



Policy 590

Program Integrity: Participant Violations

September 25, 2019

POLICY

Action shall be taken on all reports of misuse of WIC services/benefits.

PURPOSE

To ensure local WIC program staff understand the importance of informing participants about program violations and subsequent sanctions if a participant or cardholder commits a violation.

RELEVANT REGULATIONS

7 CFR §246.7(j)—Notification of Rights and Responsibilities

7 CFR §246.7(l)—Dual Participation

7 CFR §246.12—Food Delivery Systems

7 CFR §246.9—Fair Hearing Procedures for Participants

7 CFR §246.23(c)—Claims

OAR 333-053—Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Participant Administration

ORS 183—Administrative Procedures Act

OREGON WIC PPM REFERENCES

- ◆ [510—WIC Cardholder Requirements](#)
- ◆ [587—Program Integrity: Dual Participation](#)
- ◆ [588—Program Integrity: Complaints](#)
- ◆ [610—Required Proofs - Identity, Residency, Income](#)
- ◆ [635—Participation Notification: Eligibility, Rights and Responsibilities](#)

TWIST TRAINING MANUAL REFERENCE

- ◆ Chapter 2, Lesson 100 – Client Master
- ◆ Chapter 3, Lesson 1103 – Family Cardholder Screen
- ◆ Chapter 8, Lesson 103 – Complaints

DEFINITIONS

Cardholder: A person authorized by WIC to use the eWIC card to shop for WIC food benefits at WIC authorized vendors.

Claim: A demand for repayment for WIC or FDNP benefits and/or property that have been obtained or disposed of improperly.

Disqualification: Termination of a participant from WIC and cessation of WIC benefits due to participant violation for a specific amount of time. Participants can reapply for benefits at any time after the disqualification period is over.

First cardholder: The required cardholder for a WIC family Electronic Benefit Account. The first cardholder is either the woman participant or a parent or caregiver from the same household as the infant or child participant therefore sharing the same address.

Issued food benefits: The benefits that have been sent to the eWIC contractor which are/will be available to transact by a cardholder.

Data System: The WIC Information System Tracker, the WIC database.

Participant violation: Any intentional action of a cardholder, participant, parent or caregiver of an infant or child participant, or a proxy, that violates Federal or State statutes, regulations, policies or procedures governing the Program. (See [OAR 333-053-0080](#) or [Participant Violations and Sanctions form](#) for a list of violations.)

Proxy in lieu of disqualification: Person temporarily authorized to bring an infant/child to appointments and shop with WIC benefits on behalf of the participant. Instead of disqualifying infants and children for violations committed by a cardholder, a proxy can be assigned so an infant/child can continue to receive WIC benefits.

Restitution: Reimbursement to the state WIC program for the cash value of program benefits received by a participant as a result of a violation.

Sanction: Civil money penalty imposed by the state WIC program because of a violation.

Second cardholder: The optional cardholder who has been issued their own eWIC card with the permission of the first cardholder.

Termination: Termination from the WIC Program occurs when a participant's file is closed and benefits cease for any reason including, but not limited to, not meeting eligibility requirements, no longer breastfeeding, transferring out of state, etc.

BACKGROUND

Participants and cardholders are informed of program rules when local program staff review the Rights and Responsibilities form with them. The participant's signature on the "[Participant Signature Form \(57-629\)](#)" signifies that the individual was informed of their rights and responsibilities and understands WIC program rules and possible consequences if these rules are broken. See [◆635—Participation Notification: Eligibility, Rights and Responsibilities](#).

PROCEDURE

Reporting potential violations

- 1.0 When a complaint of a potential participant violation is received by state or local program staff, the complaint must be entered in the Data System (see TWIST Training Manual, Chapter 8, Lesson 103). The state WIC office will work with local program staff to gather additional information and conduct investigations as necessary. See [◆588—Program Integrity: Complaints](#) for more information about documenting complaints that involve WIC staff.
 - 1.1. Local agency staff must document any violations in the Data System with a note. Local agency staff must notify the agency's assigned WIC nutrition consultant and WIC compliance coordinator.

- 1.2. Examples of how local program staff may be asked to participate in investigations include but are not limited to:
 - Conducting staff and participant interviews;
 - Providing copies of clinic documents; or
 - Reviewing participant records.

Verbal and/or physical abuse

- 2.0 If the violation involves a participant or the parent/guardian of a participant verbally or physically abusing a local WIC staff member, follow local agency procedures for safety and service.
 - 2.1. Local agency staff may:
 - Ask the person to leave the clinic; or
 - Ban or exclude the person from the clinic.
 - 2.2. The WIC coordinator should:
 - Enter a WIC note in the Data System for each incident. If the parent/guardian committed the violation and is not a participant, enter a WIC note into each family member's record,
 - Enter a participant complaint in the Data System for each incident (see [◆588—Program Integrity: Complaints](#)),
 - Notify the agency's assigned state WIC nutrition consultant and WIC compliance coordinator if urgent program action is needed.

Claims and disqualification from the WIC program

- 3.0 State WIC program staff handle all notices of non-compliance, claims, and disqualifications resulting from program rule violations. Copies of all claim and disqualification notices will be sent to the local agency.
 - 3.1. Local agency staff should not issue benefits to, recertify, reinstate, or reactivate a participant who has been disqualified until the disqualification term has ended or an exception has been approved.
 - 3.2. If other family members are WIC participants and are not disqualified, they may continue to receive WIC services.

Payment plans

- 4.0 Participants who are unable to pay restitution may be offered an exception in lieu of disqualification by setting up a payment plan with the state WIC office. Copies of all payment plan agreements will be sent to the local program.
 - 4.1. Current and future WIC benefits cannot be withheld from a participant to pay restitution.

Proxy in lieu of disqualification

- 5.0 Infant and children participants may be offered an exception in lieu of disqualification by assigning a proxy as the first cardholder. The state WIC program will notify the WIC coordinator if this exception is an option.

- 5.1. Check the WIC notes and client disqualification fields on the enrollment screen in the Data System.
- 5.2. Local program staff shall inform participants, parents, or caregivers that the designated proxy must bring a personal proof of identity to the local clinic.
 - Verify the identity of the proxy by checking their proof of identity. See [◆610—Required Proofs – Identity, Residency, Income](#) for more information.
- 5.3. Remove all cardholders responsible for the actions that resulted in the disqualification. The state WIC office will document these cardholders in WIC notes in the Data System enrollment screen.
 - If only the second cardholder was responsible for the actions that resulted in the disqualification, remove just the second cardholder.
 - If only the first cardholder was responsible for the actions that resulted in the disqualification, remove just the first cardholder. The second cardholder can be added as the new first cardholder and the relationship should be “Proxy for DQ.”
 - If all current cardholders were responsible for the actions that resulted in the disqualification, assign a new first cardholder and mark the relationship as “Proxy for DQ.”
 - If the infant/child participant address is different from the first cardholder’s address, the proxy cardholder must choose one of the addresses. The chosen address will be the one used to access the eWIC contractor’s customer service and for WIC appointment letters (see TWIST Training Manual, Chapter 3, Lesson 1103 and Chapter 2, Lesson 100). This is the only instance when the first cardholder’s address can be different from the infant/child participant address.
- 5.4. Review the [“Rights and Responsibilities” \(57-630\)](#) with the proxy and have the proxy sign a [“Participant Signature Form” \(57-629\)](#) and write in “Proxy” after their signature.
- 5.5. Instruct the designated proxy on the WIC shopping procedures.
- 5.6. Give the designated proxy the [“WIC Food List” \(57-1001\)](#) and [“Shopping with your eWIC Card” \(57-1002\)](#).
- 5.7. Notify the state WIC compliance coordinator and/or nutrition consultant when a proxy has been designated so that unresolved claims, disqualifications, and investigations can be closed.

**If you need this in large print or an
alternate format, please call 971-673-0040.**

This institution is an equal opportunity provider.

POLICY HISTORY

Date	* Major Revision, Minor revision
4/1/2019	Date of Origin
4/5/2012	Revision
1/16/2014	Revision
9/25/2019	Major revision

The date located at the top of the policy is the implementation date unless an “effective date” is noted on the policy. Policies will become compliance findings 6 months from the implementation date.

Release notes can be found in the corresponding document on the [Policy and Procedure Manual page](#).

***Major Revisions:** Significant content changes made to policy.

Minor Revisions: Minor edits, grammatical updates, clarifications, and/or formatting changes have occurred.

Date of Origin: Date policy was initially released