



Policy and Procedure Manual  
Volume 1, Chapter 2  
Program Compliance

---

Washington State WIC Nutrition Program

DOH 960-367 May 2020



**This institution is an equal opportunity provider.**

Washington State WIC Nutrition Program doesn't discriminate.

For persons with disabilities, this document is available on request in other formats.

To submit a request, please call 1-800-841-1410 (TDD/TTY 1-800-833-6388).

**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
HEALTHIER WASHINGTON



# Program Compliance

---

## CONTENTS

---

<b>Section 1: References and Definitions</b>	<b>1</b>
References .....	1
Definitions .....	2
<b>Section 2: Participant Violations and Sanctions</b>	<b>3</b>
POLICY: Participant Violations and Sanctions .....	3
<b>Section 3: State Staff Responsibilities</b>	<b>4</b>
POLICY: State Program Compliance Unit Staff Investigate, Make Determinations and Initiate Follow-up for Participant Rule Violations .....	4
POLICY: Claims and Payments .....	7
POLICY: Disqualification .....	8
POLICY: Using a Substitute Caretaker Instead of Disqualification .....	10
<b>Section 4: Clinic Responsibilities</b>	<b>14</b>
POLICY: Prevent Dual Participation .....	14
POLICY: Report Incidents or Suspected Rule Violations .....	15
POLICY: Role of Clinic Coordinator or Designee for Incident or Rule Violation Follow-up .....	17
POLICY: Clinic Staff Cooperate With State Program Compliance Unit Staff During Investigations .....	19
POLICY: Educational Follow-up .....	21
<b>Section 5: Clinic Staff Compliance</b>	<b>23</b>
POLICY: Clinic Staff Compliance .....	23
POLICY: WIC Services for WIC Staff, Family or Friends .....	25
POLICY: Conflict of Interest .....	28
<b>Section 7: Appendix</b>	<b>31</b>
Agreement for Clinic Staff .....	33



## Section 1: References and Definitions

### References

#### USDA-FNS Code of Federal Regulations Citations:

7 CFR 246.2	Definitions.
7 CFR 246.3	Administration.
7 CFR 246.4	State plan.
7 CFR 246.5	Selection of Local Agencies.
7 CFR 246.6	Agreements with local agencies.
7 CFR 246.7	Certification of participants.
7 CFR 246.12(u)	Delivery systems; participant violations and sanctions.
7 CFR 246.13	Financial management system.
7 CFR 246.14	Program costs.
7 CFR 246.16	Distribution of funds.
7 CFR 246.18	Administrative review of state agency actions.
7 CFR 246.19	Management evaluation and monitoring review.
7 CFR 246.23	Claims and penalties.

Clarification of the WIC Food Delivery Systems Final Rule: Question and Answer Policy Memorandum 806-G, Revision 1, June 17, 2003.

Washington Administrative Code (WAC) 246-790 (see sections 500 – 570).

Contract between the local agency and the Washington State Department of Health (Washington WIC Program).

Washington WIC Manual.

Local agency policy and procedures.

## Definitions

These definitions will help you understand policy and procedure in this chapter:

**Caretaker:** The person a custodian gives permission to bring an infant or child participant to WIC appointments, pick up food benefits from the clinic and shop for WIC foods.

**Commodity Supplemental Food Program (CSFP):** This program provides food products to eligible participants in limited areas of Washington State. Federal rules say a person cannot be on WIC and CSFP at the same time. A family could have some people on WIC and others on CSFP. CSFP is different from the Food Distribution Program on Indian Reservations (FDPIR) and The Emergency Food Assistance Program (TEFAP). The Commodity Supplemental Food Program (CSFP) now only available to seniors in Washington State.

**Educational follow-up:** An interaction with a participant, parent guardian, or caretaker as directed by state staff. The interaction focuses on information about a complaint or a participant violation. The follow up may include reviewing WIC approved foods, how to use the WIC Card or having the person sign the Rights and Responsibilities form.

**Fair Hearing:** A Department of Health Office of Adjudicative Hearing Unit proceeding where a participant who received a Notice of Violation from the Washington State WIC Nutrition Program has the opportunity to present his or her case before a Health Law Judge.

**Incident:** A specific action or occurrence that may violate the laws and rules pertaining to WIC. State or clinic staff may receive a complaint about someone who might have broken WIC rules. Learn more about what is considered an incident by visiting the DOH – WIC website page [“Examples of WIC Incidents to Report.”](#)

**Parent/Guardian:** The primary person seeking WIC services on a child’s behalf. A parent guardian can be a:

- a) Custodian of a child participant, a custodian can be a parent or a third party appointed by a court;
  - b) Person authorized by the custodian (typically a relative or friend);
  - c) Person acting in absence of the custodian when the custodian isn’t available to designate a caretaker.
- See [Volume 1, Chapter 25 – Legal Considerations and Confidentiality](#) for more information.

**Participant:** A woman, infant or child receiving WIC benefits.

**Substitute Caretaker:** A person approved by the Washington State WIC Nutrition Program to receive WIC benefits on behalf of a participant who is an infant, child or woman under 18 years of age instead of disqualification.

---

## Section 2: Participant Violations and Sanctions

---

### **POLICY: Participant Violations and Sanctions**

---

When a WIC participant, parent guardian, caretaker or proxy violates WIC regulations or policy, state Program Compliance Unit staff will impose the appropriate sanction which may include the following:

- Notice of Violation
- Claim
- Disqualification

See the [Washington Administrative Code \(WAC\) 246-790](#), sections 500 – 570 for more information about participant rules, violations and sanctions.

### **PROCEDURE:**

- A. State Program Compliance Unit staff investigate suspected violations and makes a recommendation to the State Program Integrity and Monitoring Section Manager. If the State Program Integrity and Monitoring s Section Manager makes a determination that a violation occurred, he or she will direct state Program Compliance Unit staff to notify the participant and clinic coordinator or designee of the outcome and follow-up in writing.
  - See the “[State Program Compliance Unit Staff Investigate, Make Determinations and Initiate Follow-up for Participant Violations](#)” policy in this chapter.
- B. Clinic coordinator or designee performs follow-up as directed by state staff.

---

### Section 3: State Staff Responsibilities

---

**POLICY: State Program Compliance Unit Staff Investigate, Make Determinations and Initiate Follow-up for Participant Rule Violations**

---

The state Program Integrity and Monitoring Section, Program Compliance Unit is the lead for:

- Investigating reports of participant violations.
- Making a recommendation to the state Program Integrity and Monitoring Section Manager based on the outcome of the investigation.

The state Program Integrity and Monitoring Section Manager is the authority for:

- Determining if a rule violation occurred.
- Directing the type of sanctions for rule violations.
- Approving specific rule violation follow-up actions including referrals to clinic staff for participant follow-up.

In addition to the actions listed above for participants, state Program Compliance Unit staff may also advise, educate or warn clinic staff or grocery store employees about program requirements for fair and equal treatment of participants and following state and federal rules, policies and procedures.

**PROCEDURE:**

State Program Compliance Unit staff:

- A. Receive, investigate and make a determination for reports of suspected rule violations. Reports are received in a variety of ways, including:
  1. The online [WIC Incident Report Form](#).
  2. Emails to the state office at [WICComplaints@doh.wa.gov](mailto:WICComplaints@doh.wa.gov).
  3. Phone calls to the state office at 1-800-841-1410.
  4. Comments via the Department of Health WIC website.
  5. Mail to the Department of Health WIC Nutrition Program.
- B. The Program Integrity and Monitoring Section (PIMS) manager, who oversees the state Program Compliance Unit, makes the determination if a violation occurred.



1. The PIMS manager makes a determination of rule violation based on federal and state rules and the evidence.
  2. The PIMS manager signs a Notice of Violation and Sanction letter.
- C. The state Program Compliance Unit supervisor communicates to participants and clinic staff when a rule violation and sanction has been determined. Sanctions may include:
- Notice of Violation
  - Monetary claim for repayment
  - Disqualification
    - A substitute caretaker may be designated instead of disqualification. See the [“Using a Substitute Caretaker Instead of Disqualification”](#) for more information.
- D. Instruct the clinic coordinator or designee about the required follow-up action for a rule violation.
1. The state Program Compliance Unit supervisor sends the original Notice of Violation and Fair Hearing Brochure to the participant and a copy of the Notice of Violation to the clinic coordinator or designee.
    - a. The clinic coordinator or designee files and keeps the Notice of Violation for four years.
    - b. The state Program Compliance Unit supervisor may instruct the clinic coordinator or designee to give the participant or parent guardian the Notice of Violation at the next appointment if mail delivery of the letter from the state WIC office is unsuccessful.
  2. Clinic coordinator or designee conduct follow-up actions which may include education about program rules or approved WIC foods using the Notice of Violation letter at the next appointment.
- E. Instruct the clinic coordinator or designee about required follow-up actions for a rule violation warning.
1. State Program Compliance Unit staff send the original Notice of Violation warning letter to the participant and a copy of the letter to the clinic coordinator or designee.

- a. The clinic coordinator or designee file and keep the Notice of Violation for four years.
  - b. The state Program Compliance Unit supervisor may instruct the clinic coordinator or designee to give the participant or parent guardian the Notice of Violation warning letter at the next appointment if mail delivery of the letter from the state WIC office is unsuccessful.
2. Clinic coordinator or designee conduct follow-up actions which may include education about program rules or approved WIC foods using the Notice of Violation letter at the next appointment.
- F. Discuss the option of a substitute caretaker with clinic staff when appropriate.
- Note:** When the participant is disqualified, the Notice of Violation will contain information about the disqualification. This includes the disqualification period, steps to take to avoid disqualification, for example, paying the claim if needed, how to request a hearing (using the included Fair Hearing Brochure) and the WIC Program Substitute Caretaker process and form. See the [“Using a Substitute Caretaker Instead of Disqualification”](#) policy in this chapter.
- G. Ask the clinic coordinator or designee to document all pertinent information in the participant’s computer file.

---

**POLICY:        Claims and Payments**

---

WIC participants or parent guardians must repay the Department of Health, Accounts Receivable for the full dollar value of WIC foods received or used improperly or selling these items.

State Program Compliance Unit staff:

- Send the participant a Notice of Violation and claim notice, when appropriate, and the Fair Hearing Brochure
- Manage all aspects of the Notice of Violation and claim processes
- Notify the clinic coordinator or designee when the participant or parent guardian pays the claim amount in full

Clinic staff must **not**:

- Accept cash from the participant or parent guardian for claim payments
- Pay the claim amount for the participant or parent guardian
- Mail payments for the participant or parent guardian

**PROCEDURE:**

Clinic Coordinator or Designee:

- A. Follows instructions as directed by state Program Compliance Unit staff.
- B. Directs the participant or parent guardian to contact the state Program Compliance Unit staff at 1-800-841-1410 if there are any questions about claims and payments that clinic staff can't answer.
- C. Documents pertinent information related to participant Notice of Violation and claim in the participant's file, scans the documents received from the state Program Compliance Unit staff related to participant Notice of Violation and destroys them after scanning.
  1. Use the Family Alert to notify staff to look at the participant's Individual Care Plan for more information about participant Notice of Violation and claim.
  2. Use the participant's Individual Care Plan to document follow-up completed with the participant or parent guardian and detailed or confidential information.

---

**POLICY:           Disqualification**

---

The Program Integrity and Monitoring Section Manager oversees the state Program Compliance Unit and makes the decision to implement a Notice of Violation and sanctions according to federal and state rules for participant rule violations. (See reference to the [Washington Administrative Code \(WAC 246-790\)](#)).

State Program Compliance Unit staff:

- Notify the participant or parent guardian about a Notice of Violation, disqualification or claim and the right to a Fair Hearing.
- Require the participant or parent guardian to serve the full disqualification period when no claim is associated with the sanction, unless state staff have approved a substitute caretaker in lieu of disqualification for an infant or child participant.
  - See the [“Using a Substitute Caretaker Instead of Disqualification”](#) policy for information about using a Substitute Caretaker for an infant or child instead of disqualification.

Clinic coordinator or designated staff must:

1. Not terminate a participant or parent guardian for rule violation unless directed to do so by state Program Compliance Unit staff.
2. Not issue WIC benefits or breast pumps during the disqualification unless authorized by state Program Compliance Unit staff.
  - See [Volume 1, Chapter 20 – Notification, Fair Hearings and Civil Rights](#) for more information.
3. As directed by state Program Compliance Unit staff, issue monthly food benefits to participants or parent guardians who have received a Notice of Violation, Disqualification or Claim letter.

The participant or parent guardian must be allowed to reapply for WIC when any of the following three conditions exist:

1. You have received notification from state Program Compliance Unit staff that the disqualification period is over.
2. You have received notification from state Program Compliance Unit staff that the participant or parent guardian paid the claim amount in full before the end of a disqualification period.

- See the “[Claims and Payments](#)” policy for more information.
3. The disqualified participant is a child whose household and parent guardian has changed.
    - The disqualification must not follow the child to the new household. Examples include when custody of the child changes to another parent, as in cases of divorce; or foster care placement.
    - See the “[Using a Substitute Caretaker Instead of Disqualification](#)” policy for information about using a Substitute Caretaker for an infant or child instead of disqualification when custody of the child hasn’t changed.
  4. Staff must consult with state Program Compliance Unit staff when household members of a disqualified participant apply for WIC.
    - Assess these applicants for WIC eligibility according to program guidelines.
    - A new Substitute Caretaker form will be needed for the additional participant.

**PROCEDURE:**

Clinic staff:

- A. Follow instructions from state Program Compliance Unit staff.
- B. Call your contact at the state Program Compliance Unit if you have any questions using 1-800-841-1410.

---

**POLICY: Using a Substitute Caretaker Instead of Disqualification**

---

State Program Compliance Unit staff have the option to allow a substitute caretaker instead of disqualifying infants, children, and women less than 18 years of age.

The substitute caretaker must:

1. Be approved by state Program Compliance Unit staff
2. Be authorized by the disqualified parent guardian

During the entire disqualification or current eligibility period the approved substitute caretaker must:

1. Agree to follow WIC rules and sign the Rights and Responsibilities (R & R) form
2. Attend certification and nutrition education appointments with the participant
3. Have the WIC Card issued to them
4. Use the WIC Card at the store

**Note:** State Program Compliance Unit staff determine on a case-by-case basis if the substitute caretaker must be responsible for all WIC functions on behalf of all participants in the group or just the disqualified participant.

If there is a claim associated with the disqualification, and the disqualified participant or parent guardian pays the claim in full prior to the end of the disqualification period, staff must allow the person to resume their role of parent guardian when reapplying for WIC benefits.

**Note:** The participant or parent guardian must serve the full disqualification period when no claim is associated with the sanction.

- See the [“Disqualification”](#) policy in this chapter for more information.

Staff must include the disqualified parent guardian’s income for income determinations for any children in that household.

- If the substitute caretaker is in a different household their income is not included in the participant’s income eligibility determination.
- See [Volume 1, Chapter 6 – Income](#) for more information about income assessment and the definition of household.

**PROCEDURE:**

- A. State Program Compliance Unit staff:
1. Follows policies and procedures in [Volume 1, Chapter 25 - Legal Considerations and Confidentiality](#) when defining parent guardians, caretakers and designating and using substitute caretakers.
  2. Sends a WIC Program Substitute Caretaker Authorization Form to the disqualified parent guardian with the Notice of Violation.
    - a. The letter includes instructions for the parent guardian to complete the form and send it back to the state WIC office.
    - b. Use a separate form for each child in the household affected by the parent guardian's violation.
  3. Reviews the completed form and consults with the clinic coordinator or designee on the use of a substitute caretaker.
  4. Decides whether or not to approve a substitute caretaker.
  5. Sends a letter to the disqualified parent guardian and the substitute caretaker indicating:
    - a. If the substitute caretaker is approved.
    - b. The beginning and ending dates of the substitute caretaker's authorization for each child in the household.
  6. Imposes the disqualification if the participant or parent guardian refuses to have a substitute caretaker or doesn't return the authorization form within the time requested.
  7. If the parent guardian only authorizes the person for the current certification period, state staff will decide whether or not to approve a subsequent substitute caretaker if requested, or impose the disqualification after the end of the current certification period.
  8. Notifies the clinic coordinator or designee when approving a substitute caretaker instead of disqualification, including the following information:
    - begin and end dates of the disqualification period,

- the substitute caretaker’s name, address and phone number (if available),
  - language spoken and written, and
9. Designates the substitute caretaker for the amount of time chosen by the disqualified parent guardian.
  10. Keeps the original copy of the WIC Program Substitute Caretaker Authorization Form and sends a copy to the clinic coordinator or designee.
- B. Clinic coordinator or designee:
1. Receives and scans the WIC Program Substitute Caretaker Authorization Form into the participant’s file and destroys the copy received from state Program Compliance Unit staff.
  2. Checks if the substitute caretaker information is in the participant’s file.
    - Contact state Program Compliance Unit staff if the substitute caretaker information isn’t in the participant’s computer file.
  3. Reviews the [Rights and Responsibilities form](#) with the substitute caretaker and has the substitute caretaker sign a paper copy of the form and scan it into Cascades. Give the original, signed Rights and Responsibilities form to the substitute caretaker.
    - See [Volume 1, Chapter 7 – Rights and Responsibilities](#).
  4. Provides information about WIC foods and how to use the WIC Card.
    - See [Volume 1, Chapter 22 – Issue WIC Food Benefits](#)
    - See [Volume Chapter 23 – WIC Foods](#)
    - The WICShopperApp, Shopping List, and [Shopping Guide](#) are examples of materials to provide to the substitute caretaker with information about WIC foods and using the WIC Card.
  5. Notifies state Program Compliance Unit staff if the substitute caretaker can’t fulfill this duty as specified in the WIC Program Substitute Caretaker Authorization Form; for example, if the substitute caretaker goes on an extended vacation, etc.



6. Provides additional information to state Program Compliance Unit staff if clinic staff suspect the substitute caretaker of participant violations. For example, if staff are concerned that the participant or participants aren't receiving the WIC foods.

**Note:** See [Volume 1, Chapter 25 - Legal Considerations and Confidentiality](#) for additional information about designating and using substitute caretakers.

---

## Section 4: Clinic Responsibilities

---

### **POLICY: Prevent Dual Participation**

---

Staff must:

1. Tell participants or parent guardians at each certification, subsequent certification, transfer-in or transfer-out that dual participation is against WIC rules.
  - This information is on the [Rights and Responsibilities form](#).

Dual participation is when the participant or parent guardian:

- Redeems more WIC benefits than allowed per month in the same WIC clinic,
- Redeems more WIC benefits than allowed per month in two or more WIC clinics, or
- Gets WIC benefits and the Commodity Supplemental Food Program (CSFP) food at the same time.

Clinic staff have an important role in preventing dual participation.

### **PROCEDURE:**

Staff:

- A. Tell participants or parent guardians at each certification, subsequent certification, transfer-in or transfer-out that dual participation is against WIC rules.
  1. Follow policies and procedures in these chapters:
    - [Volume 1, Chapter 7 – Rights and Responsibilities](#)
    - [Volume 1, Chapter 18 – Certification](#)
    - [Volume 1, Chapter 21 - Transfers/Verification of Certification](#)

---

**POLICY: Report Incidents or Suspected Rule Violations**

---

Staff must report any incidents or suspected WIC rule violations to the state WIC Program staff within 5 business days.

This includes incidents or suspected WIC rule violations by participants, parent guardians, caretakers, proxies, grocery store employees, clinic staff and other persons.

**PROCEDURE:**

Staff:

- A. Report suspected violations to state staff within 5 business days. For example:
  1. WIC participant, parent guardian, caretaker or proxy doing any of the WIC participant violation and sanction actions listed in the [Washington Administrative Code \(WAC\) 246-790](#) (see sections 500 – 570).
    - Follow your internal clinic or agency safety procedures if you are concerned about your safety.
  2. Grocery store employee doing any of the following :
    - a. Offering or allowing substitution of non-WIC food when a person uses a WIC Card including selling more of a WIC food than what is available in the participant’s electronic benefit account (EBA).
    - b. Not following WIC rules for using WIC Cards.
    - c. Treating a WIC participant, parent guardian, caretaker, or proxy unfairly or poorly because of their race, color, national origin, sex, age or disability.
      - Also see vendor violations listed in 7 CFR 246.12, [Washington Administrative Code \(WAC\) 246-790](#) (see sections 001 – 127 for Vendors) and the vendor contract.
  3. Staff person doing any of the following: (See the “[Clinic Staff Compliance](#)” policy in this chapter for more information.)
    - a. Knowingly certifying a person who isn’t eligible for WIC; for example the person isn’t income eligible.

- b. Giving food benefits to anyone who isn't eligible for WIC.
  - c. Issuing food benefits to themselves, a family member or friend. See [Volume 1, Chapter 22 – Issue WIC Food Benefits](#) for more information.
  - d. Creating fictional participants and issuing food benefits.
  - e. Treating a WIC participant or parent guardian unfairly or poorly because of their race, color, national origin, sex, age or disability.
4. Talk to the clinic coordinator or PIMS PCU staff if you're concerned about an incident and need help or more information about WIC rules.
- B. Report suspected violations to state staff using one of the following methods:
1. Completing the online [WIC Incident Report Form](#).
  2. Send an email to the state WIC office at [WICComplaints@doh.wa.gov](mailto:WICComplaints@doh.wa.gov) to report a violation or to ask questions or get more information about WIC rules.
  3. Call the state WIC office at 1-800-841-1410 and ask to report incidents or suspected rule violations.
- Grocery store employees and the public can report suspected violations using these methods also.
- C. Provide feedback about general concerns, suggestions or compliments to the WIC Program by using one of the following methods:
1. Email the state WIC office at [wic@doh.wa.gov](mailto:wic@doh.wa.gov).
  2. Call the state WIC office and ask to talk with someone about your concern, suggestion or compliment at 1-800-841-1410.
- Grocery store employees and the public can provide feedback using these methods also.
- Note:** It's important to share suggestions, concerns and feedback. These issues could provide the WIC Program with important information. In some cases this information could result in an investigation, Notice of Violation and sanction.

---

**POLICY:      Role of Clinic Coordinator or Designee for Incident or Rule Violation Follow-up**

---

State Program Compliance Unit staff contact the clinic coordinator or designee for incident or rule violation follow-up.

The clinic coordinator or designee must be able to respond to state staff requests for information and be familiar with this policy and procedure and participant rules in 7 CFR 246, [Washington Administrative Code 246-790](#) and state WIC office policies or memos.

The clinic coordinator's or designee's role is to:

- Conduct follow-up activities with the participant or parent guardian as directed by state staff.
- Assure all incidents or suspected rule violations are reported to the state in a timely way.
- Cooperate with state staff as they conduct investigations and perform requested follow-up activities. See the "[Clinic Staff Cooperate with State Staff During Investigations](#)" policy.

**PROCEDURE:**

The clinic coordinator or designee:

- A. Receives training and instruction about how to prevent, report and follow-up on participant incidents or rule violations.
- B. Maintains knowledge of all current policies and memos from the state WIC office.
- C. Performs follow-up with the participant or parent guardian according to instructions from state Program Compliance Unit staff or other state staff. This may include:
  1. Provide educational follow-up in the participant's or parent guardian's primary language; for example, arranges interpreters, orders materials in the appropriate language and promotes use of the telephone language interpretation service contracted by the state WIC office.
  2. Provide a paper copy of the Notice of Violation if requested by state staff.
  3. Work with state Program Compliance Unit staff to implement an approved substitute caretaker if needed.

**Note:** State Program Compliance Unit staff are available to assist with incident or rule violation follow-up.

---

**POLICY: Clinic Staff Cooperate With State Program Compliance Unit Staff During Investigations**

---

The clinic coordinator or designee must cooperate with participant investigations and follow-up as directed by state staff. An investigation is initiated by state Program Compliance Unit staff only when there is a suspected rule violation.

Staff must not intentionally compromise or interfere with any investigation. This includes, but isn't limited to the following:

1. Don't warn the participant or parent guardian about an investigation.
2. Don't coach or direct the participant or parent guardian on what action to take or how to respond when contacted by state staff.
3. Don't withhold information or destroy documents relevant to an investigation.
4. Don't make any changes to the participant record except as directed by state Program Compliance Unit staff.
5. Don't make any changes to participant services such as food benefit issuance, scheduled services, or future appointments except as directed by state Program Compliance Unit staff.

State Program Compliance Unit staff will make contact with the participant or parent guardian about the investigation.

**PROCEDURE:**

The clinic coordinator or designee:

- A. Receives notification from state Program Compliance Unit staff about a participant investigation.
- B. Provides information and documents to state Program Compliance Unit staff as requested in the requested timeframe.
- C. Follows up with the participant or parent guardian and cooperates with state Program Compliance Unit staff. This could include the following:
  1. Use the Family Alert to write a brief note to alert staff to look on the participant's Individual Care Plan.

2. Document a note in the Care Plan to remind staff to conduct educational follow-up or complete other participant rule violation follow-up tasks.
  - a. Discusses the option of a substitute caretaker as directed by state Program Compliance Unit staff.



---

**POLICY: Educational Follow-up**

---

The clinic coordinator or designee must conduct educational follow-up with participants or parent guardians within the directed timeframe of the state staff request for follow-up.

Educational follow-up focuses on information about an incident or a participant rule violation (participant rule violation follow-up is conducted as instructed by state Program Compliance Unit staff). The follow up may include reviewing WIC approved foods, how to use the WIC Card or having the person sign the [Rights and Responsibilities](#) form.

The clinic coordinator or designee can delegate follow-up activities to ensure completion within the directed timeframe.

**PROCEDURE:**

The clinic coordinator or designee:

- A. Receives direction from state Program Compliance Unit staff or other staff to provide educational follow-up with a participant or parent guardian.
- B. Determines the date of the participant's or parent guardian's next appointment.
- C. Review the [Rights and Responsibilities](#) form electronic signature for the current certification.
  1. If someone other than the participant or parent guardian signed the Rights and Responsibilities electronically, inform your state staff contact right away. At the participant's or parent guardian's next appointment, review and have the person sign a paper copy of the Rights and Responsibilities form and scan it into the participant's file.
  2. Write a Family Alert to conduct follow-up.
- D. Talk to the participant or parent guardian about the incident or rule violation at the next appointment.
  1. Focus the educational follow-up on the incident or rule violation; for example, review WIC approved foods, how to use the WIC Card and information from both sides of the Rights and Responsibilities form.

- a. Talk to the WIC participant or parent guardian in their primary language by using the language interpretation service contracted by the state WIC office, clinic-based interpreters and translated written materials.
  - The WIC Shopping Guide and the [Rights and Responsibilities](#) form are available in many languages.
- b. Review WIC policies and procedures as needed. See the following policy chapters for more information.
  - [Volume 1, Chapter 7 – Rights and Responsibilities](#)
  - [Volume 1, Chapter 18 – Certification](#)
  - [Volume 1, Chapter 21 – Transfer/Verification of Certification](#)
  - [Volume 1, Chapter 22 – Issue WIC Food Benefits](#)
  - [Volume 1, Chapter 23 – WIC Foods](#)
5. Ask the participant or parent guardian what questions they have.
6. Ask the participant or parent guardian to sign a paper copy of the [Rights and Responsibilities](#) form when needed and scan it into Cascades.
  - a. Review the Rights and Responsibilities and have the participant or parent guardian sign a paper copy.
  - b. Use the current date when signing the form.
  - c. Scan the signed form into the participant’s file.
  - d. Provide the original copy of the Rights and Responsibilities form to the participant or parent guardian.
7. Document in the participant’s file on the Individual Care Plan when educational follow-up is completed. Include the following:
  - Name of the person you spoke to
  - The topic(s) covered
  - The date
  - Rights and Responsibilities form signed (if needed)
  - Your initials

## Section 5: Clinic Staff Compliance

---

**POLICY: Clinic Staff Compliance**

---

Staff must follow WIC federal regulations, Washington WIC policies and procedures, and adhere to the contract requirements between the Washington State WIC Nutrition Program and the local agency.

Key staff compliance policies include, but aren't limited to the following:

### **Volume 1:**

- Follow policies to assure applicants and participants meet WIC's eligibility criteria and document accurate and truthful information in Client Services.
  - See [Volume 1, Chapter 3 – Application and Processing Standards](#)
  - See [Staff Tool: Nutrition Risk Factors](#)
  - See [Volume 1, Chapter 18 - Certification](#)
- Follow policies to assure accurate income eligibility assessment and documentation.
  - See [Volume 1, Chapter 6 - Income](#)
- Follow policies to assign the appropriate WIC foods and amounts for the participant's category and nutrition needs.
  - See [Volume 1, Chapter 23 – WIC Foods](#)
- Issue WIC Cards, food benefits and breast pumps according to policies in [Volume 1, Chapter 22 – Issue WIC Food Benefits](#) and [Volume 1, Chapter 15 - Breastfeeding](#).
- Follow the [WIC Services for WIC Staff, Family or Friends](#) policy in this chapter.
- Follow policies in this chapter regarding program compliance.

### **Volume 2:**

- Follow policies regarding the local agency's contract requirements with the Washington WIC Nutrition Program.
  - See [Volume 2, Chapter 1 - WIC Contract](#)
- Follow policies regarding appropriate use of WIC funds.
  - See [Volume 2, Chapter 4 – Allowable Costs](#)
- Follow policies regarding appropriate use of WIC funds and equipment.

- See Volume 2, Chapter 5 – Purchasing and Inventory
- See Volume 2, Chapter 10 – Equipment, Security and Disaster Recovery Plan

**Information:**

It's the responsibility of all staff to uphold and maintain the integrity of the Washington WIC Nutrition Program.

---

**POLICY: WIC Services for WIC Staff, Family or Friends**

---

Staff volunteers or students working or volunteering in a clinic, may participate in WIC.

**Note:** It's best practice for the person to participate in a different clinic or agency than where they are working, but it isn't required.

1. Staff must not certify themselves, family members or friends unless the clinic lacks adequate staff to prevent this practice.

Family and friends are defined as:

**Family:** Mother, father, sibling, son, daughter, grandparent, in-law, aunt, uncle, cousin, niece, nephew, step-parent or any step family member.

**Friend:** A close acquaintance or a person the staff person spends time with outside work.

- a. The coordinator must get approval from the Local Program Consultant (LPC) at the state WIC office before allowing staff to certify themselves, friends or family when there isn't enough staff to prevent this.
- b. The coordinator must review these certification records within two weeks of the certification and keep documentation on file for four years.
  - See [Volume 1, Chapter 18 - Certification](#) for more information about file review requirements when the clinic can't meet this requirement.
2. Staff must not issue a WIC Card, food benefits or Farmers Market Nutrition Program (FMNP) benefits or breast pumps to themselves, family members or friends.
3. A staff person, including peer counselors, must sign the Agreement for Clinic Staff yearly which includes a WIC Participation agreement section.
  - Use the [Agreement for Clinic Staff](#) located in the Appendix when the staff person signs the form in person.
  - Use the [Agreement for Clinic Staff – fillable form](#) when the staff person signs electronically.

**PROCEDURE:**

The coordinator:

- A. Assures staff don't certify themselves, family members or friends.
  - 1. Have another staff member certify the family member or friend and issue the WIC Card, food benefits and breast pumps.
  - 2. Reschedule the family member or friend for a time when another staff member is available, when it's possible or appropriate.
    - a. Suggest the family member or friend participate at a different WIC clinic or agency when it's possible or appropriate and doesn't cause a hardship for the participant.
- B. Get written permission from their Local Program Consultant (LPC) in those instances where the only option is for staff to certify and issue benefits to themselves, family members or friends.
- C. Completes a file review within two weeks for all certifications when there isn't adequate staffing to prevent staff from certifying themselves, friends or family members.
  - 1. File review requirements are listed in the "Separation of Duties" policy in [Volume 1, Chapter 18 - Certification](#).
  - 2. Keep the review documentation on file for four years.

**Note:** Contact state staff if the coordinator isn't able to meet the review requirements.
- D. Don't allow staff to issue WIC Cards, food benefits, FMNP benefits or breast pumps to themselves, family members or friends. See [Volume 1, Chapter 22 – Issue WIC Food Benefits](#).
- E. Have staff review and sign the [Agreement for Clinic Staff](#) when hired and yearly thereafter.
  - 1. The staff person designates whether he or she is a WIC participant or the parent guardian of a WIC participant on form.
    - a. If the person wasn't a WIC participant or the parent guardian of a WIC participant at the time of hire, and later becomes one, have the person fill out and sign a new [Agreement for Clinic Staff](#).

- b. Have the person fill out and sign the agreement on a yearly basis from the new date.
  2. Have the staff person fill out and sign the form in person, or electronically.
    - a. Use the [Agreement for Clinic Staff](#) located in the Appendix when the staff person signs the form in person.
    - b. Use the [Agreement for Clinic Staff – fillable form](#) when the staff person signs electronically.
      - Use the following format for the electronic signature: /s/First and Last name.
  3. Keep the completed form on file for four years, with a minimum of one year in the clinic.
    - Paper or electronic copies are allowed.
- F. Report incidents or suspected rule violations to the Department of Health WIC Nutrition Program. You can report by using:
  1. The online [WIC Incident Report Form](#).
  2. Emails to the state office at [WICComplaints@doh.wa.gov](mailto:WICComplaints@doh.wa.gov).
  3. Phone calls to the state office at 1-800-841-1410.
  4. Comments via the Department of Health WIC website.
  5. Mail to the Department of Health WIC Nutrition Program.

**Information:**

It's best practice to document in the participant's file that there is no relationship between the participant and the staff member who certified them when they have the same last name but are not related. This protects the participant and clinic staff from potential investigation for participant violations.

---

**POLICY: Conflict of Interest**

---

The Coordinator must review the following conflict of interest policy with all staff and have staff sign the [Agreement for Clinic Staff](#) located in the Appendix, or the [Agreement for Clinic Staff – fillable form](#) posted on the website.

The Coordinator’s supervisor must review the policy with the Coordinator and have the Coordinator sign the agreement.

1. Staff must not direct or recommend participants to choose **or** to stay away from a specific authorized vendor to use their WIC Card and purchase food benefits.
  - Vendors include WIC authorized grocery stores, farmers markets and farm stores.
  - This includes Farmers Market Nutrition Program (FMNP) benefits.
2. Staff must not receive any **gratuities** from an authorized vendor for personal use because he or she works for WIC. This includes cash, gift cards, food, samples, or food coupons.

**Note:** Staff can receive incentives the vendor gives to all customers (like gift cards, coupons or samples) and not because the person works for WIC.
3. Staff must not have a financial or ownership interest in an authorized vendor. This includes by marriage or family relationship.
  - Family relationship includes: Mother, father, sibling, son, daughter, grandparent, in-law, aunt, uncle, cousin, niece, nephew, step-parent or any step family member.

Staff must sign the [Agreement for Clinic Staff](#) in person, or the [Agreement for Clinic Staff – fillable form](#) electronically at the following times:

- Prior to being hired to detect potential conflicts
- Annually thereafter

The Coordinator must contact state Program Compliance Unit staff when a staff person has a conflict of interest.

**PROCEDURE:**

The Coordinator:

- A. Reviews the Conflict of Interest policy with all staff.



- B. Has staff sign the [Agreement for Clinic Staff](#) in person, or the [Agreement for Clinic Staff – fillable form](#) electronically at the following times:
1. At the time of hire.
  2. When the person becomes a WIC participant or the parent guardian of a WIC participant.
  3. Yearly thereafter.
- Note:** Use the following format for electronic signatures: /s/First and Last name.
- C. Keeps the statement on file for four years in the agency or clinic training or personnel file.
- Paper or electronic copies are allowed.
- D. Contacts the state Program Compliance Unit when a staff person has a conflict of interest.
1. State Program Compliance Unit staff assess the situation to determine if an exception to policy is allowed.
  2. The state Program Compliance Unit staff will work with the coordinator to determine procedures to prevent and detect program fraud or abuse.

**Information:**

Federal regulations 7 CRR 246.12 consider it a conflict of interest for clinic staff to have a financial interest in any vendor authorized to accept WIC Cards. This includes Farmers Market Nutrition Program benefits.



Section 7: Appendix



## Washington State WIC Nutrition Program Agreement for Clinic Staff

The following definitions apply:

**Family relationships:** includes mother, father, sibling, son, daughter, grandparent, in-law, aunt, uncle, cousin, niece, nephew, step-parent or any step family member.

**Friends:** A close acquaintance or a person the staff person spends time with outside work.

**Vendors:** include WIC authorized grocery stores, farmers markets and farm stores.

**I agree:**

1. I won't direct or recommend participants to choose, or to stay away from a specific vendor to use their WIC Card to purchase food benefits, including Farmers Market Nutrition Program (FMNP) benefits.
2. I won't receive any gratuities including cash, food, samples, or food coupons for personal use from a vendor as a result of my WIC employment.
3. I don't have a financial or ownership interest in an authorized vendor by marriage or family relationship.

I don't have any conflict of interest.

I do have, or may have, a conflict of interest. Please describe: (use back of form if needed)

**Note:** Contact state Program Compliance Unit to review potential conflicts of interest.

---

---

---

4. I will conduct myself in a manner which assures program compliance.
5. I won't give preferential treatment to anyone including my family, friends, or other staff members.
6. I won't certify or issue benefits to myself, family or friends. I will work with my supervisor to determine appropriate procedures if there's no one else available to provide WIC services.

I am not a WIC participant or the parent guardian of a WIC participant.

I am a WIC participant or the parent guardian of a WIC participant and agree to the following:

- I understand the local agency will monitor my WIC participation closely to prevent participant violations and fraud from occurring.
- I understand that violating rules and program compliance policies may result in sanctions such as repayment for benefits improperly received or disqualification from the WIC Nutrition Program.
- I accept responsibility for my actions as a WIC Nutrition Program participant or parent guardian who is also employed as a clinic employee.

**Agreement and Signature:**

I acknowledge that federal and state rules, the Washington WIC Manual and this agency's policies have been explained to me and I agree to follow them. (See References on next page.)

\_\_\_\_\_  
Employee name (print full name)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coordinator/Agency Representative signature

\_\_\_\_\_  
Date

**Conflict of Interest:** (Additional information)

---

---

---

---

---

**References:**

- [7 Consolidated Federal Regulations 7 CFR 246](#)
- [Washington Administrative Code 246-790](#)
- [Washington State WIC Manual: Volume 1, Chapter 2 – Program Compliance](#)
- [Washington State WIC Manual: Volume 1, Chapter 18 - Certification](#)

**WIC Nutrition Program doesn't discriminate.**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at:

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

Fax: (202) 690-7442; or

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

**This institution is an equal opportunity provider.**  
Washington State WIC Nutrition Program doesn't discriminate.