

Senior Farmers' Market Nutrition Program



Jennifer Church
Kansas Dept. of Health &
Environment

Our Vision – Healthier Kansans living in safe and sustainable environments



Goals

- The Senior Farmers' Market Nutrition Program (SFMNP) is a USDA funded initiative
- The three main goals of the SFMNP, are:
 - to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands, and CSA programs to low income seniors;
 - to increase the domestic consumption of agricultural commodities
 - to develop or aid in the development of new and additional farmers' markets, roadside stands, and CSA programs.

Our Vision – Healthier Kansans living in safe and sustainable environments



Eligibility and Benefits

- Approximately 5,700 Seniors at 185% of the poverty level or below will receive the benefit.
- Current benefit is \$30/senior in the form of 15 - \$2 checks.
- Checks to be redeemed by certified farmers between June and October
- Income guidelines by individual:
 - \$1,670 per month or less
 - More than one individual per household can receive the benefit





Target Counties

- Anderson
- Atchison
- Bourbon
- Cowley
- Dickinson
- Douglas
- Finney
- Franklin
- Harvey
- Jefferson
- Johnson
- Leavenworth
- Lyon
- McPherson
- Osage
- Reno
- Republic
- Riley
- Saline
- Sedgwick
- Shawnee
- Wyandotte

Our Vision – Healthier Kansans living in safe and sustainable environments

Farmer Requirements

- Agreement between the Farmer and the Kansas Department of Health & Environment is valid for 3 years
- Vendor Agreement is required (submitted on-line)
- Will expire at the end of the 2012 program year
- Only one agreement per operation is required



Eligible Food Choices

- Only fresh, nutritious unprepared, locally grown fruits, vegetables, herbs, and honey for human consumption
- Eligible foods may not be prepared beyond their natural states except for their usual harvesting and cleaning processes
- Locally grown = Grown in Kansas or in a county adjacent to Kansas' state lines if you are in Johnson, Wyandotte, Leavenworth, Bourbon, or Atchison Counties

Our Vision – Healthier Kansans living in safe and sustainable environments



Ineligible Food Choices

- Grocery store purchases
- Non-locally grown fruits, vegetables, herbs, and honey
- Creamed, whipped, flavored, or herbally-infused honey
- Processed fruits or vegetable products (i.e. baked goods, jams, jellies, popcorn, juices, etc.)

Our Vision – Healthier Kansans living in safe and sustainable environments



Ineligible Food Choices

- Dried fruits or vegetables, prunes (dried plums), raisins (dried grapes), sun-dried tomatoes, and dried chili peppers; potted fruit or vegetable plants; potted or dried herbs; wild rice; nuts; maple syrup; cider; seeds; eggs; meat; cheese; and seafood

Frog Legs Are Not an Eligible Product!



Our Vision – Healthier Kansans living in safe and sustainable environments



SFMNP Number/Stamp

THE FACE OF THIS DOCUMENT HAS A COLORFUL BACKGROUND

Kansas Senior Farmers' Market Nutrition Program 75-1248
Kansas Department on Aging 919
503 S. Kansas Ave. • Topeka, KS 66603-3404 ACCT #02636

785-296-4986 • This institution is an equal opportunity provider.
Use only at authorized KSFMNP Farmers' Markets
and Roadside Stands

First date to spend: **May 3, 2008**
Last date to spend: **September 30, 2008**
SOME MARKETS MAY CLOSE EARLIER
FARMER MUST DEPOSIT BY OCTOBER 11, 2008

For purchase of fresh fruits,
vegetables and herbs.
Not good at grocery stores.
Exempt from state and local
sales tax.

2008

\$2 00
NO CHANGE ISSUED

**IMPROPER USE OF THIS DRAFT SUBJECT
TO FEDERAL-STATE PROSECUTION**

PARTICIPANT'S SIGNATURE

Participant or Proxy Signature

Our Vision – Healthier Kansans living in safe and sustainable environments



SFMNP Certified Vendor Poster

KANSAS SENIOR FARMERS' MARKET NUTRITION PROGRAM

Checks Accepted Here

SFMNP CERTIFIED VENDOR

Vendor Name: [Last Name] Vendor Number: [0000]

Display this sign to help Kansas Seniors know that you accept SFMNP Checks



USDA is an equal opportunity employer

Revised March 1, 2010



Our Vision – Healthier Kansans living in safe and sustainable environments

Coupon Use

- Store coupons with all your other checks in a safe place
- Payment
 - May be deposited at any financial institution
 - \$2 denominations



Coupon Use

- All coupons can be accepted from seniors starting June 1st and ending October 15th
- November 15th is the deadline to redeem coupons
- Coupons void if:
 - Number is missing, unreadable or inappropriately entered
 - Signature is missing
 - Failed to endorse coupon
 - Deposited after Nov. 15th



Coupon Use

- Farmers cannot:
 - Collect sales tax on SFMNP coupon purchases
 - Seek restitution from SFMNP participants for coupons not paid
- Coupons may be resubmitted for payment in the event that the farmer signature or certification number can be properly and legally corrected
- KDHE may deny payment for improperly redeemed coupons and may require refunds

Our Vision – Healthier Kansans living in safe and sustainable environments



Cash, Change, Credits, or Refunds

- Coupons cannot be exchanged for cash
- Change, credit and/or refunds not be issued on items purchased with SFMNP coupons
- Certified farmers are prohibited from cashing coupons accepted by a non-certified farmer



Nondiscrimination

- May not refuse to accept properly presented coupons in exchange for eligible foods
- Maintain nondiscriminatory sales transaction procedures
- Eligible foods will be of equal quality and cost
- Must offer SFMNP same courtesies and equal treatment as you would to other customers
- Farmers are prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability
- Anyone may file a complaint of discrimination
 - orally, written, or anonymously



Our Vision – Healthier Kansans living in safe and sustainable environments



Civil Rights Compliance

- **KDHE warrants and assures:**
 - Complies with Title VI of the Civil Rights Act of 1964
 - Title IX of the Education Amendments of 1972
 - Section 504 of Rehabilitation Act of 1973
 - Age Discrimination Act of 1975
 - Americans with Disabilities Act of 1990
 - No person shall be excluded from participation in, denied benefits of, or otherwise be subjected to, discrimination under any program or activity for which the agency receives federal financial assistance
 - KDHE will comply with all local, State, and Federal Statutes regarding Civil Rights laws and equal opportunity employment

Our Vision – Healthier Kansans living in safe and sustainable environments



Other Requirements

- Provide information as KDHE may require for periodic reports to USDA
- Accept training on SFMNP procedures and provide training to farmer employees
- Agree to be monitored for compliance with SFMNP requirements, including both overt and covert monitoring
- Farmers will be held accountable for their and their employees actions in the provision of eligible foods
- Comply with the nondiscrimination provisions of USDA regulations
- Notify KDHE if an operation ceases prior to the end of the authorization period
- Pay KDHE for any coupons transacted in violation of the Agreement
- Farmer who commits fraud or engages in other illegal activity is liable to prosecution under applicable Federal State, or local laws

Our Vision – Healthier Kansans living in safe and sustainable environments



Major Violations



Violations

- Accepting SFMNP coupons for non-locally grown products
- Exchanging ineligible products for coupons
- Accepting SFMNP coupons in exchange for cash
- Cashing SFMNP coupons for a non-certified farmer
- Giving change
- Failure to register and certify scales and label packaged contents

Sanction

- 1st Violation – Immediate suspension from the program followed by disqualification for the remainder of the current year if the violation is not successfully challenged by the farmer

Our Vision – Healthier Kansans living in safe and sustainable environments



Major Violation



Violation

- Commit fraud or engage in other illegal activity

Sanction

- 1st Violation - Disqualification without reinstatement and liable to prosecution under applicable Federal, State, or local laws



Minor Violations



Violations

- Noncompliance with SFMNP rules and procedures
- Refusal to accept valid SFMNP coupons for eligible products
- Failure to comply with inspections
- Participating in abusive or discriminatory practices
- Charging for items not received
- Accepting coupons after Oct. 15, 2010

Sanction

- 1st and 2nd Violation – Warning letters
- 3rd Violation (regardless of when 1st or 2nd violations occurred) – Suspension from the program followed by disqualification for the remainder of the current year if the violation is not successfully challenged by the farmer.

Our Vision – Healthier Kansans living in safe and sustainable environments



Suspensions

- If suspended:
 - Suspension period effective from date of certified mail notification
 - During this time, farmer's SFMNP number is temporarily disabled
 - Must refrain from participating in SFMNP
 - In effect for 30 days during which time farmer may appeal suspension notice
 - If no appeal is made, automatic disqualification
 - If incident leading to the suspension is successfully challenged by the farmer, the suspension is immediately lifted

Disqualification

- Disqualification follows the suspension period
- If disqualified:
 - Cannot continue participating in the program
 - Return farmer ID stall sign to KDHE within 30 days of receipt of disqualification notice
 - Failure to comply with this requirement may result in compromising participation in the program in the future
 - SFMNP number is permanently disabled

Our Vision – Healthier Kansans living in safe and sustainable environments



Disqualification

- If farmer wishes to continue to participate in the program, he / she must attend a training session the next year
- Farmer can re-enroll as a certified farmer
- If re-certified, he / she is on probationary status for one full SFMNP season
- As a result, he / she will receive either an overt or covert on-site monitoring investigation during the year



Appeals

- If making an appeal which resulted in a suspension or disqualification:
 - Written request for administrative appeal to KDHE
 - May appeal the denial to participate in SFMNP and an action imposing a sanction
 - Appeal must be within 30 days of date of receipt of certified mail notification
- KDHE will set a date and location for the hearing 15 days after the appeal
 - Farmer will receive written notice of the time and place at least 30 days prior to the date of the hearing
 - Farmer has one opportunity to reschedule the hearing date
 - Farmer can examine, prior to and during the decision, the document and records that support the decision under appeal

Our Vision – Healthier Kansans living in safe and sustainable environments



Appeals

- At a minimum, the farmer or his / her representative will have the opportunity to:
 - Present his / her case
 - Question or disprove any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses
 - Be represented by counsel
 - Bring witnesses
 - Review the case record prior to the hearing
- Submit evidence to establish all pertinent facts and circumstances in the case
- Advance arguments without undue interference
 - An adverse action, at KDHE's option, may be postponed until a decision in the appeal is rendered
 - A postponement is appropriate where KDHE finds that participants could be unduly inconvenienced by the adverse action

Our Vision – Healthier Kansans living in safe and sustainable environments



Appeals

- KDHE may determine other relevant criteria to be considered in deciding whether or not to postpone an adverse action
- KDHE will provide the farmer with written notification of the adverse action, the cause(s) for the action, and effective date of the action and an opportunity for a fair hearing
- Notification will be provided 15 days before the effective date of the action
- The hearing official will be an impartial decision maker
- The decision of the official is given to the farmer 15 days of the date of the hearing or within 60 days from the date of receipt of the request for a hearing by KDHE

Our Vision – Healthier Kansans living in safe and sustainable environments



Appeals

- All records of the hearing and decision are available for public inspection for 3 years
- If dissatisfied with the hearing decision, farmer may appeal to KDHE for further state level review of the decisions and a possible rehearing
- This appeal must be made within 15 days of the contested decision of the previous hearing
- The same procedures outlined above are followed
- If a farmer appeals an adverse action (and is permitted to continue in the SFMNP while the appeal is pending) he / she will continue to be responsible for compliance with the terms of the written Agreement

Our Vision – Healthier Kansans living in safe and sustainable environments



Due Process

- State of Kansas will follow Administrative Procedure act to allow for due process to SFMNP local agencies, SFMNP certified farmers, and SFMNP participants
- Expiration of the Agreement with the farmer and claims actions under the SFMNP rules and regulations are not appealable



Conclusion

- Things to remember:
 - Only sell eligible foods
 - Only sell during dates indicated on the checks (June-October 15)
 - Stamp every check with your vendor ID
 - Make sure every check is signed by the Senior
 - Don't forget to deposit the check to your bank
- Sign and date Agreement
- Indicate how many ID stall signs you would like on the agreement

Our Vision – Healthier Kansans living in safe and sustainable environments





Farmer Agreement can be
found at:

www.kdheks.gov/sfmnp

Our Vision – Healthier Kansans living in safe and sustainable environments

Contact Information:

Jennifer Church

jchurch@kdheks.gov

785-296-8060

1000 SW Jackson, Suite 230

Topeka, KS 66612

www.kdheks.gov/sfmnp



Our Vision – Healthier Kansans living in safe and sustainable environments

