximum number of points may be assessed for a single serious abuse or for cumulative penalties for several less

serious abuses, or they may come from several abuses occurring at different times during the program year. The disqualification periods are:

<b>Total Number of Points</b>	<b>Disqualification Period</b>	
15 Points	1 Year	May not accept vouchers for the current program year
20 Points	2 Years	May not accept vouchers for the current program and the next program year
25 Points	3 Years	May not accept vouchers for the current program year and the next two program years

During a disqualification period, a farmer may not take part in the SFMNP at another authorized FMA.

Farmers and FMAs have the right to appeal sanctions.

Infractions include, but are not limited to:

Infraction		Explanation/Example	Points
1	Redemption of invalid vouchers: <ul style="list-style-type: none"> <li>• Redeemed after end date</li> </ul>	Must not exceed 5% of redeemed vouchers	1 Point
2	Providing unauthorized food or goods, except for firearms, ammunition, or controlled substances as defined in 21 USC 802 (including alcohol and tobacco) which have a higher points penalty. See #9 below.	Nuts or Clothing	5 Point
3	Charging SFMNP customers more than other customers	\$4.00 worth of food for a participant is less than for a non-participant	5 Points
4	Requiring cash to be paid by SFMNP participants in addition to voucher		5 Points
5	Asking SFMNP participants to pay for vouchers not redeemed by TDA		5 Points
6	Falsifying information on vouchers	Date redeemed	5 Points
7	Charging for food items not received	Rain checks	5 Points
8	Providing false information on farmer/farmers' market application		15 Points
9	Exchanging vouchers for money or non-food items	Alcohol, tobacco, firearms, ammunition, or other controlled substance	25 Points
10	Refusing to provide access to records, prices, or redeemed vouchers to TDA staff or contracting entities		15 Points

CEs must provide written notification of adverse action to participating farmers and FMAs of any violations of SFMNP requirements that require sanctions. CE's must sanction farmers and FMAs for sanctionable violations of SFMNP requirements as set forth above.

Refer to Item 4614.1, *Monitoring Procedures*, for more information on the requirement that CE's have a written monitoring procedure covering the monitoring of farmers' markets and farmers and administration of sanctions when infractions are found.

#### **4516 Prohibition on Collecting Sales Tax**

State or local tax collection is prohibited on the purchase of foods bought with SFMNP vouchers. Farmers' markets are not required to pay sales tax on food purchased with vouchers and must not charge sales tax to SFMNP participants.

## 4600 Program Documentation

TDA can only observe daily operation of the SFMNP when conducting Administrative Reviews and audits. Therefore, TDA must rely on the records that CEs maintain to determine compliance with SFMNP requirements and verify the reimbursement to which CEs are entitled.

If a CE's records do not support eligibility for voucher reimbursement, CEs must repay any amount that is received improperly.

### 4610 Retention Period

CEs must maintain complete records related to SFMNP operations, such as information pertaining to financial operations, voucher issuance and redemption, civil rights procedures, claims, statistical records, and supporting documents that are specific to a particular program year until February 1st, after the third fiscal year of program participation. (7 CFR § 249.23)

**Example:** Records for fiscal year 2020 must be retained until February 1, 2024.

Retention Periods:

Program Fiscal Year End:	Retain Records Until...
September 30, 2018	February 1, 2022
September 30, 2019	February 1, 2023
September 30, 2020	February 1, 2024

**EXCEPTION:** If any litigation, claim, negotiation, audit or other action involving records has started before the end of the 3-year period, the records must be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is longer. (7 CFR § 249.23(a)(2)) These issues are resolved when a final order is issued in litigation, or when the CE and TDA sign a written agreement.

### 4620 Availability of Records

CEs and sites must allow TDA, USDA, the Government Accountability Office (GAO) and representatives of other appropriate agencies to inspect facilities and records and to audit, examine and copy records during normal working hours.

CEs must maintain separate records for each site, and SFMNP records must be maintained separately from records of other programs.

**NOTE:** If the *SFMNP Agreement* is terminated or not renewed, a CE must retain all records according to the record retention requirements and make them available upon request.