

## POLICY MANUAL

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#### 3.02. Program Eligibility.

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##### A. POLICY OVERVIEW:

The PA WIC Program shall require applicants to meet program eligibility criteria and achieve certification prior to enrollment and receipt of food benefits.

##### B. DEFINITIONS:

1. Adjunct Eligibility: A person who is eligible to receive Supplemental Nutrition Assistance Program (SNAP), Medical Assistance (MA) or Temporary Assistance for Needy Families (TANF) benefits automatically meets the income guidelines for participating in the WIC Program.
2. Applicant: Anyone applying to receive WIC benefits. This includes individuals who are currently participating in the Program but are reapplying because their certification period is about to expire.
3. Certification: The process of assessing and documenting an applicant's eligibility to receive Program benefits. To be eligible for the PA WIC Program, applicants must meet the criteria in accordance with this policy, as well as Nutrition and Risk Assessment (Policy Manual 3.03).
4. Family: A group of related or nonrelated individuals who are living together as one economic unit, except those residents of a homeless facility or an institution shall not all be considered as members of a single family.
5. Homeless Facility: A supervised public or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations, a facility that provides a temporary residence for individuals intended to be institutionalized or a public or private place not designed for, or normally used as, a regular sleeping accommodation for human beings.
6. Homeless Individual: A woman, infant or child who lacks a fixed and regular nighttime residence; or whose primary nighttime residence is: a supervised publicly or privately operated shelter designated to provide temporary living accommodation; an institution that provides a temporary residence for individuals intended to be institutionalized; a temporary accommodation of not more than 365 days in the residence of another individual; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
7. Income: Gross cash income before deductions for income taxes, employee's social security taxes, insurance premiums, bonds, etc.
8. Institution: Any residential accommodation which provides meal service, except private residences and homeless facilities.
9. Migrant farmworker: An individual whose principal employment is in agriculture on a

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seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.

10. Net Income: Income from farm and non-farm self-employment determined by subtracting business or farm operating expenses from gross receipts.
11. Participant: Anyone who is receiving food instruments under the Program. This also includes fully breastfeeding infants and partially breastfeeding women who do not receive food instruments.
12. Presumptive Eligibility: Presumptive eligibility allows a person to begin receiving prenatal or pediatric health care covered by MA based on self-declaration of income, before the eligibility determination has been fully completed. A woman or child who is presumptively eligible for MA is income eligible for the PA WIC Program.
13. Temporary Low Income: Income which is below a family's normal level due to infrequency or irregularity of employment. This applies to families with individuals who are employed, but not currently receiving income. Families who might be in this category can include, but are not limited to construction workers, seasonal agricultural workers such as farmers, self-employed persons, strikers, teachers, and persons on extended leave due to childbirth or illness. In such cases, the current rate of income should be used to determine income eligibility. In addition, this person is eligible for benefits only during the timeframe in which they are temporarily low income.
14. Unemployed Person: An adult member of a family not engaged in a gainful occupation.

#### C. POLICY:

##### 1. Categorical Eligibility and WIC Priority System

- a. The following groups are deemed categorically eligible to receive WIC Program services, providing they meet established income, nutritional risk, and residency criteria:
  - (1) Pregnant women
  - (2) Breastfeeding women up to one year past termination of pregnancy
  - (3) Postpartum women up to six months past termination of pregnancy
  - (4) Infants under one year old
  - (5) Children 12-60 months of age (up to the fifth birthday)
- b. The following definitions shall be considered when determining family size:

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- (1) Adopted Child or Infant: When a family has an adopted child, or a child for whom a family has accepted legal responsibility and documentation of that is provided, the child is counted in the family size of the family with whom the child resides.
- (2) Child or Infant: The child or infant is counted in the family size of the parent or guardian with whom the child resides.
- (3) Child Support Payments: Child support payments are considered as income for the family with whom the child lives. These payments cannot be deducted from the income of the person paying the support. The child for whom support is paid cannot be counted in the household of the parent paying the support.
- (4) Family Member Residing in an Institution or Group Home/School: If the individual's support is being paid for by the family, the individual should be counted in the family size when determining income eligibility, since the family continues to bear economic support for that individual.
- (5) Foster Child or Infant: A foster child shall be considered as a one-member family in those cases where the welfare agency is legally responsible for the child and documentation of that is provided. In such cases, the foster child cannot confer adjunct eligibility for WIC on other members of the foster family. Payments made by the welfare agency or from any other source for the care of that child shall be considered income for the child.
- (6) Kinship Child or Infant: A kinship child shall be considered a foster child in those cases where the welfare agency is legally responsible for the child and documentation of that is provided. Payments made by the welfare agency or from any other source for the care of that child shall be considered income for the child.
- (7) Unborn Child(ren): An unborn child is counted as a family member when determining income eligibility. If a multiple birth is expected, the family size is increased by one for each expected child.

c. When Program resources are insufficient to serve all applicants, the Local Agency (LA) shall direct services to persons based on the following Priority System:

- (1) Priority 1: Pregnant women, breastfeeding women, and infants at nutritional risk, as demonstrated by hematological or anthropometric measurements or other documented nutritionally related medical conditions which demonstrate the need for supplemental foods.

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- (2) Priority 2: Infants up to six months of age at time of entry into the Program (except those who qualify for Priority 1 who meet one of the following criteria:
    - (a) Infants born to women who were WIC participants during pregnancy.
    - (b) Infants born to women who were not WIC 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 3: Children at nutritional risk as demonstrated by hematological or anthropometric measurements or other documented medical conditions; and postpartum non-breastfeeding women, age 18 or under at the time of conception.
  - (4) Priority 4: Pregnant women, breastfeeding women, and infants at nutritional risk because of a documented inadequate dietary pattern or inappropriate dietary practices; whose primary caregiver is assessed to have a limited ability to make appropriate feeding decisions and/or prepare food; homelessness; or migrancy.
  - (5) Priority 5: Children at nutritional risk because of a documented inadequate dietary pattern; whose primary caregiver is assessed to have a limited ability to make appropriate feeding decisions and/or prepare food; homelessness; or migrancy.
  - (6) Priority 6: Postpartum non-breastfeeding women over age 18 at time of conception.
- d. All people in a higher priority group must be served before any person in a lower priority group may be served. The highest priority group being Priority 1, lowest priority group being Priority 6.
  - e. Persons who transfer into a LA with a valid Verification of Certification (VOC) shall receive services before anyone at any priority level. Refer to Policy Manual 3.04, Food Benefits, for guidance on what constitutes a valid VOC.
  - f. For purposes of determining eligibility and priority of breast-feeding women, breastfeeding shall be defined as "the provision of a mother's milk to her infant(s) on average of at least once a day."
  - g. Pregnant women whose pregnancies end without a live birth or whose infants do

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not remain in their custody are to be considered categorically eligible as a Priority 6 postpartum woman or a Priority 3 postpartum adolescent providing, they meet applicable income and nutritional risk criteria.

- h. Subject to prior approval by the State Agency (SA), local agencies may wish to further refine the above priorities by sub-priorities based on income, or within priorities 3 and 5 for children, by age, with the youngest receiving highest sub-priority. For example, the SA could approve a policy that, within Priority 3, three year-olds will be served before four year-olds and postpartum non-breastfeeding teenagers. It is not allowable for Priority 4 applicants to be served before applicants in any Priority 3 subgroup.

#### 2. Residency Requirements

- a. At certification and recertification, the LA must require each applicant to present current Pennsylvania proof of residency (i.e., location or address where the applicant routinely lives or spends the night).
- b. The LA shall document the proof of residency provided for each applicant in the Management Information System (MIS).
  - (1) Acceptable forms of proof of residency shall include, but are not limited to:
    - (a) Personal identification (ID)
    - (b) Rent or mortgage statement
    - (c) Current utility bill
    - (d) Current paystub
    - (e) Tax records
    - (f) Another document which bears the applicant's current address.
  - (2) If the applicant is unable to provide proof of residency due to being a homeless individual, a migrant farmworker, or due to theft, loss, or disaster, instruct the applicant to complete the Affirmation of Identity, Residency, and Income Statement and maintain the statement in the individual's file.
  - (3) If the affirmation statement is completed, staff shall request documentation of residency at subsequent clinic visits.
  - (4) If the applicant does not meet one of the three circumstances listed in (2) above, self-declaration is not an option, and the certification appointment

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must be rescheduled.

(5) If the applicant is truly homeless (i.e., living on the street or out of their car), assign the address of the clinic.

- c. Residency for a student shall be determined by the address at which the student resides while attending school.
- d. Participants transferring into the Program with a valid VOC shall be required to present proof of current residency.
- e. Parents who have joint custody of their children shall select one place of residency for their children.
- f. Confirm questionable residency information by contacting a third party, such as an employer, landlord, or shelter manager.

### 3. Identity Requirements

- a. At certification and recertification, the LA must require each applicant to present proof of identity.
- b. The LA shall document the proof provided for each applicant in the MIS.
  - (1) Acceptable forms of proof of identity shall include, but are not limited to:
    - (a) Driver's license
    - (b) State-issued ID card
    - (c) Employee ID card
    - (d) Student ID card
    - (e) Voter registration card
    - (f) Passport
    - (g) Birth certificate
    - (h) Social Security card
    - (i) Crib card or hospital record of birth
    - (j) Other form of government ID
  - (2) If the applicant is unable to provide proof of identity due to being a victim

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of theft, loss, or disaster; a homeless individual; or a migrant farmworker, instruct the applicant to complete the Affirmation of Identity, Residency and Income Statement and maintain the statement in the individual's file.

- (3) If the affirmation statement is completed, staff shall request documentation of identity at subsequent clinic visits.
- (4) If the applicant does not meet one of the three circumstances listed in (2) above, self-declaration is not an option, and the certification appointment must be rescheduled.

c. The LA shall also check the identity of participants, or in the case of infants or children, the identity of the parent or guardian, or proxies when issuing food instruments and/or cash-value vouchers.

d. A VOC is not an acceptable form of personal ID.

#### 4. Income Eligibility

a. Applicants for WIC benefits shall be considered economically eligible if their total household income is no higher than 185 percent of the poverty income guidelines issued by the U.S. Department of Health and Human Services.

b. When changes in WIC Income Guidelines occur, the SA will provide local agencies with the new guidelines. The MIS shall apply the new guidelines on the date the guidelines go into effect.

c. The following persons shall be automatically considered income eligible for the WIC Program, even though their actual income may exceed WIC income guidelines:

- (1) An individual who is eligible to receive Supplemental Nutrition Assistance Program (SNAP) benefits.
- (2) An individual or member of a family eligible to receive Temporary Assistance for Needy Families (TANF) benefits.
- (3) An individual who is eligible to receive Medical Assistance (MA) benefits or a member of a family in which a pregnant woman or infant is certified eligible to receive MA benefits.
- (4) An infant born to a woman eligible to receive MA is automatically eligible for MA benefits for one year.
- (5) An individual who is presumptively eligible (see definition) for MA or TANF benefits.

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- d. Confirmation of eligibility using the Client Information System (CIS) database is required in determining adjunct eligibility for applicants. Such applicants should be encouraged to provide proof of income as required of all other WIC applicants. However, benefits cannot be withheld from applicants who have been verified as receiving SNAP, MA and/or TANF benefits if they do not provide proof of income. Individuals who have been verified as receiving SNAP, MA and/or TANF benefits will remain adjunctively eligible for WIC benefits for the entire certification period.
- e. When a woman receiving, MA gives birth, the hospital provides the mother with a Temporary Newborn Eligibility Card. This card may be used as verification of the infant's eligibility for MA benefits until an ACCESS card is received.
- f. If an applicant is not adjunctively income eligible or clinic staff are unable to substantiate adjunctive eligibility with the information provided, traditional income eligibility screening is required.
- g. Income Sources: Income to be considered in the determination of economic eligibility includes, but is not limited to, the following:
  - (1) Monetary compensation for services, including wages, salary, commissions, or fees
  - (2) Net income from farm and non-farm self-employment
  - (3) Social Security benefits
  - (4) Dividends or interest on savings or bonds, income from estates or trusts or net rental income
  - (5) Public assistance or welfare payments (Cash assistance programs only – TANF and General Assistance)
  - (6) Unemployment compensation, worker's compensation, or striker's benefits
  - (7) Government civilian employee or military retirement or pensions or veterans' payments
  - (8) Private pensions or annuities
  - (9) Alimony or child support payments
  - (10) Regular contributions from persons not living in the household



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- (11) Net royalties
  - (12) Other cash income. Examples include, but are not limited to cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family.
  - (13) Lump sum payments that represent "new money" intended for income. Examples include, but are not limited to gifts, inheritance, lottery winnings, severance pay and insurance payments.
  - (14) Money from a family or friend that is not expected to be paid back.
- h. Income Exclusions: All income is counted except those sources specifically listed in 246.7(d)(2)(iv). Examples of some common exclusions include the following:
- (1) Basic allowance for housing received by military services personnel residing off military installations or in privatized housing, whether on- or off-base. (This is reported on the Leave and Earnings Statement (LES) as Basic Allowance for Housing (BAH) or Overseas Housing Allowance.)
  - (2) Cost-of-living allowance provided under 37 U.S.C. 405, to a member of a uniformed service who is on duty outside the contiguous states of the United States. (This is reported on the LES as CONUS Cost of Living Allowance.)
  - (3) Combat pay received by the household member under Chapter 5 of Title 37 or as otherwise designated by the Secretary. (This is reported on the LES as Hostile Fire Pay, Imminent Danger Pay, or Hardship Duty Pay.)
  - (4) The value of in-kind housing and other in-kind benefits (i.e., if someone else is paying the applicant's mortgage or any other bill and it is paid directly to the company and the applicant does not see the money, that money is not counted as income).
  - (5) Loans, since these funds are only temporarily available and must be repaid.
  - (6) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, sec. 216, 42 U.S.C. 4636).
  - (7) Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113, sec. 404(g), 42 U.S.C. 5044(g)) to the extent excluded by that Act.

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- (8) Payment to volunteers under section 8(b)(1)(B) of the Small Business Act (SCORE and ACE) (Pub. L. 95-510, sec. 101, 15 U.S.C. 637(b)(1)(D)).
  - (9) Income derived from certain sub-marginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94-114, sec. 6, 25 U.S.C. 459e).
  - (10) Payments received under the Job Training Partnership Act (Pub. L. 97-300, sec. 142(b), 29 U.S.C. 1552(b)).
  - (11) The value of assistance to children or their families under the National School Lunch Act, as amended (Pub. L. 94-105, sec. 9(d), 42 U.S.C. sec. 1760(e)), the Child Nutrition Act of 1966 (Pub. L. 89-642, sec. 11(b), 42 U.S.C. sec. 1780(b)), and the Food and Nutrition Act of 2008 (Pub. L. 95-113, sec. 1301, 7 U.S.C. sec. 2017(b)).
  - (12) Payments under the Low-income Home Energy Assistance Act, as amended (Pub. L. 99-125, sec. 504(c), 42 U.S.C. sec. 8624(f)).
  - (13) Student financial assistance received from any program funded in whole or part under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs, which is used for costs described in section 472(1) and (2) of that Act (Pub. L. 99-498, section 479B, 20 U.S.C. 1087uu).
  - (14) Tax refunds, including Earned Income Credit (EIC).
  - (15) Reimbursements from employer for job-related travel expenses.
  - (16) Lump sum payments that represent reimbursement for lost assets or injuries. Examples include but are not limited to: amounts received from insurance companies for loss or damage of personal property, such as a home or auto; and payments intended for a third party to pay for a specific expense incurred by a household, such as payment of medical bills resulting from an accident or injury.
- i. The LA shall request documentation of income from applicants at the time income is being evaluated. The LA shall request applicable documents from the following:

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- (1) Pay stub(s) for the 30 days immediately preceding the certification appointment.
  - (2) Award letter (i.e., unemployment compensation, social security, pension, child support, etc.).
  - (3) Most recent income tax return or earnings statement for self-employed applicants.
  - (4) Written statement that confirms a person's cash income.
  - (5) Any other documentation that verifies the household's source of income.
- j. Self-declaration of income is only allowable in circumstances where the necessary documentation is not available or the documentation requirement would present an unreasonable barrier to participation, such as a homeless woman or child; an applicant or applicant's parent(s) who is a migrant farmworker; a victim of theft, loss, or disaster; or an individual who works for cash. In such cases, the applicant must complete the Affidavit of Identity, Residency, and Income statement and specify why the applicant or participant cannot provide documentation of income. The statement shall be retained in the individual's file.
- k. If the applicant does not meet one of the circumstances listed in j. above, self-declaration is not an option, and the certification appointment must be rescheduled.
- l. A family's gross income cannot be reduced for hardship reasons, high medical bills, or childcare payments, etc. The income guidelines contain a built-in standard deduction to account for financial hardships.
- m. The LA shall consider the family's income during the past 12 months and the family's current (past 30 days) rate of income to determine which accurately reflects the family's status. While current or annual income may be used, the LA must select the method which best reflects the family's income status, not the method most likely to render them eligible.
- (1) Persons from families with adult members who are unemployed (see definition) shall be assessed based on income during the period of unemployment if the loss of income causes the current rate of income to be less than the WIC Income Guidelines.
  - (2) If a household reports income sources with more than one frequency the following calculations shall be used:

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- (a) Weekly income x 52
  - (b) Bi-weekly income (every two weeks) x 26
  - (c) Semi-monthly income (two times a month) x 24
- n. The LA shall document the proof provided in the MIS.
- o. The LA may require verification of questionable information which it determines necessary to confirm income eligibility for Program benefits.
- p. When it is necessary to verify an applicant's income with a current or previous employer, the LA shall send the sample letter Verification of Employment on their agency's letterhead.
- q. Determining eligibility of families with members on active military duty should be done as follows:
- (1) Request the applicant bring documentation of gross military income to their certification appointment.
  - (2) Three options exist for determining family composition and income. Exercise discretion and judgment in applying the options on a case-by-case basis, depending on the individual family's circumstances.
    - (a) Option 1: Count the absent parent(s) and their children as the economic unit as would have been the case prior to the parents' deployment. Use of this option will depend on whether the LA can reasonably determine, based on available data, the total gross income of the economic unit.
    - (b) Option 2: Count the children as a separate economic unit. To be considered a separate economic unit, the unit must have its own source of income (i.e., child allotments) and the income must be adequate to sustain the economic unit. If the child allotments are not adequate to consider the children as a separate economic unit, then use option one or three.
    - (c) Option 3: Consider the children to be part of the economic unit of the person(s) with whom they are residing. Use this option when the person(s) with whom the children are residing is accepting financial responsibility for the children and is providing a majority of their support.
- r. At their certification appointment, applicants shall be interviewed to determine their household composition and family size.

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- (1) Each economic unit or family should have its own source of income.
  - (2) The LA must then decide whether the available income is adequate to sustain the economic unit. In assessing "adequacy of income," the actual living and support costs for the economic unit in that environment must be considered.
  - (3) If the applicant is residing with others and receiving support and some commingling of resources (sharing of groceries, toiletries, etc.), this would render them members of one economic unit.
    - (a) For example, a pregnant woman who is sharing an apartment with her sister may be determined to be a separate economic unit if staff can reasonably establish that she has a separate source of income and is paying her proportionate share of household, living, and personal expenses.
    - (b) On the other hand, a pregnant woman living with family or friends who is working part-time and is paying some rent but is not paying her proportionate share would not be considered a separate economic unit and would be part of the household in which she lives.
- s. All participants with valid VOC cards shall be deemed to meet the Program's income eligibility criteria.
  - t. A migrant farmworker who must be certified again because his VOC has expired is deemed to satisfy the WIC Program's income eligibility criteria if the income determination was made within the previous 12 months.
  - u. Participants with expired VOC, who are migrant farmworkers, shall be considered new Program applicants in the determination of income eligibility.
  - v. If a participant is scheduled for a certification appointment prior to the date the certification expires and they do not have income documentation, they can be provided one month of benefits and rescheduled.
  - w. If the certification period has expired and they do not have income documentation, no benefits can be issued, and the appointment must be rescheduled.
  - x. Once an applicant is participating in the WIC Program, that person or their representative must provide documentation of household income at all recertification visits and when there is a significant increase in income.

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- y. The LA must reassess a participant's income eligibility during the current certification period if the LA receives information indicating the participant's household income has changed. Such assessments are not required if the change is reported within the last 90 days of the certification period.
- z. Adjunctively eligible WIC participants may not be disqualified from the WIC Program solely because they, or certain family members, no longer participate in one of the specified programs. Such participants may be disqualified only after their income eligibility has been reassessed using traditional income eligibility screening.
- aa. The LA must terminate a participant and any other household members currently receiving WIC benefits at any time they are determined ineligible.
- bb. Applicants and participants found ineligible for the WIC Program because economic criteria are not met shall be given a Notice of Ineligibility along with an explanation of their rights and directed to other potential sources of food assistance.

#### 5. Utilizing Client Information System (CIS)

- a. WIC staff who will be certifying receipt of MA, SNAP, and/or TANF benefits for adjunctively income eligible applicants must utilize the Department of Human Services' (DHS) database (CIS) for all determinations.
- b. CIS shall be used to verify eligibility for MA, SNAP, and TANF on the date that a WIC applicant is certified.
- c. WIC staff who will be using DHS's CIS database must complete the online self-registration to gain access to the application.
- d. WIC staff must be instructed on the use of the CIS database.
- e. Since the information contained on DHS's database is confidential, the following requirements for operators are applicable. Operators shall:
  - (1) Only use the CIS database for those functions the employee has been authorized;
  - (2) Not share or permit other persons to use their user ID or password;
  - (3) Sign off before exiting the CIS database; and
  - (4) Not use the CIS database for fraudulent purposes.
- f. Violations of the above requirements may result in disciplinary action.

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g. The SA recommends that all staff verify eligibility of WIC applicants in the CIS database prior to going to a satellite site. However, it is permissible for staff to utilize the Eligibility Verification System (EVS) telephone system (1-800-766-5387) under the following circumstances:

- (1) CIS is unavailable due to a laptop site.
- (2) CIS is unavailable due to the MIS malfunctioning.
- (3) CIS is unavailable due to extreme weather or emergency conditions at the LA.

### 6. Enrollment

- a. At a minimum, the certification shall include measurement of height or length, weight, and determination of nutritional risk. In addition, hemoglobin or hematocrit measurement shall be performed and/or documented for applicants with no other nutritional risk present. For applicants with a qualifying nutritional risk present at certification, required blood work testing shall be performed and/or documented within 90 days of the date of certification.
- b. The certification procedure shall be performed at no cost to the applicant. If the applicant chooses to have the medical information obtained from a private source, the LA is not responsible for the cost.
- c. A Competent Professional Authority (CPA) on the staff of the LA shall determine if a person has a nutritional risk through a medical and/or nutritional assessment.
- d. The eligibility screening processes may be conducted on-site, or referral data obtained from a health care professional (physician, registered nurse, registered dietitian, or physician's assistant) may be used. Assessment information provided by a referring medical source should be submitted on an approved form or on the healthcare provider's letterhead. In all cases, a LA CPA has the responsibility to make the final eligibility determination.
- e. All applicants shall be physically present and seen by a CPA at each certification visit, even when their certification is based on referral data submitted by another health care provider.
- f. Exceptions:
  - (1) Individuals who are connected to medical equipment that confines them to their home or that is difficult to transport.

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- (2) Individuals who are confined to their home by their physician because of an existing medical condition.
- g. Special scheduling accommodations must be made, if necessary, for employed persons wishing to participate in the Program who cannot easily appear for services during normal work hours.
- h. The LA shall not require documentation of pregnancy prior to issuing Program benefits. Pregnant women who are otherwise eligible shall be issued benefits immediately and, if necessary, given 60 days to submit written documentation of their expected date of delivery. If written documentation is not provided within 60 days, the LA shall issue a Notice of Ineligibility and terminate the woman in the middle of the certification period.
  - (1) WIC staff may get verbal confirmation of the expected delivery date by telephoning the pregnant woman's physician.
  - (2) Document verbal confirmation in the individual's file noting the date of the confirmation, the physician's name, and the initials of the WIC staff person who confirmed the date.
  - (3) EXCEPTION: If an applicant's religious beliefs preclude receiving medical care and therefore cannot present proof of pregnancy, a statement to that effect must be included in the individual's file.
- i. Enroll the applicant when all the eligibility criteria have been met and a caseload opening is available.

Several staff at the clinic site may be involved in screening an applicant, collecting the necessary information, and entering data into the MIS. However, the signature and title of the CPA who is responsible for making the final eligibility determination and assigning the appropriate priority code, nutritional risk code(s), and the food package prescription is required in the MIS.
- j. Staff must ask the applicant to self-identify their race and ethnicity and document it accordingly in the MIS.
- k. Explain to all newly enrolled participants the purpose of the Program, what their nutritional risks are, and why benefits are being provided.
- l. Whenever possible, refer pregnant women who do not have documentation of pregnancy to appropriate prenatal care services which include pregnancy testing done at no cost to the woman or the WIC Program.



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- m. Document any medical reason(s) that prevent an individual from leaving home to visit the WIC clinic for certification in the individual's file. Obtain verbal or written confirmation from the physician.

#### 7. Certification Periods

- a. Pregnant Woman: A pregnant woman shall be certified once for the duration of her pregnancy and for up to six weeks postpartum. The certification period ends no later than six weeks postpartum. To remain eligible on the Program without a disruption in benefits, the woman must then be certified any time during the six-week postpartum period as either a breastfeeding or non-breastfeeding postpartum woman.

Example: A woman delivers on January 11, 2023. She must be certified as either a breastfeeding or non-breastfeeding postpartum woman by February 22, 2023, to continue the Program.

- b. Breastfeeding Woman: A breastfeeding woman shall be certified once for the duration that she is breastfeeding or up to one year. Certification ends no later than the end of the calendar month during which the woman either stopped breastfeeding or her infant reaches the first birthday, whichever period is shorter.

Example: A woman delivers January 11, 2023, and is certified as a breastfeeding woman on January 25, 2023. Her certification as a breastfeeding woman ends no later than January 11, 2024. However, she is entitled to receive benefits until January 31, 2024.

If a breastfeeding woman notifies the clinic that she has stopped breastfeeding at any time before six months postpartum, her nutritional risk must be re-evaluated using non-breastfeeding postpartum criteria. This re-evaluation process includes only a nutrition assessment with ID of risks applicable to non-breastfeeding postpartum women. Other certification procedures, such as blood work and income determination, need not be done. Her priority, WIC type, and food package should be changed to reflect her new status.

- c. Non-breastfeeding Postpartum Woman: A non-breastfeeding woman shall be certified once following delivery. Certification period ends no later than the end of the calendar month during which her infant reaches six months of age.

Example: A woman delivers on January 25, 2023. Her certification period ends no later than July 25, 2023, at which time she becomes categorically ineligible. However, she is entitled to receive benefits until July 31, 2023.

- d. Infant Under Six Months of Age: The certification period for an infant enrolled before six months of age ends on the first birthday.

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Example: An infant is born on March 10, 2023, and is certified on March 30, 2023. The certification period ends on March 10, 2024. However, they are eligible to receive benefits until March 31, 2024.

- e. Infant Six Months or Older: The certification period ends no later than six months from the date of certification. Such infants may not be certified as a Priority 2. Please note that the option to allow an extended certification period does not apply to infants initially certified at six months of age or older (but still in the infant category).

Example: An infant is born on January 8, 2023, and is certified on October 15, 2023. The certification period ends on April 15, 2024.

- f. Breastfed Infant: A breastfed infant who is not receiving a food package is to be enrolled as soon as the necessary certification data are available. All routine certification procedures are to be applied. Length of the certification period is based upon age as described in d. and e. above.
- g. Child: The certification period ends no later than 12 months from the date of certification or no later than the date of the child's fifth birthday, whichever period is shorter.

Example: A child is born on January 8, 2023, and is certified on March 15, 2026. The certification period ends no later than March 15, 2027. If the child is then re-certified, the certification period ends no later than January 8, 2028, at which time he becomes categorically ineligible. However, the child is entitled to receive benefits until January 31, 2028.

- h. Certification Effective Date: The date on which an applicant has been determined eligible to receive Program benefits. If Program eligibility is based on medical data taken prior to the certification effective date, blood test information must have been performed no more than 45 days prior to the certification effective date and anthropometric measures must have been performed no more than 60 days prior to the certification effective date.
- i. When a certification period is longer than six months, a follow-up health evaluation and nutrition intervention shall be performed by a CPA no more than six months into the certification period. The follow-up health evaluation shall include anthropometric measurements and blood work per Policy Manual 3.03, immunization screening per Policy Manual 3.00, and an update of the nutrition assessment done at the certification. At a minimum, the CPA should inquire about changes during the past six months in the VENA assessment categories and the present status of problems identified at the last certification. Follow-up on participant goals should be documented and the nutrition intervention should be provided according to the updated health evaluation.

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- j. Time Variation for Recertification: In cases where there is difficulty in appointment scheduling for breastfeeding women, infants, and children, a time variation of plus or minus 30 days from the certification due date is permissible.
  - (1) **Early Recertification**: If it is necessary to recertify a participant earlier than the month when recertification is due, the next certification period begins with the month when recertification is done, NOT with the month when recertification was originally due. If the recertification results in termination from the Program, benefits shall be continued for the participant until the end of the current certification period. Infants cannot be recertified earlier than 11 months of age.
  - (2) **Extension of Certification Period**: In cases where there is difficulty in appointment scheduling for an individual participant, the certification period may be extended no more than 30 days following the date recertification was due. The reason for the extension must be documented in the individual's file. No benefits may be issued beyond the current certification period.
- k. Participants shall be verbally informed at least 15 days before the expiration of each certification period that their certification for Program benefits is about to expire.

#### 8. Notification of Ineligibility

- a. Applicants found ineligible for the Program during an initial certification visit shall be advised in writing of the ineligibility, of the reason(s) for the ineligibility, and of the right to a fair hearing.
- b. Participants who are to be terminated from Program participation at any time during the certification period shall be advised in writing at least 15 days before the disqualification of the reason(s) for the ineligibility and of the right to a fair hearing.
- c. Participants who are being terminated at a certification appointment do not require a 15-day advanced notice. However, a Notice of Ineligibility must still be issued.
- d. Complete the Notice of Ineligibility. Enter 90 days to appeal the decision.
- e. Print two copies. Staff must sign both copies of the Notice of Ineligibility and instruct the applicant or endorser to sign both copies as well.
- f. Issue the original to the applicant or endorser and place the second copy in their file.

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- g. Document the reasons used to support the decision (income determination, medical or nutritional risk assessment, proof of residency, etc.).
- h. The individuals below do not require a Notice of Ineligibility:
  - (1) Participants found ineligible for failure to pick up FIs for three consecutive months.
  - (2) Participants whose benefits are discontinued mid-certification due to funding shortages. The SA will provide the local agencies with a special form to use should this occur.
  - (3) Applicants placed on a Waiting List (Refer to Policy Manual 3.01, Caseload Management).
- i. File the Ineligible and Terminated files separately.

### 9. Rights and Responsibilities

- a. Inform applicants who reside in another county they may only enroll in one clinic and refer them to their county of residence. However, if the applicant still chooses to participate in your clinic, inform the applicant that penalties for dual participation include immediate disqualification from one site, disqualification from the Program for one year, and paying back to the Program in cash the value of the FIs improperly received (Refer to Policy Manual 1.03, Abuse and Fraud Prevention and Investigation).
- b. Provide them a copy of the WIC Program Rules.
- c. Explain to the endorser how the food delivery system operates and review the WIC Food List.
- d. Assess the individual's need for health and human services programs, advise him or her of the types of services available, where they are located, how they can be obtained, and why they may be useful (Refer to Policy Manual 6.02, Participant Referrals).
- e. Explain to the endorser that he or she may appeal any decision made by the LA regarding their eligibility.
- f. Ask the endorser to read, or have staff read to the endorser, the 'Notification of Your Rights and Responsibilities as a WIC Participant' and instruct the endorser to sign using the digitized signature pad available in the MIS or by signing a paper copy if the digitized signature pad is not functional.

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- g. Maintain the signed paper copy in the individual's file if the digitized signature pad is not functional.

#### 10. Eligibility of Aliens and Alien (Foreign) Students

- a. Aliens and alien students shall be evaluated for eligibility and receipt of Program benefits in the same manner as all other applicants.
- b. Infants or children born in this country to alien students are U.S. citizens and shall receive Program benefits on the same terms as other U.S. born infants and children.
- c. The LA shall not directly inquire about an applicant's citizenship or immigration status.
- d. If an applicant or participant is suspected of being an "illegal" alien, such person may not be denied admission to the Program, be terminated from the Program, or be required to pay reimbursement for Program benefits due to citizenship or immigration status.

#### 11. Proxy Designation and Responsibilities

- a. The LA shall inform the endorser at the time of initial certification that:
  - (1) The endorser may designate a proxy or proxies (maximum of three) to receive and redeem FIs on their behalf.
  - (2) The endorser shall be subject to program sanctions if their proxy improperly uses the FIs or WIC foods.
  - (3) A proxy shall be responsible for properly handling FIs and the distribution of WIC foods to the endorser.
- b. The LA shall determine if the approval of a proxy will eliminate barriers to participation and assist the participant in remaining on the Program.
- c. The clinic staff shall complete a proxy authorization form.. The proxy authorization form should not be given to the endorser to take home as the proxy's ID must be verified.
- d. The proxy shall receive instruction from the LA on how to use the WIC Food List and FIs. Instruct the proxy to sign and date the Proxy Authorization form indicating that the proxy has received instruction, understood the policies and procedures, and agreed to comply. Provide the proxy with a copy of the WIC Program Rules and a copy of the current WIC Food List.

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- e. The endorser, with LA approval, shall be permitted to change a proxy during a certification period or the endorser may retain the same proxy for all subsequent certifications.
- f. A WIC employee may act as a proxy only with the approval of the LA WIC Director or designee. However, the employee shall not participate in the certification or recertification process or in the issuance of FIs.
- g. Maintain the Proxy Authorization form in the individual's file.
- h. Verify the proxy's ID at each FI issuance and require the proxy to sign the digitized signature pad.

#### Attachment(s):

#### Reference(s):

1. WIC Policy Memo #2013-3.
2. WIC Policy Memo #2010-2.
3. WIC Policy Memo #2003-3.
4. WIC Policy Memo #2017-3.
5. Federal WIC Regulations: 7 CFR § 246.2 and 246.7.

#### Policy Status:

1. This Policy supersedes P&P Number 3.02, dated September 18, 2017.
2. This P&P supersedes P&P Number 1.04 dated September 8, 2010.
3. This P&P supersedes P&P Number 2.01, dated August 31, 2012.
4. This P&P supersedes P&P Number 2.02., dated June 1, 1999.
5. This P&P supersedes P&P Number 2.05, dated January 17, 2012.
6. This P&P supersedes P&P Number 2.06, dated July 15, 2011.
7. This P&P supersedes P&P Number 2.09, dated December 10, 2012.
8. This P&P superseded P&P Number 2.10, dated June 11, 2012.
9. This P&P supersedes P&P Number 2.11, dated September 16, 2008
10. This P&P supersedes P&P Number 2.14, dated January 16, 1989.
11. This P&P supersedes P&P Number 4.07, dated September 9, 2013.