



DOH-CACFP: Number 221 (09/24)
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TO: All CACFP Sponsoring Organizations

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SUBJECT: CACFP Requirements for Meal Pattern Substitutions and Modifications

I. Purpose and Scope

The purpose of this policy memo is to outline the requirements for accommodating meal modifications and substitutions for disabled and non-disabled participants. Guidance on when a medical statement is required is also included.

II. Summary of Changes

Beginning October 1, 2024 both state licensed healthcare professionals and registered dietitians may write medical statements to request meal modifications on behalf of participants with disabilities. Sponsoring organizations are encouraged to meet participants' non-disability dietary preferences when planning and preparing CACFP meals.

III. General Information

According to the Americans with Disabilities Act (ADA) Amendments Act of 2008, most physical and mental impairments are considered a disability. CACFP participating programs should not focus on whether an impairment qualifies as a disability. Instead, they should work together with the parents, guardians, and adult participants to ensure there is equal access to CACFP meal services.

IV. Requirements for Accommodating Disabilities

A. Accommodating Disabilities when a written medical statement is provided

- 1) Programs participating in CACFP are required to make reasonable modifications to the meal pattern for participants with disabilities, on a case by case basis,

when supported by a medical statement. Modifications must be provided at no extra cost to the participant.

- 2) Medical statements should include the following information:
 - a) A description of the participant's impairment written so the day care provider can understand how the impairment restricts the participant's diet.
 - b) An explanation of what must be done to accommodate the disability.
Note: For participants with food allergies, the statement must identify the food(s) that cannot be served and recommended substitutions.
 - c) The medical statement must be signed by a licensed healthcare professional or registered dietitian. In New York State, licensed healthcare professionals that can write the medical statements include physicians, nurse practitioners, physician assistants, and dentists.
- 3) Meal pattern modifications refer to changes in the meal pattern which result in meals/snacks that do not meet the meal pattern requirements such as a component not being served (i.e. bread), the serving size is less than the required minimum quantities or a liquid nutrition supplement is served instead of solid foods. These meals may still be claimed for reimbursement when there is a medical statement on file. Reimbursement is made at the applicable rate for the meal and type of program.
- 4) Parents/participants can choose to provide the food(s)/beverages for a meal pattern modification that is supported by a medical statement. The day care center/home must provide at least one required meal component in order to claim the meal and/or snack.

B. Accommodating Disabilities when a written medical statement is not provided

- 1) Programs participating in CACFP are encouraged, but not required to make substitutions related to disabilities that are not supported by a medical statement.
- 2) A medical statement is not required when making a substitution to the meal pattern. A meal pattern substitution is replacing a creditable food or beverage with another creditable item within the same component. For example, serving chicken instead of pork, or serving peaches instead of strawberries.
- 3) Parents/participants may provide one component for substitution. The meal and/or snack may be claimed if the day care center/home provides the remaining components. Meals/snacks may not be claimed when parents provide non-creditable foods/beverages.

V. Requirements for Accommodating Non-Disabled Participants

- 1) Programs participating in CACFP may make substitutions to meals and snacks for non-disabled participants when a medical statement is provided. The medical statement must support the need for a substitution. It should include recommended substitutions and must be signed by a recognized medical authority as noted above.

- 2) Substitutions may be requested by a parent/participant for non-medical reasons. These should be addressed on a case by case basis.
- 3) Parents/participants may provide one component for substitution. The meal and/or snack may be claimed if the day care center/home provides the remaining components. Meals/snacks may not be claimed when the parents provide non-creditable foods/beverages.

VI. Meal Environment

Program operators must provide all meals in the most integrated setting appropriate to the needs of the disabled participant.

VI. Recordkeeping Requirements

Record all foods/beverages used in modifications and substitutions on your food production record. If meals are vended, the daily delivery invoice must list all items sent to accommodate modifications and substitutions.

If you have any questions regarding this memo, please contact a CACFP nutritionist at 1-800-942-3858.

Q&A

We have a participant with a disability, and we can easily substitute another creditable food for the required component. Is a medical statement required?

No.

We have a participant with food allergies and the medical statement specifies that a very expensive formula is required. Do we have to buy that specific formula?

No. You are not required to provide a specific brand name, but you must supply a substitute that does not contain the specific allergen that affects the participant.

If a substitution is not available and purchasing the specific formula would place a financial burden on the day care center/home, then the day care center/home would not be required to provide the requested medical formula.

We have a participant whose parent prefers their child be served a beverage that is non-creditable. What do we do?

- If the participant has a medical condition, ask the parent to provide a written medical statement. You may claim the meals/snacks supported by the medical statement.
- Educate the parents on creditable milk substitutes and determine if one of those can be used instead of cow's milk. You may claim the meals/snacks where a creditable milk substitute is used. Please refer to the *Crediting Foods in CACFP* for a list of creditable milk substitutes.
- If the child does not have a medical statement and the family does not provide a creditable substitute, meals may not be claimed for this child.

We have vegan participants who are served veggie burgers. Can we claim a veggie burger as the meat alternate?

Yes, if the product is creditable. For creditable vegetarian alternates, refer to Policy Memo 201: Crediting Vegetarian Meat Alternates in CACFP Meals and the Crediting Foods in CACFP guide.