

# Kansas Senior Farmers Market Nutrition Program



Kansas Department of Health & Environment



Our Vision – Healthier Kansans living in safe and sustainable environments

# Overview

- The Kansas Senior Farmers Market Nutrition Program (KSFMNP) is a USDA funded initiative
- Established in 2006
- Operated by 52 State agencies and federally recognized Indian Tribal Organizations

# Goals

- The three main goals of the KSFMNP, 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.

# KSFMNP in Kansas

- Operated by the Kansas Department of Health and Environment Bureau of Health Promotion
- Partner with:
  - Kansas State Research and Extension
  - Regional AAA organizations,
  - County senior centers and health departments,
  - Food banks
  - Local non-profits

# KSFMNP in Kansas

## Partner Agency Duties

- Process applications and distribute checks and/or partner with local agencies within the counties they serve
- Provide training and referrals
- Promote KSFMNP through Public Services Announcements

**Market Managers may train vendors after completing interactive training**

# KSFMNP in Kansas

## 2014 Statistics

- \$154,000 food dollars available to go directly to check for Seniors
- Over 5,000 Seniors received checks
- Over 450 Farmers authorized to accept checks
- Senior centers covering 30 counties distributed checks to low-income Seniors



# Participating Counties

- Allen, Anderson, Atchison,
- Barton, Bourbon, Brown, Butler,
- Clay, Cowley, Cherokee, Crawford,
- Dickinson, Doniphan, Douglas,
- Finney, Franklin, Geary
- Harvey, Jefferson, Johnson,
- Labette, Leavenworth, Lyon,
- Marion, Miami, Montgomery,
- Neosho, Neosho, Osage, Pottawatomie
- Reno, Republic, Rice, Riley,
- Saline, Sedgwick, Shawnee, Sumner
- Wyandotte



# Eligibility and Benefits

- Kansas Seniors at 185% of the poverty level or below will receive the benefit.
- Current benefit is \$30/senior in the form of 6 - \$5 checks.
- Checks to be redeemed by certified farmers between May 1 and November 15, 2015
- Income guidelines by individual:
  - \$1,800 per month or less
  - More than one individual per household can receive the benefit

# Farmer Requirements

- Participate in a KDHE or Extension hosted training
- Farmer Agreement is required to accept KSFMNP Checks (submitted on-line, fax or mailed).
- Agreement between the Farmer and the Kansas Department of Health & Environment must be renewed every year.
- Only one agreement per operation is required.



# Farmer Requirements

- Sell in a county where seniors receive checks
- Treat all KSFMNP participants equitably
- Provide foods that are of the same quality and cost as those sold to other customers

# Eligible Food Choices

- Only fresh, nutritious unprepared, locally grown fruits, vegetables, cut herbs, and local 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's state lines if you are near the Kansas state border

# 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.)

# Ineligible Food Choices

- Dried fruits or vegetables
- Prunes
- Raisins
- Sun-dried tomatoes
- Dried chili peppers
- Potted fruit or vegetable plants
- Potted or dried herbs
- Wild rice
- Cider
- Seeds
- Eggs
- Meat
- Cheese
- Seafood
- Nuts
- Maple syrup

# Vendor Number/Stamp\*

Kansas 2010 Senior Farmers' Market Nutrition Program Account # 802636

Pay to the order of authorized  
Kansas Farmers Market Vendor

Deposit no later than November 15, 2010  
NOT CASHED AT GROCERY STORES

Good for the purchase of fresh, locally grown  
vegetables, fruits, cut flowers, and honey from  
KSEFMP Vendor. Any other use constitutes fraud.

VALID DATES CHECK  
June 1, 2010 – October 31, 2010  
SOME MARKETS MAY CASH EARLIER

NOT CASHED AT GROCERY STORES  
NO CHANGE GIVEN

VENDOR NUMBER HERE

PARTICIPANT'S SIGNATURE

SOLUTRAN SECURITY BANK HOWARD LAWRENCE MN 55349 75-1248/919 KSEFMP

@091912482@ 802636@

# Participant or Proxy Signature\*

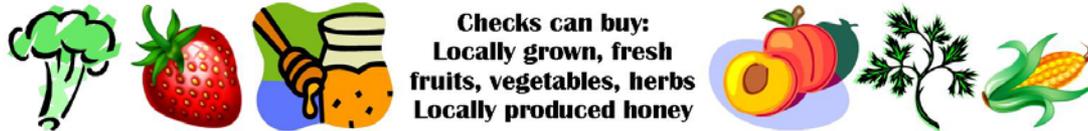
\*Both are required to cash checks

# KSFMNP Authorized Farmer Poster

SFMNP Cert. ID #: 0000

## **KANSAS SENIOR FARMERS' MARKET NUTRITION PROGRAM**

### **Checks Accepted Here**



Checks can buy:  
Locally grown, fresh  
fruits, vegetables, herbs  
Locally produced honey



USDA is an equal opportunity employer

For more information about the program please visit <http://www.kdheks.gov/sfmnp/> or call 785-296-8060

Revised February 3, 2015



# Check Use

- Store checks with all your other checks in a safe place
- Payment
  - May be deposited at any financial institution
  - \$5 denominations

# Check Use

- All checks can be accepted from seniors May 1 to November 1
- November 15<sup>th</sup> is the deadline to redeem checks
- Checks voided if:
  - Number is missing or unreadable
  - Signature of senior or vendor missing
  - Deposited after November 15<sup>th</sup>

# Check Use

- Farmers cannot:
  - Collect sales tax on KSFMNP check purchases
  - Seek restitution from KSFMNP participants for checks not paid
- Checks may be resubmitted for payment in the event that the farmer signature or authorization number can be properly and legally corrected
- KDHE may deny payment for improperly redeemed checks and may require refunds



# Cash, Change, Credits, or Refunds

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

# Civil Rights

- Civil Rights
  - Nonpolitical rights
  - Rights of personal liberty guaranteed by 13<sup>th</sup> and 14<sup>th</sup> amendments
- Discrimination
  - Act of distinguishing one person or group of persons from others, either intentionally, or neglect or by the effect of actions or lack of actions based on the protected bases

# Civil Rights

- Six (6) protected bases
- No person shall, on the grounds of **race, color, national origin, age, sex or disability**, be excluded from participation, be denied benefits, or be otherwise subjected to discrimination under the KSFMNP

# Civil Rights

- USDA Policy and Guidance
  - FNS Instruction 113-1 Rev.1
  - Available at  
[http://www.agingkansas.org/HealthyAging/Farmers/FNS\\_113-1\\_Instruction\\_Sept\\_13\\_2005.pdf](http://www.agingkansas.org/HealthyAging/Farmers/FNS_113-1_Instruction_Sept_13_2005.pdf)

# Civil Rights

- Eight (8) Areas of Civil Rights Compliance
  - Assurances
  - Public Notification System
  - Data Collection
  - Training
  - Compliance Reviews
  - Civil Rights Complaints
  - Limited English Proficiency
  - Equal Opportunity Rule

# Civil Rights

- Civil Rights Complaints
  - Right to File a Complaint
  - Any person alleging discrimination on the basis of a protected class can file a complaint within 180 days of alleged discriminatory action
  - Complaints will be accepted
    - In writing
    - Orally
    - Anonymously
  - Instructions for Filing a Complaint and form

# Civil Rights

- Civil Rights Complaints
  - Information needed:
    - Complainant's name, address, phone
    - Location where discrimination occurred
    - Description of incident
    - Basis for claim (protected class)
    - Names of witnesses
    - Date(s) when action(s) occurred

# Federal Relay Service

- Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

# Class I Violations

- Negotiating KSFMNP checks without a valid vendor identification number stamped in the appropriate box on the check;
- Failure to display “Farmers Market Checks Welcome Here” sign.
- Sanction: A Class I violation will result in a “warning” letter from the Program Manager to the farmer/vendor.

# Class II Violation

- Accepting KSFMNP checks for ineligible items.
- Accepting KSFMNP checks at an unauthorized market.
- Discriminating against a KSFMNP customer.
- Two (2) Class I violations within a season, approximately May through October.
- Sanction: A Class II violation will result in a “non-compliance” letter from the Program Manager to the farmer/vendor. In addition, technical assistance will be provided by telephone with a verbal test of information provided.

# Class III Violation

- Providing drugs, alcohol or cash to a customer for KSFMNP checks.
- Charging KSFMNP customers more than the current price charged other customers.
- Attempting to collect sales tax from a KSFMNP customer.
- Providing money (i.e., change) back to customers for purchases where the amount of the purchase is less than the value of the check(s).
- Two Class II violations within a season, approximately May through October.

# Class III Violation

- Sanction: A Class III violation would result in the farmer's/vendor's suspension from the KSFMNP.
- SUSPENSION:
  - The length of suspension for a first time offense is the growing season.
  - The length of suspension for a second time offense is the present growing season, and the next ensuing growing season.
  - A grower who is suspended must reapply to participate in the KSFMNP.

# 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 KSFMNP 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

# Appeals

- At a minimum, the farmer or their representative will have the opportunity to:
  - Present their 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

# 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

# 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 just 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 KSFMNP while the appeal is pending) he / she will continue to be responsible for compliance with the terms of the written Agreement

# Due Process

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

# Things to Remember

- Only sell eligible foods
- Only sell during dates indicated on the checks (May 1-November 1)
- Stamp every check with your vendor ID
- Make sure every check is signed by the senior
- Don't forget to endorse and deposit the check to your bank
- **Complete the Agreement every year**
- **Indicate how many ID stall signs you would like on the agreement**



# Things to Remember

- Market Managers may train new KSFMNP vendors after completing the interactive training themselves
- Farmers Markets may promote KSFMNP
- Know your local check distribution agencies
- Refer seniors to apply

Farmer Agreement can be  
found at:

[www.kdheks.gov/sfmnp](http://www.kdheks.gov/sfmnp)



# Contact Information:

[kuhde@kdheks.gov](mailto:kuhde@kdheks.gov)

785-296-8060

1000 SW Jackson, Suite 230

Topeka, KS 66612

[www.kdheks.gov/sfmnp](http://www.kdheks.gov/sfmnp)

