Iowa WIC Vendor Newsletter

Volume 14 Issue 6 April 2013

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eWIC Update
(Iowa WIC EBT)

Vendor Resources for Iowa WIC Program and eWIC
http://www.idph.state.ia.us/wic/eWIC.aspx?SubPg=Vendors

Federal WIC Information

Technical Implementation Guide (TIG) for WIC EBT (Known in Iowa as eWIC)

This USDA/FNS publication provides the standards and specifications for all stakeholders supporting eWIC. This is made available for reference and guidance. Iowa specific requirements will not be available until eWIC implementation.

- http://www.fns.usda.gov/wic/ebt/WICEBT-TechnicalImplementationGuide.pdf

Public Rule 111-296. Proposed Rules regarding WIC Electronic Benefits Transfer (EBT)

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of the Electronic Benefit Transfer-Related Provisions of Public Law 111-296.

SUMMARY: This proposed rule would revise regulations governing the WIC Program, incorporating the provisions set forth in the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) related to Electronic Benefit Transfer (EBT) for the WIC Program. The HHFKA was signed into law by President Obama on December 13, 2010.

DATES: To be assured of consideration, comments must be postmarked on or before May 29, 2013. [90 days after the date of publication]. FNS invites interested persons to submit comments on this proposed rule.

Comments may be submitted by any of the following methods:

- *Mail:* Send comments to Debra R. Whitford, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 520, Alexandria, Virginia 22302, (703) 305-2746.
- *Web site:* Go to *http://www.fns.usda.gov/wic*. Follow the online instructions for submitting comments through the link at the Supplemental Food Programs Division Web site.
- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments. All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identities of the individuals or entities submitting the comments will be subject to public disclosure. All written submissions will be available for public inspection at the address above during regular business hours (8:30 a.m. to 5:00 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Debra R. Whitford, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 528, Alexandria, Virginia 22302, (703) 305-2746.

- USDA FNS web site: http://federalregister.gov/a/2013-04216

General questions/information regarding USDA, FNS located on web site:

- http://www.fns.usda.gov/wic

SNAP (formerly Food Stamp) related questions (SNAP is not a part of WIC)

- http://www.fns.usda.gov/snap/contact_info/widget.htm OR by telephone 800-414-1422

Iowa WIC Vendor State Violations

Violation: The assignment of violation points does not limit the Department's right to impose more severe penalties and sanctions in cases in which there is evidence of an intentional or systematic practice of abusing or defrauding the Iowa WIC Program. The following table lists the vendor violations and the points assigned for each event. ** Food instrument (FI) refers to Iowa WIC checks.	Points Per Event
Accepting food instrument(s) outside the valid dates of use.	5
Depositing food instrument(s) more than 15 days after purchase date.	5
Accepting food instrument(s) with no printed valid dates of use.	5
Refusal to accept valid WIC food instruments from participants.	10
Discriminatory treatment of WIC participants, such as requiring WIC participants to use special checkout lanes or provide extra identification.	10
Providing to WIC participants incentive items not prior authorized by the department.	10
Failure to carry out corrective action plan developed as a result of monitoring visit.	10
Failure to reimburse department for potentially overpaid food instrument or provide reasonable explanation for the cost of the food instrument.	5
Accepting the return of food purchased with WIC food instruments for cash or credit toward other purchases.	10
Failure to use the WIC vendor stamp issued by the Iowa WIC program.	5
Issuing "rain checks" or credit in exchange for WIC food instruments.	10
Stocking out–of–date, stale, or moldy WIC foods.	10
Failure to submit vendor price assessment reports as requested.	10
For vendors that have special WIC prices, failure to post WIC prices on the shelf or on the package.	15
Cashing food instrument(s) without amount, date of purchase, or participant signature.	15
Contacting WIC participants in an attempt to recover funds not paid by WIC.	15
Providing false information on the price assessment report.	15
Failure to train all employees and ensure their knowledge regarding WIC program procedures set forth in the vendor's current agreement and in the current publication of the Iowa WIC program's vendor instruction booklet.	10
Requiring WIC participants to purchase a particular brand when other WIC approved brands are available.	10
Not allowing WIC participants to use discount coupons or promotional special to reduce the WIC food instrument amount.	10
Requiring other cash purchases to redeem WIC food instruments.	15
Failure to allow purchase of up to the full amount of WIC foods authorized on the food instrument if such foods are available and desired by the WIC participant.	20
Failure to obtain infant and/or special needs formula from an approved source listed by the State WIC program.	15
Offering incentive items with a value more than $1.99.	15
Developing and using promotional materials, including stickers, tags, labels, or channel strips with the WIC service mark to identify WIC approved foods.	5
Developing and using store created WIC vendor identification decals to indicate store is an authorized vendor.	5

Additional information regarding violation points, sanctions and civil money penalty's is available in the vendor's 2012-2015 Iowa WIC Vendor Agreement. Identification decals may only be the decals issued by the Iowa WIC Program, Identification signage, stickers, tags, channel strips and/or labels must be approved by the State WIC Program.

Administrative Appeals Procedure

A vendor shall have a right to appeal when a WIC vendor application is denied, and for other adverse decisions made by the Department or local WIC agency that affect participation. However, expiration of a contract, suspension from the WIC Program based on Food Assistance (SNAP) disqualification, and the Department's determination regarding participant access are not subject to appeal. Vendor sanctions are applied in accord with a schedule of violations, as provided for in the Iowa Administrative Code.

Actions subject to appeal

The state WIC agency will provide an administrative review for the following actions:

- Denial of authorization if the basis of denial is a WIC vendor sanction or a Food Assistance (SNAP) withdrawal of authorization or the absence of a Food Assistance (SNAP) authorization,
- Denial of authorization because a retail store submitted its application outside the timeframes during which applications are being accepted and processed,
- Denial of authorization or termination of agreement for the *application* of peer group criteria determination,
- Denial of authorization or termination of agreement for the *application* of above-50-percent criteria determination,
- Termination of an agreement because of a change in ownership or location or cessation of business,
- Imposition of a fine or a civil money penalty in lieu of disqualification, including disqualification based on a Food Assistance (SNAP) disqualification,
- Termination of an agreement for cause,
- Disqualification,
- Denial based on vendor selection criteria for competitive price, minimum variety and quantity of authorized supplemental foods, business integrity or for a current Food Assistance (SNAP) disqualification or civil money penalty for hardship,
- Disqualification based on trafficking conviction,
- Disqualification or civil money penalty imposed in lieu of disqualification based on mandatory sanctions imposed by another WIC state agency, and
- Denial of authorization based on the state agency limiting criteria.

Process for fair hearing and appeals

Step	Action
1	Within 10 days from the date of the adverse action, the vendor must make a written request for administrative appeal to the Division Director, Division of Family and Community Health. The written request for hearing shall state the action being appealed.
2	Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded to the Department of Inspections and Appeals. The administrative law judge shall set a date for the hearing as expeditiously as possible. Hearings may be conducted by telephone or in person in Des Moines at the Lucas State Office Building or other suitable location. If necessary, parties will be provided at least two opportunities to have the hearing rescheduled.
3	The party requesting the hearing is given the opportunity to: Examine the documents and case records that are relevant to support of the decision under appeal, Present its case during the hearing, Confront and cross-examine adverse witnesses, and Be represented by counsel at the party's own expense.
4	A written decision of the administrative law judge shall be issued, where possible, within 60 days from the date of the request for a hearing unless the parties agree to a longer period of time.
5	If either party is dissatisfied with the hearing decision, they may appeal for a review by the Director of Public Health. This appeal must be made within 10 days after receipt of the contested decision.
Administrative Appeals information is explained in the Iowa WIC Agreement.	

Iowa Department of Public Health
WIC Program
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319-0075

Attn: Store Management
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Iowa Program Vendor Contacts

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WIC Vendor Dietitian—Nikki Davenport 515-725-2642
nikki.davenport@idph.iowa.gov

WIC Bureau Secretary — Sherry Smith 515-281-6650
sherry.smith@idph.state.gov

SNAP / Food Stamp Program Questions 800-414-1422

In-State Toll Free #: 800-532-1579
State WIC FAX#: 515-281-4913
Iowa Web site:
www.idph.state.ia.us/wic
FNS Web site:
http://www.fns.usda.gov/wic.

New WIC Approved Formula

Similac will soon be releasing a new formula that will be authorized by the WIC Program called Similac Total Comfort. It will be available in stores late May/early June. It features 100% partially hydrolyzed whey protein and 98% less lactose then Similac Advance. It also contains DHA, prebiotics, and lutein and is being marketed for the infant "experiencing discomfort due to to persistent feeding issues".

** Stores will not see Iowa WIC checks for "Similac Total Comfort" until June 1, 2013.