Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

19a-59c-1. Definitions

As used in Sections 19a-59c-1 to 19a-59c-6, inclusive, of the Regulations of Connecticut State Agencies:

(a) "Allowable Costs" means "food costs" and "administrative and program services costs" in accordance with 7 CFR 246.14.

(b) "Applicant" means a person who appears in person at the local WIC office to request WIC program benefits.

(c) "Authorized Foods" means foods authorized by the department for purchase with WIC checks.

(d) "Authorized Vendor" means a food store or pharmacy that has met the minimum qualifications for participation and has been approved for authorization by the Connecticut WIC Program and has entered into a duly executed contract with the Department of Public Health.

(e) "Breastfeeding Women" means women up to one year postpartum who are breastfeeding their infants an average of at least once per day.

(f) "Caseload Management" means the process of distributing the program resources to the neediest individuals.

(g) "Category" means an indication of whether an individual is a pregnant woman, breastfeeding woman, postpartum woman, infant or child.

(h) "Categorical Eligibility" means persons who meet the definitions of pregnant women, breastfeeding women, postpartum women, or infants or children.

(i) "Certification" means the implementation of criteria and procedures to assess and document each applicant's eligibility for the program.

(j) "Certified" means that an applicant has been determined eligible by a Competent Professional Authority to receive program benefits.

(k) "Certification Period" means the period which begins on the date the individual is certified. Duration of the certification period is defined as follows:

(1) for pregnant women - the duration of pregnancy and up to six weeks postpartum,

(2) for postpartum women - up to six months after the termination of pregnancy,

(3) for breastfeeding women - intervals of approximately six months and ending with the breastfed infant's first birthday,

(4) for infants and children - approximately six months. Infants under six months of age may, when authorized by the department, be certified for a period extending up to their first birthday.

(l) "Children" means persons who have had their first birthday but have not yet attained their fifth birthday.

(m) "Commissioner" means the Commissioner of the State Department of Public Health.

(n) "Competent Professional Authority (CPA)" means a physician licensed in Connecticut, nutritionist, dietitian, registered nurse licensed in Connecticut, Physician's assistant as defined in Section 20-12a, as amended, of the general statutes.

(o) "Contract Account" means any line item of the local agency budget annexed to the local agency contract.

(p) "Coordinated Program" means a program of dietetic training approved by the American Dietetic Association that provides for the integration of didactic instruction with a minimum of 900 hours of supervised dietetic practice within an academic program.

(q) "Denial" means the act of refusal to accept an application for participation of an individual applicant, food vendor, or local agency.

(r) "Days" means calendar days.

(s) "Department" means the State Department of Public Health.

(t) "Dietitian" means an individual who is registered by the Commission on Dietetic Registration of the American Dietetic Association or who is eligible to take the registration examination.

(u) "Dietetics" means a health science concerned with the application of nutrition principles and services to achieving individuals' health throughout life and in the treatment of disease.

(v) "Disqualification" means the act of ending the Program participation of a participant for the remainder of the certification period; an authorized food vendor for a specified period of time; or contracted local agency for the remainder of the contract period. Disqualification may be done for either a punitive sanction or for administrative reasons.

(w) "Dual Participation" means simultaneous participation in the program in one or more than one local agency during the same period of time.

(x) "Potential Dual Application Report" means a computer generated list used by the State WIC Program to identify actual and possible simultaneous participation in more than one local agency.

(y) "Enrolled" means certified by a CPA and listed by a local agency to receive benefits subject to availability of funds.

(z) "Equipment" means tangible personal property having a useful life of more than one year and an acquisition cost of $100.00 or more per unit.

(aa) "Family" means a group of related or nonrelated individuals who are not residents of an institution but who are living together as one economic unit except that residents of a homeless facility should not be considered as a single family.

(bb) "Food Delivery Systems" means the methods used by the State WIC Program to provide supplemental foods to participants.

(cc) "Food Instrument" means a check which is used by a participant to obtain supplemental foods.

(dd) "General Waiting List" means a list of individuals who have not been certified, but who are potentially eligible to receive WIC benefits.

(ee) "High Risk Criteria" means nutritional risk criteria defined in the State WIC Manual, as amended.

(ff) "High Risk Participant" means a participant presenting with one or more high risk criteria.

(gg) "Homeless Individual" means:

(1) an individual who lacks a fixed and regular nighttime residence; or

(2) an individual whose primary nighttime residence is:

(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations; or

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a temporary accommodation in the residence of another individual not to exceed 365 days; or

(D) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(hh) "Indirect Costs" means costs which are (i) incurred for a common or joint purpose benefiting more than one cost objective, and (ii) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. This term applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department.

(ii) "Infants" means persons under one year of age.

(jj) "Local Agency" means an administrative unit of a health or human service agency, public or private, under contract with the State of Connecticut Department of Public Health to administer the WIC Program in a designated area of the State.

(kk) "Migrant" means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.

(ll) "Nutrition Aide" means an individual other than a nutritionist who is paid either in whole or in part by the local WIC Program and whose primary responsibility is the provision of paraprofessional nutrition services.

(mm) "Nutrition Education" means individual or group education sessions and the provision of information and educational materials designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health, all in keeping with the individual's personal, cultural, and socioeconomic preferences.

(nn) "Nutritional Risk" means:

(1) detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements;

(2) other documented nutritionally related medical conditions;

(3) dietary deficiencies that impair or endanger health; or

(4) conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions.

(oo) "Nutritionist" means an individual who is paid either in whole or in part by the local WIC Program and whose primary responsibility is the provision of nutrition services. This person shall hold a bachelor's or master's degree in clinical nutrition, community nutrition, dietetics, home economics with an emphasis in nutrition, nutritional sciences, or public health nutrition from a four year or post baccalaureate institution which is accredited by a recognized regional accrediting body.

(pp) "Outreach" means the systematic attempt to provide services to the entire WIC eligible community.

(qq) "Outreach Materials" means printed material, films, video tapes, audio tapes and other communications media which are used in the process of alerting the WIC eligible community to the service of the WIC Program.

(rr) "Participant" means pregnant women, breastfeeding women, postpartum women, infants and children who are receiving supplemental foods or food instruments under the WIC Program.

(ss) "Participant Abuse" means the participant's knowing and deliberate misrepresentation to obtain WIC benefits; verbal or physical abuse or threat of physical abuse of local agency, department, clinic or vendor staff or property by a participant; the sale of supplemental foods or checks or their exchange for credit or purchase of unauthorized food or other items by a participant or other violations of state or federal law.

(tt) "Physician's Assistant" means an individual who meets the requirements of Section 20-12a, as amended, of the General Statutes.

(uu) "Postpartum Women" means women up to six months after termination of pregnancy.

(vv) "Pregnant Women" means women determined to have one or more embryos or fetuses in utero.

(ww) "Priority System" means the basis for assigning degree of nutritional risk, as specified in the State WIC Manual, as amended.

(xx) "Priority Waiting List" means a list of potentially eligible individuals according to priority.

(yy) "Recognized Regional Accrediting Body" means one of the following regional accrediting bodies: New England Association of Schools and Colleges; Middle States Association of Colleges and Schools; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools; and Western Association of Schools and Colleges.

(zz) "Regression" means the deterioration of nutritional status which may result from termination of WIC benefits, as determined by a CPA.

(aaa) "Service Area" means any office, room or space where the WIC Program operates. It includes all reception areas, waiting rooms, interviewing offices or locations, check distribution areas, and offices and other areas used for certification or nutrition education.

(bbb) "State WIC Manual" means the most recent standards established by the Commissioner for implementation of the Special Supplemental Nutrition Program for Women, Infants and Children, available from the department and hereby incorporated into the Regulations of State Agencies, Sections 19a-59c-1 through 19a-59c-6.

(ccc) "State WIC Program" means the Special Supplemental Nutrition Program for Women, Infants and Children which is administered by the Department of Public Health in accordance with the United States Department of Agriculture regulations, 7 CFR 246.1, through 246.28, as amended.

(ddd) "Suspension" means a temporary period during which a vendor or participant is prohibited from participation in the program for reasons of abuse or continued inability to meet program requirements, but is not disqualified.

(eee) "SWIS" means the Statewide WIC Information System which is a system of computer programs, manuals, and reports.

(fff) "Vendor" means any retail grocer, pharmacy, supermarket, or other food store. (Effective March 2, 1993; Amended April 3, 1998.)

19a-59c-2. Eligibility criteria

To be eligible for State WIC Program benefits an individual shall:

(a) reside in Connecticut, and

(b) be recipients of Food Stamps or assistance under Temporary Assistance To Needy Families (TANF) or Medicaid, or be a member of a family that contains a TANF recipient or a pregnant woman or infant who receives Medicaid benefits, or have household income at or below 185% of the poverty income guidelines established by the Federal Office of Management and Budget, and

(c) fit one of the following nutritional risk priorities:

(1) Priority I

(A) The presence of one or more of the following nutritional risk criteria shall qualify a pregnant or breastfeeding woman for Priority I:

(i) Anemia,

(ii) Past or present pregnancy induced hypertension,

(iii) Past or present gestational diabetes,

(iv) Severe nausea and vomiting,

(v) Nutrition related non-infectious chronic disease,

(vi) Recent or present nutrition related infectious disease,

(vii) Nutritionally significant genetic disease,

(viii) Clinical sign(s) of malnutrition,

(ix) Severe oral problems which impair ingestion of nutrients,

(x) Alcohol consumption,

(xi) Drug use,

(xii) Smoking,

(xiii) Other nutrition related medical condition(s),

(xiv) Underweight for height,

(xv) Overweight for height,

(xvi) Insufficient or excessive weight gain during pregnancy,

(xvii) Short interconceptional period,

(xviii) High parity,

(xix) Birth of a low birth weight infant,

(xx) Birth of a premature infant,

(xxi) Fetal or neonatal death or miscarriage,

(xxii) Inadequate or excessive weight gain in recent pregnancy,

(xxiii) Multiple pregnancy,

(xxiv) Teenager or over 35 years of age at conception,

(xxv) Breastfeeding woman whose infant is at nutritional risk,

(xxvi) Possible regression to a prior medical condition if removed from program.

(B) The presence of one or more of the following nutritional risk criteria shall qualify an infant for Priority I:

(i) Anemia,
(ii) Nutrition related non-infectious chronic disease,
(iii) Recent or present nutrition related infectious disease,
(iv) Nutritionally significant genetic disease,
(v) Clinical sign(s) of malnutrition,
(vi) Failure to thrive,
(vii) Congenital defect with nutritional implications,
(viii) Severe oral problems which impair the ingestion of nutrients,
(ix) Other nutrition related medical conditions,
(x) Low birth weight,
(xi) Prematurity,
(xii) Underweight or overweight for height,
(xiii) Stunted growth,
(xiv) Weight loss or deviation from normal pattern of growth,
(xv) Infant of alcoholic or drug addicted mother,
(xvi) Breastfeeding infant whose mother is at nutritional risk, or
(xvii) Possible regression to a prior medical condition if removed from program.

(2) Priority II. Except those infants who qualify for Priority I, infants up to six months of age of program participants who participated during pregnancy, and infants up to six months of age born of women who were not Program participants during pregnancy but whose medical records document that they were at nutritional risk during pregnancy due to nutritional conditions detectable by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

(3) Priority III. The presence of one or more of the following nutritional risk criteria shall qualify a child for Priority III:

(A) Anemia,
(B) Nutrition related non-infectious chronic disease,
(C) Recent or present nutrition related infectious disease,
(D) Nutritionally significant genetic disease,
(E) Clinical sign(s) of malnutrition,
(F) Failure to thrive,
(G) Congenital defect with nutritional implications,
(H) Severe oral problems which impair the ingestion of nutrients,
(I) Other nutrition related medical condition(s),
(J) Underweight or overweight for height,
(K) Stunted growth,
(L) Weight loss or deviation from normal pattern of growth, or
(M) Possible regression to a prior medical condition if removed from the program.

(4) Priority IV.

(A) The presence of one or more of the following nutritional risk criteria shall qualify a pregnant or breastfeeding woman for Priority IV:

(i) Inadequate diet,
(ii) Pica,
(iii) Possible regression to a prior detrimental dietary condition if removed from the program,
(iv) Developmental disability, or
(v) Homeless individual or migrant.

(B) The presence of one or more of the following high risk criteria shall qualify a postpartum woman for Priority IV:
- (i) Teenager,
- (ii) Diagnosed chronic disease requiring a therapeutic diet, or
- (iii) A poor obstetrical history.

(C) The presence of one or more of the following nutritional risk criteria shall qualify an infant for Priority IV:
- (i) Inadequate diet,
- (ii) Pica, possible regression to a prior detrimental dietary condition if removed from program,
- (iii) Infant of a developmentally disabled woman, or
- (iv) Homeless individual or migrant.

(5) Priority V. The presence of one or more of the following nutritional risk criteria shall qualify a child for Priority V:
- (A) Inadequate diet,
- (B) Pica,
- (C) Possible regression to a prior detrimental dietary condition if removed from program,
- (D) Child of alcoholic or drug addicted mother,
- (E) Child of a developmentally disabled woman, or
- (F) Homeless individual or migrant.

(6) Priority VI. The presence of one or more of the following nutritional risk criteria shall qualify a postpartum woman for Priority VI:
- (A) Anemia,
- (B) Recent or present pregnancy induced hypertension,
- (C) Recent or present gestational diabetes,
- (D) Severe nausea and vomiting,
- (E) Nutrition related non-infectious chronic disease that does not require a special diet,
- (F) Recent or present nutrition related infectious disease,
- (G) Nutritionally significant genetic disease,
- (H) Clinical sign(s) of malnutrition,
- (I) Severe oral problems which impair the ingestion of nutrients,
- (J) Alcohol consumption,
- (K) Drug use,
- (L) Smoking,
- (M) Other nutrition related medical condition(s),
- (N) Prenatal or postnatal underweight for height,
- (O) Prenatal or postnatal overweight for height,
- (P) Insufficient weight gain during pregnancy,
- (Q) Excessive weight gain during pregnancy,
- (R) Short interconceptional period,
- (S) High parity,
- (T) Birth of a premature infant,
- (U) Fetal death or miscarriage,
- (V) Inadequate or excessive weight gain in recent pregnancy,
- (W) Multiple pregnancy,
- (X) Over 35 years of age at conception,
- (Y) Inadequate diet,
- (Z) Pica,
- (AA) Possible regression to a prior medical condition or a detrimental dietary condition if removed from the program,
- (BB) Developmental disability, or
- (CC) Homeless individual or migrant.

(Effective March 2, 1993; Amended April 3, 1998.)

19a-59c-3. Provision of WIC benefits

(a) Supplemental foods must meet the requirements of:
- (1) 7 CFR 246.10, as amended, and
- (2) food package criteria in the State WIC Manual, as amended, and
- (3) authorized food list as defined in subsection 19a-59c-1 (c) of Regulations of Connecticut State Agencies.

(b) The department may withhold benefits from a priority group which is otherwise eligible to fund benefits for higher priority groups in accordance with 7 CFR 246.7 (g) (2), as amended.

(Effective March 2, 1993)

19a-59c-4. Local WIC agency participation

(a) Local WIC agencies shall comply with federal regulations, state regulations and their contract with the State Program.

(b) General Administration
- (1) Staffing
  - (A) Each local agency shall employ one full-time local agency coordinator who shall be responsible for its overall operation. This requirement may be waived by the Commissioner if the Commissioner determines that management obligations as set forth in this subsection may be met by employing a part-time coordinator. Such request for a waiver shall be in writing and give reasons why the Commissioner should grant the request for waiver. A coordinator hired before October 1, 1982 shall be deemed qualified under these regulations. A coordinator shall meet the following qualifications:
    - (i) a master's degree from an institution accredited by a recognized regional accrediting body in either public health, health administration, administration, business administration, or a health science; and
    - (ii) a bachelor's degree from an institution accredited by a recognized regional accrediting body; and
    - (iii) one year of full-time employment planning or administering a program, including supervising personnel, or
    - (iv) any combination of the above experience and training totaling six years. A bachelor's degree shall count for four years and a master's degree an additional one year. Nonsupervisory professional level experience in a WIC Program may be substituted for up to two years.
  - (B) Each local agency shall employ one full-time WIC program nutritionist who shall report to the program coordinator and be responsible for the nutrition services component of the program. A WIC program nutritionist hired before October 1, 1984 shall be deemed qualified under these regulations. A program nutritionist shall meet the following qualifications:
    - (i) a master's degree from an institution accredited by a recognized regional accrediting body in either nutritional sciences, community nutrition, clinical nutrition, dietetics, public health nutrition or home economics with a major in foods and nutrition, and one year of professional experience in nutrition in a health agency or health care facility, or
    - (ii) a bachelor's degree from a four-year institution accredited by a recognized regional accrediting body with a major in either foods and nutrition, community nutrition, nutrition education or

nutritional sciences and 2 years of professional experience in nutrition in a health agency or health care facility. A successfully completed internship or traineeship approved by the American Dietetic Association or a bachelor of science degree with a coordinated program or a master's degree in public health nutrition or a master's degree in nutrition education can qualify for one year of work experience. Persons with a master's degree in nutrition who do not have a bachelor's degree in foods and nutrition shall have successfully completed the equivalent subject matter at the graduate level to compensate for any courses not completed at the undergraduate level.

(C) Other WIC nutritionists who are hired by local agencies shall have a bachelor's degree from a four-year institution accredited by a recognized regional accrediting body with a major in foods and nutrition, community nutrition, nutrition education, or nutritional sciences.

(D) Nutrition aides who are hired by local agencies shall demonstrate to the satisfaction of the local agency WIC program coordinator:

(i) the ability to communicate clearly both orally and in writing in English, and in another language when the coordinator deems appropriate, and

(ii) the ability to establish rapport with individuals and small groups, or

(iii) successful completion of the department's paraprofessional training course.

(E) Each local agency shall maintain a WIC program staff which is sufficient to operate the program efficiently, effectively and economically. The Department shall presume that a local agency complies with this provision if it retains staff in accordance with the most recent revision of the State WIC Manual as promulgated from time to time by the Commissioner.

(F) Prior to appointment to fill a vacancy in a local agency, the state WIC program shall review and approve in writing the qualifications of selected candidates for the following positions:

(i) WIC coordinator,

(ii) WIC program nutritionist, and

(iii) WIC nutritionist.

(2) Temporary Appointments

(A) The local agency shall appoint an agency staff member to serve temporarily in an acting capacity as local WIC coordinator or program nutritionist if either position is vacated for four weeks or more. The local agency shall notify the state WIC program in writing of all such appointments expected to last four weeks or more. Individuals not meeting the qualifications for the permanent position may not serve in the acting capacity for more than two calendar months unless an extension is requested in writing by the local agency and approved in writing by the state WIC program.

(3) Caseload Management

(A) The state WIC program shall assign the number of people to be served by the local agency. The state WIC agency may adjust the caseload and direct the local agency to initiate a waiting list, deny WIC benefits to the lowest priority groups or terminate participants in mid-certification due to funding shortages.

(B) When the local agency's assigned caseload level is reached, the local agency shall continue to enroll any individual who meets the criteria for

priorities I through VI unless notified otherwise in writing by the state WIC program.

(4) WIC Local Agency Plans

(A) Each local agency shall prepare, have on file, and implement a current program plan approved by the department which comprises all of the following sections:

(i) background (including historical information and description of contracting agency);

(ii) personnel and facilities (including job descriptions for all staff positions, addresses and days of WIC operations);

(iii) program (including a needs assessment, goals and measurable objectives, action plans and methods of evaluation);

(iv) systems and procedures for administration, certification, food delivery, out reach, and nutrition education;

(v) lesson plans for nutrition education.

(B) The local agency shall revise their plan annually. Revisions shall include:

(i) the section on program,

(ii) modifications reflecting changes in the current status or operations of the local agency, and

(iii) modifications requested by the state WIC program.

(5) Contracts for Nutritional Assessment. The local agency may contract with a competent professional authority to determine the nutritional risk status of potential WIC participants. The contract shall include, at a minimum, each of the provisions of the "model agreement for professional services to the WIC program" which is contained in the December 1997 State WIC manual and may be obtained by contacting the Connecticut Department of Public Health, WIC Program, 410 Capitol Avenue, M.S.11WIC, P.O. Box 340308, Hartford, CT 06134-0308 (Phone No: (860) 509-8084) and the following terms:

(A) How referrals and appointments shall be handled.

(B) If applicable, the amount of, and the manner in which payment shall be made for specified costs.

(6) Records

(A) Each local agency shall maintain complete records for:

(i) outreach, as required in section 19a-59c-4(c), as amended;

(ii) financial management, as required in subsection 19a-59c-4(d) of Regulations of Connecticut State Agencies, as amended;

(iii) civil rights, as required in subsection 19a-59c-4(h) of Regulations of Connecticut State Agencies, as amended;

(iv) certification, as required in subsection 19a-59c-4(i) of Connecticut State Agencies, as amended;

(v) nutrition education, as required in subsection 19a-59c-4(i) and (k) of Connecticut State Agencies, as amended;

(vi) food delivery, as required in subsection 19a-59c-4(l) of Connecticut State Agencies, as amended;

(vii) food vendor participation, as required in subsection 19a-59c-5(a) and (b) of Connecticut State Agencies, as amended;

(viii) final decisions on hearings involving participants; and

(ix) records required by Federal Regulations including 7 CFR 246.25, as amended.

(B) All local agencies shall obtain prior written approval from the state WIC program for the use of locally developed substitutes for the state forms.

(C) Records shall be retained by the local agency for a minimum of three years following the submission of the final expenditure report for the period to which the reports pertain. The state WIC office reserves the

right to require longer retention for the resolution of an audit or any litigation.

(D) All records shall be available for inspection by authorized state WIC program, department and USDA representatives during normal business hours. Denial of access shall result in immediate disqualification.

(E) All records shall be destroyed in a manner which protects confidentiality. Private non-profit agencies shall submit a written request to destroy records stating which records and the manner in which they shall be destroyed to the State WIC office. Permission to destroy public records of municipal government agencies shall be obtained through the Connecticut State Library, Public Records Administrator. Permission, if granted, shall be in writing by a procedure adopted by that office pursuant to Sections 7-109 and 11-8 of the Connecticut General Statutes. Written notification of approval of the request to destroy records shall be maintained by the local agency for three years in accordance with 7 CFR 246.25, as amended. The state WIC program shall evaluate such requests based on compliance with records retention requirements in 7 CFR 246.25, as amended.

(7) Meetings

(A) Each local agency coordinator shall attend coordinators' meetings called by the state WIC program. In the event that the coordinator cannot attend a meeting, the local agency may send a representative.

(B) Each local WIC nutritionist shall attend the department's nutritionists' meetings called by the state WIC program.

(8) Continuing Education. WIC funds may be used for workshops and conferences, but may not be used for college or graduate school tuition or expenses.

(9) Office Hours. Local agency offices shall remain open continuously during regular business hours for five full working days a week, unless granted a waiver by the department upon written request to the state WIC program, because of inadequate staffing or other demonstrated inability to meet requirements of this sub section.

(10) Smoking Policy. Each local agency shall post a policy statement against smoking in any area where WIC program functions are performed, including check distribution sites where WIC services are provided on a part-time basis. These sites shall prohibit smoking during the times WIC is operating.

(11) Reporting. The local agency shall submit to the state WIC office the following reports as scheduled below:

(A) Administration/Finance/Management	***Due Dates***
(i) audit reports	Within 30 days of completion of audit
(ii) budget submission	May 1
(iii) expenditure report	20th of month following report month
(iv) evaluation/performance report	December 1
(v) local agency plan	May 1
(vi) outreach	April 15 and October 15
(B) Nutrition	
(i) Nutrition Survey	May 1

(c) Outreach

(1) Publicity. Local agencies shall annually publicize, in a newspaper serving that program's area, the availability of WIC benefits including eligibility criteria and the location of local agency offices.

(2) Media Contacts are reports of any contact between the local agency and the media. The reports shall include all media event information in outreach reports submitted to the state WIC office.

(3) WIC Referrals

(A) Local agencies shall encourage referrals to WIC through the distribution of written information at least once per year to hospitals, private physicians, local clinics, community action agencies, social agencies, churches, neighborhood centers, welfare agencies, and other organizations in the service area who serve potential WIC eligibles.

(B) Local agency staff shall inform all WIC applicants and participants who may be eligible where they may apply for the TANF and Food Stamp Programs, the Medicaid Program, the Child Support Enforcement Program and the Expanded Food and Nutrition Education Program, if available.

(C) All referrals shall be documented.

(4) Outreach Materials. Local agencies shall use outreach materials which shall:

(A) be targeted to individuals at high risk,

(B) reflect ethnic and cultural groups in the community,

(C) be available in an appropriate foreign language when the local agency submits for determination by the state agency that the primary language of a substantial number of persons in the service area is not English,

(D) promote the WIC Program as a community nutrition program which operates as an adjunct to health care,

(E) contain the required nondiscrimination clause, as stated in 7 CFR 246.6, as amended.

(5) Records. The local agency shall submit a written report of outreach activities to the state WIC program biannually and include copies of all outreach materials used or planned for use which have not previously been submitted to the state WIC program. Such report shall include:

(A) date,

(B) brief description of activity, including location,

(C) staff involved,

(D) population targeted, and

(E) results/comments.

(d) Financial Management

(1) Accounting Records

(A) Each local agency shall maintain accurate and completely documented accounting records for all program funds received from the state WIC program. These records shall include:

(i) budget, cash flow report (WIC 1-C),

(ii) check stubs,

(iii) infant formula register,

(iv) monthly expenditure report WIC 1-B, and

(v) equipment inventory.

(B) These records shall be made available by the local agency to state or federal personnel or agents acting in their behalf for periodic review or auditing purposes.

(2) Major areas. All local agency budget requests, expenditure records and reports shall classify all funds, under one of the following four areas:

(A) General Administration. All costs generally considered to be overhead or management costs, including:

(i) salaries,

(ii) fringe benefits,

(iii) equipment,

(iv) contracted services,
(v) space rental,
(vi) supplies,
(vii) postage,
(viii) telephone,
(ix) printing and reproduction,
(x) travel - in-state,
(xi) travel - out-state, and
(xii) other outreach, maintain payroll, personnel, administrative, fiscal and pro gram records, audit expenses, legal services.

(B) Client Services. All costs expended to deliver food and other client services and benefits, including:
(i) salaries,
(ii) fringe benefits,
(iii) contract services,
(iv) material preparation,
(v) space rental,
(vi) application processing,
(vii) medical supplies,
(viii) travel-in-state and out state,
(ix) notification of rights,
(x) transfer of certification,
(xi) planning of certification,
(xii) telephone,
(xiii) training,
(xiv) conduct and participate in surveys/studies,
(xv) transfer of certification,
(xvi) income determination,
(xvii) diet assessment,
(xviii) equipment,
(xix) anthropometric measurements,
(xx) other assessments, and
(xi) miscellaneous documentation.

(C) Nutrition Education. All costs directly related to general nutrition education, including:
(i) salaries,
(ii) fringe benefits,
(iii) planning for nutrition education,
(iv) travel - in or out of state,
(v) material preparation,
(vi) material procurement,
(vii) equipment,
(viii) printing,
(ix) training staff,
(x) counseling individuals,
(xi) group education,
(xii) continuing education,
(xiii) data collection,
(xiv) evaluation,
(xv) monitoring,
(xvi) telephone, and
(xvii) space rental.

(D) Breastfeeding. All costs expended for promotion and support of breastfeeding, including:

(i) salaries,
(ii) fringe benefits,
(iii) material preparation,
(iv) material procurement,
(v) space rental,
(vi) printing,
(vii) contract services,
(viii) counseling,
(ix) training,
(x) continuing education,
(xi) breastfeeding promotion and support,
(xii) telephone, and
(xiii) travel - in or out of state.

(3) Line Items. Local agency budgets and expenditure records and reports shall classify funds under one of the twelve cost categories specified below:

(A) Salaries - costs of all salaries and wages.

(B) Fringe benefits - employees' contributions or expenses for social security, life and health insurance plans, unemployment compensation insurance coverage, workmen's compensation insurance, and pension plan.

(C) Equipment - purchase and rental of property having a useful life of more than one year and an acquisition cost of $1,000.00 or more per unit.

(D) Contracted services. Chargeable under certification only. In cases where certification procedures are not performed by members of the local WIC staff, the local agency may contract with health care providers for such. Contracted services include only personnel compensation and laboratory fees.

(E) Space Rental. The total cost of space may not exceed the fair market rental cost of comparable space in the same locality. The cost of utilities, insurance, security, janitorial service, elevator service, grounds upkeep, normal repairs, and alterations are allowable to the extent they are not otherwise included in rental or other charges for space. Costs for rearrangement and alterations of facilities required specifically for the WIC program or those that increase the value or useful life of the facilities are allowable only when the state WIC program has given prior written approval.

(F) Supplies. Office supplies, books, publications, audio visual supplies, food demonstration supplies, and breastfeeding promotion aids.

(G) Postage.

(H) Telephone.

(I) Printing and reproduction. Total costs for printing and reproducing forms, reports, manuals, and informational literature.

(J) Travel Requirements. Records required by this paragraph shall be reviewed, approved and signed by personnel authorized by the local agency. The local agency shall retain a copy of the expense report. Travel records shall be maintained as follows:

(i) In-state. The local agency shall document:

(a) date of trip,
(b) driver's name,
(c) beginning and ending odometer readings and total mileage,
(d) origin and destination of trip,
(e) parking receipts and tolls,
(f) reason for trip.

(ii) Out-of-state. The local agency shall document:
(a) employee's name and position,
(b) reason for trip,
(c) date of trip,
(d) origin and destination,
(e) itemized costs as follows:
(1) date of each trip;
(2) employee's name;
(3) transportation tickets, hotel receipts, etc.;
(4) origin and destination of each trip;
(5) parking and taxi receipts; and
(6) reason for each trip.

(K) Other. Continuing education, outreach, equipment maintenance, and other WIC program costs allowable under 7 CFR 246.14, as amended.

(4) Special Limitations on Costs

(A) Nutrition education expenditures shall account for at least 25% of the total expenditures.

(B) All equipment purchases by the local agency over $1,000.00 per item and equipment rental charges over $50.00 per month are subject to approval, based on costs and necessity, in advance, by the state WIC Program. The local agency shall retain a copy of the request and approval.

(C) Space expenses. Costs for rearrangement and alterations of facilities required specifically for the WIC program or those that increase the value or useful life of the facilities are allowable only when the state WIC program has given prior written approval to the local agency. The local agency shall:
(i) submit to the state WIC program written requests with justification and detailed costs.
(ii) retain a copy of the request and the state response.

(D) Indirect costs. Indirect costs to local agencies are not allowed.

(5) Annual Budgets

(A) Each local agency shall submit to the state WIC program by May 1 each year, an annual budget using state supplied budget forms.

(B) All budget line item modifications from the contract budget which bring the total of revisions to either $500 for a line item or 10% of a line item, whichever is greater, are subject to advance, written approval by the state WIC program. Budget modifications of lesser amounts require written notification to the state WIC program. All budget modification requests shall be received by the state WIC program by September 30. The local agency shall submit requests in writing with justification and shall retain a copy of the request and the state response.

(6) Reports

(A) Revenue, expenditures, and cash-on-hand shall be reported to the state WIC office monthly by the local agency.

(B) All revenue earned and expenditures which result in liabilities shall be reported by the local agency in the fiscal year for which they are contracted, even though the receipt of the revenue or the payment of the expenditure may take place in whole or in part in a previous or subsequent fiscal year.

(7) Settlement of Contract Account. Settlement of the contract account shall be made for each of the twelve line items as separate accounts. Differences shall be totaled to enable settlement with a single payment. Nutrition education expenditures shall account for at least 25% of the total expenditures.

(A) The local agency shall verify the state WIC program settlement figures and notify the state WIC program within 10 days of receipt of any discrepancies.

(B) The local agency shall refund excess advancement or request additional reimbursement within 30 days of the date of the settlement letter.

(e) Criteria for Selection of Local Agencies

(1) The department shall accept applications only from local agencies that meet the following criteria in priority order:

(A) a public or private nonprofit health agency that will provide ongoing, routine pediatric and obstetric care and administrative services.

(B) a public or private nonprofit health or human service agency that will enter into a written agreement with another agency for either ongoing, routine pediatric and obstetric care or administrative services.

(C) a public or private nonprofit health agency that will enter into a written agreement with private physicians, licensed by the state, in order to provide ongoing, routine pediatric and obstetric care to a specific category of participants (women, infants, or children).

(D) a public or private nonprofit human service agency that will enter into a written agreement with private physicians licensed by the state, to provide ongoing, routine pediatric and obstetric care.

(E) a public or private nonprofit health or human service agency that will provide ongoing, routine pediatric and obstetric care through referral to a health provider.

(2) The department shall consider applications to provide WIC program benefits to an area that has at least 600 potentially eligible individuals.

(f) Local Agency Disqualifications and Penalties

(1) A local agency shall be considered in violation of the WIC Program if it:

(A) fails to submit to the department, obtain approval for, or fully implement the local agency plan including the nutrition education portion;

(B) diverts money budgeted for administrative expenses to non-budgeted administrative items;

(C) fails to submit reports as required by the department;

(D) otherwise does not comply with the terms of its contract with the department.

(2) When a local agency is found in violation of the state WIC program, it may be subject to one or more of the following penalties:

(A) reduction of reimbursement by 1/6 of the administrative budget for failure to fulfill its contractual responsibilities for nutrition education; reduction of reimbursement for costs of activities which were not authorized under the terms of the agreement with the state WIC program;

(B) termination of the agreement with the department; or

(3) A local agency may be disqualified from participation on sixty days advance written notice of the disqualification.

(g) Dual Participation - The potential dual application report shall be validated immediately upon receipt by the local agency. The local agency shall eliminate any real dual participation through its own or other local agencies.

(h) Civil Rights

(1) The local agency shall comply with all civil rights requirements as specified in 7 CFR 246.6, as amended. The nondiscrimination clause referred to in 7 CFR 246.6, as amended, shall appear on all materials that identify or describe the WIC program.

(2) Discrimination Complaints

(A) Within 24 hours the local agency shall send a copy of any complaint to:

(i) Affirmative Action Officer, State of Connecticut, Department of Public Health; and

(ii) State WIC Office, State of Connecticut, Department of Public Health.

(B) All complaints received by the local agency which allege discrimination based on race, color, national origin, sex, age or disability shall also be referred by the local agency to the Secretary of Agriculture, USDA, Washington, D.C. 20250.

(C) The local agency shall ensure that the identity of every complainant be kept confidential except to the extent necessary to carry out the purposes of this subsection, including the conduct of any investigation or hearing.

(D) Records. All records regarding any civil rights matter shall be retained a minimum of three years by the local agency.

(i) Certification. In accordance with the contract between the department and the local agency, the local agency shall cooperate in furnishing information in this subsection.

(1) The local agency shall develop a system to certify applicants for WIC benefits in accordance with the processing standards delineated in 7 CFR 246.7, as amended, and as specified in subdivisions 19a-59c-4(i) (1) through 19a-59c-4(i) (3) of the Regulations of Connecticut State Agencies. The processing standard begins when the applicant visits the local agency during office hours to request program benefits.

(2) Employed individuals seeking to apply for WIC benefits shall be given a convenient appointment so as to minimize the time that such an individual is absent from the workplace for the purpose of applying for the program.

(3) Pregnant women in priority I, infants, the homeless and migrants shall be notified by the local agency of their eligibility or ineligibility within 10 days of the date of the initial request for program benefits. An extension of the notification period to a maximum of 15 days may be requested in writing by the local agency to the state agency.

(4) All other applicants shall be notified by the local agency of the determination of eligibility within 20 days of the date of the initial request for program benefits.

(5) Local program staff shall attempt to contact any pregnant woman who misses her initial certification appointment in order to reschedule the appointment.

(6) A CPA on the local agency staff shall certify as eligible all applicants who:

(A) reside in Connecticut, and

(B) meet the WIC approved categories, and

(C) meet the income standard, and

(D) are at nutritional risk, as defined in subsection 19a-59c-1(mm) of the regulations of Connecticut state agencies.

(7) Individuals who are being certified shall be physically present at the WIC office or satellite at the time of each certification. The local agency shall notify every applicant/participant prior to certification that the individual shall be present in order to complete the certification process. Physical presence shall be documented in the individual's certification file.

(8) Infants of women who were enrolled in the WIC program during pregnancy may be certified for up to six weeks of age without being physically present at the time of certification. Physical presence of the infant shall be documented by six weeks of age.

(9) When an applicant initially applies for WIC benefits, local agency staff shall determine if the applicant lives in Connecticut. State residency shall be verified by asking the applicant to present documentation which lists the applicant's name and address. Verification of residency is not required for homeless applicants.

(10) Nutritional risk shall be determined and documented by a CPA on the staff or on contract with the local agency.

(11) The CPA shall determine the extent of present health care and shall advise applicants and participants where they may go for adequate care.

(12) If the local agency does not have a contract with the CPA providing information on the nutritional status of a potential participant, then it shall be considered a referral and SHALL be reviewed by the local agency's CPA and countersigned.

(13) For determination of nutritional risk, the following data shall be obtained no more than 60 days before certification, provided that data used to determine the nutritional status of pregnant, postpartum or breastfeeding women was obtained while she was pregnant, postpartum or breastfeeding, respectively:

(A) height or length, and weight;

(B) a hematological test for anemia such as a hemoglobin or hematocrit test for all participants except for infants under six months of age and children whose blood values were normal at the previous certification. However, the test shall be performed on children whose values were normal at the previous certification at least once every 12 months.

(C) as a last resort, and after all other options have been pursued to resolve the issue of obtaining timely bloodwork data, as documented by the local agency on the participant certification form, a pregnant woman may be temporarily certified without bloodwork data, one time only during her pregnancy for a period which may not exceed 60 days, as long as she is otherwise eligible to receive program benefits.

(14) A diet history shall be performed by a nutritionist or by a staff person trained and supervised by the program nutritionist to assess the adequacy of the potential participant's diet. A diet assessment form shall be completed if the nutritional risk criterion for certification is based on a dietary inadequacy.

(15) The local agency shall ensure that at least two people are involved in the certification process for each participant. This shall be reflected on the certification form by having the CPA complete and sign the Medical/Nutritional assessment and another WIC staff member shall be responsible for the income eligibility determination.

(16) The local agency shall ensure that signatures on the WIC Certification Form are handwritten and shall comprise, at a minimum: first initial and last name. CPA signatures shall be legible.

(17) The local agency may extend the certification period for infants up to their first birthday, provided that the quality and accessibility of health care to infants are not diminished. A request for approval shall be made in writing to the state WIC program.

(18) The criteria for determining regression as defined in subsection 19a-59c-1(yy) of Regulations of Connecticut State Agencies shall not be used for an initial certification or for the recertification of priority II infants or postpartum women. These criteria may be used only if there was a documented nutritional risk condition at a prior certification, as evidenced by anthropometric, biochemical, clinical or dietary assessment. The regression criterion may not be used two or more times consecutively to certify an individual.

(19) Priority Assignment

(A) Participants certified on the basis of regression shall be assigned to the same priority group to which they were previously assigned.

(B) High risk postpartum women shall be assigned to priority IV. (See the State WIC Manual).

(C) Both the mother and infant of a breastfeeding dyad shall be assigned the highest priority for which either qualifies.

(D) A participant shall be assigned to the highest priority group for which he or she is eligible.

(20) Transfer of Certification

(A) The local agency shall comply with all requirements related to transfer of certification as specified in 7 CFR 246.7 (j), as amended, and in subparagraph 19a-59c-4 (i) 16 (B) through (D) of Regulations of Connecticut State Agencies.

(B) The local agency shall accept all verification of certification (VOC) cards which are recognized as state or national cards if such cards include as a minimum the participant's name and the certification date, including those cards which may have some incorrect information. A person with a valid VOC card shall not be denied participation because the person does not meet the state WIC program's eligibility criteria.

(C) If the certification period is still valid and the VOC card is incomplete, the local agency shall obtain the missing information and complete the card.

(D) If the certification period is no longer valid, the local agency shall process the individual as a new applicant.

(21) Certification Records - The local agency shall maintain complete certification records for active WIC participants composed of:

(A) request for alternate/proxy (WIC-12);

(B) certification form(s);

(C) prenatal weight gain grid for women, growth charts for children;

(D) nutrition education documentation;

(E) diet assessment form(s) in accordance with subsection 19a-59c-4(h) of Connecticut State Agencies, as amended;

(F) high risk care plan in accordance with subsection 19a-59c-4(j) of Connecticut State Agencies, as amended; and

(G) denial form for the National Voter Registration Act, if warranted.

(22) Aliens. During the certification process if it becomes known that the applicant is an alien, the local agency shall:

(A) inform aliens that participation in WIC may be considered by the Immigration and Naturalization Service (INS) as an indication that they have become a public charge and may be subject to deportation in accordance with the Immigration and Nationality Act (8 U.S.C. § 1251 (a) (8)).

(B) refer the applicant to the INS for counseling,

(C) not further advise the applicant on this subject,

(D) refer any INS officials seeking information regarding WIC program participation to the state WIC office.

(23) Phenylketonuria (PKU). The certification and enrollment in the WIC program of eligible children who have PKU shall be accomplished through coordinated efforts of the local agency, the PKU clinics, the state WIC and genetics programs and the primary care providers.

(A) The local agency shall complete the initial and subsequent certification.

(B) The local agency shall establish and maintain certification records for all WIC/PKU participants.

(C) The local agency shall issue an appropriate PKU formula to infants and children when prescribed by a physician and not provided by another source.

(D) Other inborn errors of metabolism shall be handled in the same manner as PKU.

(24) Termination. A termination notice shall be provided to participants, in writing, no less than 15 days before the disqualification. The notice should include reasons for disqualification and the right to a hearing under Chapter 54 of the general

statutes and section 19a-2A-1 through 19a-2A-41 of Connecticut State Agencies, as amended, of regulations of Connecticut State Agencies. The local agency shall terminate a WIC participant:

(A) if there are individuals waiting who, according to the priority system, are at greater nutritional risk;

(B) who is no longer in a WIC approved category;

(C) whose family income exceeds the income guidelines;

(D) if participant requests termination;

(E) for participation in more than one local WIC program;

(F) who abuses the program as specified in subsection 19a-59c-6(a) of Regulations of Connecticut State Agencies; or

(G) if directed by the state agency for administrative or fiscal reasons.

(25) Waiting Lists. As directed by the state WIC program, the local agency shall maintain a waiting list of individuals who visit the local agency to express an interest in receiving program benefits and who are likely to be served. However, in no case shall an applicant who requests placement on the waiting list be denied inclusion on the list.

(A) The competent professional authority shall fill vacancies, as directed by the state WIC program, by applying the participant priority system as defined in subsection 19a-59c-1(vv) of Regulations of Connecticut State Agencies and 7 CFR 246.7(d)(4), as amended.

(B) The waiting list shall comprise the following:

(i) name, address, telephone number;

(ii) categorical status; and

(iii) date placed on the waiting list.

(j) Local agency staff shall conduct an orientation for each participant to include:

(1) the general purpose and scope of WIC,

(2) the food delivery system,

(3) encouragement to attend all nutrition education activities,

(4) the importance of obtaining health care,

(5) rights and responsibilities as specified on the certification form, and

(6) The option of registering to vote.

(k) Nutrition Services

(1) The nutrition services component of the local agency shall be the primary responsibility of the WIC program nutritionist.

(2) A competent professional authority at the local agency shall prescribe or modify the food package for each participant according to federal requirements that delineate the quantity and quality of food to be prescribed to participants as specified in the State WIC Plan, as currently revised.

(3) Nutrition Education

(A) The local agency shall make nutrition education available to each participant at least twice every six months through individual or group sessions which are appropriate to the individual participant's nutritional needs and based upon the U.S. Dietary Guidelines (U.S. Department of Agriculture and U.S. Department of Health and Human Services, Home and Garden Bulletin No. 232). All pregnant participants shall be encouraged to breastfeed unless contraindicated for health reasons as determined by a physician.

(B) The local agency shall offer newly enrolled participants an explanation of one or more of the following:

(i) participant's nutritional risk condition and ways to achieve an adequate diet;

(ii) either verbally or through an audio-visual presentation, the type and amount of food approved by the program;

(iii) the importance of the supplemental foods being consumed by the participant for whom they are prescribed rather than by the whole family;
(iv) that the program is a supplemental rather than a total food program;
(v) the nutritional value of the supplemental food; or
(vi) the importance of health care.

(C) The local agency shall offer subsequent nutrition education contacts as described in the local agency plan, to include a discussion of the following:
(i) participants' particular nutritional needs according to the category of eligibility, i.e., needs of pregnant, breastfeeding, postpartum women, infants, and children;
(ii) relationship of diet to health;
(iii) the benefits of consuming a variety of foods including those not provided by the program;
(iv) nutrients of special interest or need to the participant; and
(v) additional topics at the local agencies discretion, as described in the local agency plan.

(D) The local agency shall implement a plan to promote breastfeeding among participants.

(E) The local agency shall provide information on the dangers of drug, alcohol and tobacco use during pregnancy to each pregnant participant, and appropriate referrals shall be made.

(F) The local agency shall document nutrition education as follows:
(i) topic(s),
(ii) date,
(iii) staff initials, and
(iv) participant refusal or inability to attend or participate.

(G) Each local agency shall use other available community resources, such as the Expanded Food and Nutrition Education Program (EFNEP), in providing nutrition education.

(H) The local agency nutritionist shall develop and implement a nutrition care plan for each high risk participant and any other participant who wishes to have such a plan.

(l) Food Delivery

(1) The local agency shall issue checks which correspond to the food packages selected by the CPA, according to the procedures and policies as prescribed by SWIS.

(2) The local agency staff shall issue a WIC identification (ID) card or folder to each participant.

(3) Alternate (Proxy) Authorization. A participant may request in writing authorization of an alternate to pick up or redeem WIC checks. In cases which the local coordinator or CPA determines to be hardship, a one month alternate may be authorized without a written request from the participant. The justification for authorization of an alternate and a copy of the alternate's name and signature shall be obtained by the local agency prior to authorization. The process of authorizing alternates shall ensure that only two individuals - the participant and the current alternate - may use the WIC checks. The local agency shall clearly document the individual(s) authorized to use each set of WIC checks and these individuals' signatures shall be on file at the local agency.

(4) The local agency shall prorate participants' food packages as prescribed by SWIS.

(m) Management Information Systems

(1) The local agency shall follow security policies with regard to copyright laws, equipment, backup and recovery, installation and upgrades and software passwords as established by the state WIC office.

(Effective March 2, 1993; Amended April 3, 1998.)

19a-59c-5. Food vendor participation

(a) In order to be considered for authorization, a vendor shall:

(1) be necessary to the program as determined in accordance with subsection 19a-59c-5(c) of Regulations of Connecticut State Agencies and as specified in the WIC vendor agreement.

(2) request an application package in writing,

(3) submit a completed application package by the due date, and

(4) meet the minimum criteria at the time of an authorized site visit as established by the state WIC program in subsection 19a-59c-5(c) of Regulations of Connecticut State Agencies and according to 7 CFR 246.12, as amended.

(b) The state WIC program, in cooperation with local agencies, shall process requests from food vendors who wish to become authorized WIC vendors, monitor vendor performance, document and resolve participant complaints.

(1) When the local agency is contacted by a vendor requesting authorization, the following procedure shall be followed:

(A) During the open enrollment period, which is designated by the state WIC program, the local agency will direct the vendor to submit the request in writing to the state WIC office.

(B) Applications will not be accepted any time other than the open enrollment period and before the due date. However, the state WIC program may authorize vendors based upon documented participant hardship at times other than open enrollment. In case of participant hardship, the local agency shall refer the vendor to the state WIC office.

(2) For vendors in its area, the local agency shall maintain a file which contains the following information:

(A) data sheet including store name, address, WIC vendor number and contact name;

(B) changes in vendor; e.g., change of ownership or address;

(C) documentation of any telephone conversations with the vendor and complaints received about the vendor;

(D) any other information which the department deems pertinent.

(3) The local agency shall process participant complaints as follows:

(A) document receipt of the complaint in writing to include:

(i) date of complaint,

(ii) name of participant making complaint (if available),

(iii) name of vendor about whom participant is making complaint, and

(iv) nature of complaint according to participant.

(B) submit the original of the written documentation to the state WIC program within 5 working days;

(C) retain a copy of the written documentation for the local agency file.

(c) Authorization of WIC vendors is the sole responsibility of the state WIC program. Vendor agreements are between the state and the vendor. The department shall authorize an appropriate number and distribution of food vendors, as well as perform an effective review and monitoring of vendors. The appropriate number and distribution of vendors shall be based upon store location, number of authorized stores in the area, the number of WIC participants in that area, adequate participant access and lowest prices charged by vendor. The department may make any adjustments in the number of authorized

stores required for special needs such as second language stores and access for the handicapped.

A vendor shall not be authorized by the state WIC program if the minimum requirements of the program are not met at the time of an initial visit. Minimum requirements include posting product prices, stocking the minimum inventory, attending vendor training sessions, maintaining WIC redemptions of an average of twenty-five checks per month, store business hours a minimum of 10 hours a day, 6 days a week and no history of overcharging the WIC Program. Satisfactory Food Stamp compliance as evidenced in part by no Food Stamp charge letter on file. Prices charged by stores for WIC foods cannot exceed fair market prices as determined by the state WIC program.

After the initial pre-authorization visit, inventory audits shall be conducted and periodic visits shall be made to authorized vendors. On-site monitoring and compliance investigations shall be performed by department staff or contracted designees. These inventory audits and additional visits, made during the period of authorization, may result in warning, fine, or disqualification letters being issued, dependent on the abuse. On any visit made to a store, the minimum requirements shall be met at the time of the visit or the vendor may be subject to penalties in accordance with subsection 19a-59c-6(c) of Regulations of Connecticut State Agencies, as amended. Details of any violations shall be documented.

(d) Vendor Agreements are rendered null and void if the ownership changes. The food vendor shall notify the state WIC program when the vendor ceases operation or when the ownership changes.
(Effective March 2, 1993; Amended April 3, 1998.)

19a-59c-6. Program abuse

(a) Participant Abuse

(1) In cases of participant abuse of the WIC program, the local agency shall:

(A) issue all warnings either in writing or orally to the participant in the presence of at least one witness, and document the abuse in the participant's file by recording name, date, description of incident and name(s) of witness(es);

(B) if a decision is made to suspend the participant, hand deliver or mail, by certified mail, return receipt requested, a written notice of suspension indicating length of time and reason;

(C) mail a copy of the notice of suspension to the state WIC office within 15 days, and retain copies in the participant's file;

(D) should the participant request a hearing, have the participant complete the necessary hearing form, and forward it to the state WIC office;

(E) report threats or acts of violence against a person or property immediately to the police;

(F) if the abuse in question includes the sale of supplemental foods or checks or their exchange for credit toward the purchase of unauthorized food or other items by the participant,

(i) report by phone alleged or suspected abuse to the State WIC Office immediately, provide written documentation within 15 days, retain a copy in the participant's file, include name, date, description of the incident, names of witnesses, and other appropriate information, and

(ii) implement actions regarding the participant's WIC status as described in subparagraph 19a-59c-6(a) (1) (B) of Regulations of Connecticut State Agencies, as amended, unless given other

instructions by the state WIC office, and maintain documentation of actions taken;

(iii) Claims Against Participants - The recovery of the cash value of program benefits which have been improperly issued to a participant due to the intentional misrepresentation or withholding of information may be initiated by the state agency in addition to imposition of the sanctions described in subsection 19a-59c-6(a) of Regulations of Connecticut State Agencies, as amended. The state agency may pursue recovery when the value of the overissuance exceeds $300.00.

(G) inform participant of the right to review termination, disqualification, or suspension from the WIC program in accordance with section 19-2a-1 through 19-2a-40, as amended, of Regulations of Connecticut State Agencies.

(2) Category I Violations

(A) Category I violations are actions related to misuse of checks, including but not limited to:

(i) refusal to follow proper redemption procedures such as signing checks,

(ii) failure to follow proxy procedures,

(iii) selection of unauthorized foods within an approved food category, or

(iv) selection of unauthorized quantities of authorized foods.

(B) Category I violations shall be subject to the following sanctions:

(i) a written or oral warning for the first occurrence within a 12-month period,

(ii) a one month suspension for the second occurrence within a 12-month period, and

(iii) a three month suspension for the third violation within a 12-month period.

(3) Category II Violations

(A) Category II violations are actions related to misuse of program benefits and participant rights, including but not limited to:

(i) verbal abuse of program, local agency or vendor staff,

(ii) redeeming checks which have expired or been altered, and

(iii) purchase of unauthorized foods, or returning WIC foods for cash.

(B) Category II violations shall be subject to the following sanctions:

(i) a written or oral warning for the first actual or attempted occurrence, and

(ii) a three month suspension for any subsequent, actual or attempted occurrence within a 12-month period.

(4) Category III Violations

(A) Category III violations are actions related to deliberate fraud or abuse of the WIC program, including but not limited to:

(i) physical abuse of program, local agency or vendor staff;

(ii) misrepresentation of eligibility for program benefits;

(iii) purchase of non-food items;

(iv) purchase of alcohol or tobacco products;

(v) exchanging checks for cash;

(vi) sale of WIC foods;

(vii) receipt from food vendors of cash or credit toward purchase of unauthorized foods or other items of value in exchange for checks; or

(viii) simultaneous participation in more than one local agency WIC program.

(B) Category III violations shall be subject to a three month suspension for any offense.

(b) Applicant Abuse - Sanctions shall be applied by the local agency when an applicant knowingly and deliberately misrepresents circumstances to obtain WIC benefits, or, when an applicant uses verbal or physical abuse or threat of physical abuse to local agency, clinic or vendor staff or property, or refuses to cooperate when asked for information.

(1) Penalty - Denial of participation in the WIC program.

(2) The local agency shall:

(A) issue a written Denial of Participation Notice stating the reason for the denial and the right to a hearing;

(B) mail a copy of the Denial of Participation Notice to the state WIC office within 15 days, which shall include a notice of the right of review, and retain copies in the participant's file;

(C) should the applicant request a hearing, have the applicant complete the necessary hearing form and forward to the state WIC office; and

(D) report threats or acts of violence against a person or property immediately to the police.

(c) Vendor Abuse - Sanctions are to be applied by the state WIC program against vendors based on the nature and severity of violations and the Vendor authorization agreement. Depending upon the offense, the state WIC program may impose the following:

(1) Warnings - A warning letter shall be sent to the vendor upon documentation of the first violation for abuses in accordance with the WIC vendor agreement for certain abuses.

(2) Fines and disqualifications - civil penalties - a civil penalty pursuant to Section 19a-59d of the General Statutes may be imposed on vendors in lieu of or in addition to disqualification. Disqualification may result upon documentation of certain abuses by a vendor in accordance with the following:

(A) Class A violations: An automatic three-year disqualification shall be assessed for the following violations:

(i) providing cash for redemption of a WIC check,

(ii) allowing cigarettes or alcoholic beverages to be purchased with a WIC check,

(iii) allowing any non-food items such as soaps, paper goods, etc. to be purchased with a WIC check,

(iv) not providing refunds or not paying fines by the due date as requested by the WIC program,

(v) using a counterfeit WIC vendor stamp,

(vi) receiving, transacting, or redeeming WIC checks outside of authorized channels or through unauthorized persons,

(vii) forging the signature of a WIC participant/alternate or a designee of the WIC program on any WIC document,

(viii) charging the WIC program for foods not received in exchange for a WIC check as determined during compliance purchases or check audits, or

(ix) charging the WIC program more for WIC foods than the lesser of the shelf or sale price at the time of purchase as determined during compliance purchases or check audits.

(B) Class B violations: A six-month disqualification or a five hundred dollar ($500.00) fine in lieu of disqualification shall be assessed for each occurrence of the following violations. Upon the fifth Class B violation within a one-year period, a two-year disqualification shall be imposed. The option to pay a fine shall not be available at that time:

(i) the inability to justify WIC redemptions through documented WIC food item purchases,
(ii) pricing a WIC check by type rather than by the actual purchase price of the foods,
(iii) not providing information as requested by the WIC program within the time frame that is stated,
(iv) not having the participant enter the purchase price in ink on a WIC check at the time of the purchase, or
(v) redeeming a WIC check for any food not specified on the WIC check or WIC food list.

(C) Class C violations: A three-month disqualification or a two hundred fifty dollar ($250.00) fine in lieu of disqualification shall be assessed for each occurrence of the following violations. Upon the fifth Class C violation within a one-year period, a one-year disqualification shall be imposed. The option to pay a fine shall not be available at that time:
(i) accepting a WIC check before the approved WIC foods have been provided or for credit, iou's or rain checks,
(ii) redeeming an altered WIC check,
(iii) not attending assigned training sessions,
(iv) allowing the return of any WIC purchases, or
(v) providing false information on any WIC document or on any WIC request for information.

(D) Class D violations: A one hundred twenty-five dollar ($125.00) fine shall be assessed for each occurrence of the following violations. Upon the Fifth Class D violation within a one-year period, a six-month disqualification shall be imposed. The option to pay a fine shall not be available at that time:
(i) not checking the WIC program identification card or folder at the time of purchase,
(ii) not verifying the WIC participant/alternate signature at the time of purchase,
(iii) not posting all WIC food prices on the item itself or on the shelf or door in front of the item,
(iv) not having the minimum inventory of WIC-approved foods on shelves at all times,
(v) not providing savings to WIC participants/alternates through the use of coupons or store offered promotions that include WIC authorized foods, or
(vi) accepting a WIC check before the "first day to use" or after the "last day to use" as specified on WIC checks.

(E) FNS Programs - whenever a vendor is disqualified from participation in any other FNS (Food and Nutrition Service) program such as the Food Stamp Program, the vendor shall also be disqualified from participation in the WIC program for the same length of time up to a maximum of three (3) years. Also, if a vendor is assessed a civil money penalty in lieu of disqualification from a FNS program, that vendor shall be disqualified from the WIC program for the same length of time that the FNS program would have disqualified the vendor up to a maximum of three (3) years. In addition, if a vendor is assessed a settlement fine, or any other monetary penalty or fee relating to a disqualification from the Food Stamp Program, a WIC civil penalty shall be assessed the vendor equal to the lesser of the FNS penalty or two thousand five hundred dollars ($2500.00).

(F) Intent to pay - if the option to pay a fine in lieu of disqualification for Class B or Class C violations is elected, the total amount of the fine is payable on or before the date the disqualification would have been effective. The notification of intent to pay the fine shall be received at the department of Public Health within seven (7) days of receipt of the WIC program sanction letter. Any fines levied for Class D violations are payable fifteen (15) days from receipt of the WIC program sanction letter.

(G) Undue hardship - if the WIC program determines that there shall be undue hardship for WIC participants if a vendor is disqualified, the store shall be allowed to remain on the program until such time that undue hardship no longer exists. A fine of two thousand five hundred dollars ($2500.00) shall be paid by the vendor to continue to accept WIC checks. A hearing may be requested to determine if the disqualification is warranted. At such time that the WIC program determines that undue hardship no longer exists, the vendor shall be notified that the original disqualification shall be effective fifteen (15) days from receipt of the letter. The vendor may request a hearing for the sole purpose of arguing the issue of undue hardship.

(H) Aggregate fines - any store that has paid more than two thousand five hundred dollars ($2500.00) in fines in the last three (3) years shall not be selected for authorization.

(3) Expiration - records of violations shall be erased after related disqualification periods have been served. However, warnings shall remain active during the entire term of the store's current ownership.

(4) Termination. The right to terminate the Agreement may be exercised by either party upon not less than fifteen (15) days advance written notice. Neither the State of Connecticut, Department of Public Health nor the vendor has any obligation to renew the Vendor Agreement.

(5) Waiver of Sanctions - The state WIC program may waive the action against the vendor if such action would significantly impair the ability of the state WIC program to meet its goals and objectives.

(6) Notice of review: Any person aggrieved by an order issued by the state WIC program may request a review of the order by the commissioner. Expiration of the agreement is not subject to review. The request for review shall be received by the commissioner within seven (7) days of the date of issuance of the order. If the seven (7) day period expires on a day which is not a normal business day for the department, the time period for making a request for review shall be extended through the close of business of the first regular business day following. The request for review shall state:

(A) the name of the person claiming to be aggrieved;

(B) the nature of the claimed aggrievement;

(C) the order being reviewed; and

(D) the grounds for review.

(Effective March 2, 1993; Amended April 3, 1998.)