

240 PARTICIPATION PROCEDURES

241 Participant Transfers and I.D. Number Changes

A. Verification of Certification Cards

Verification of Certification (VOC) Cards are used in each of the Rhode Island WIC Programs. These cards are completed for WIC participants who are relocating to areas outside the State of Rhode Island or those eligible for the WIC Overseas Program.

WIC participants from other jurisdictions with current Verification of Certification cards or Department of Defenses Verification of Certification Card (VOC), must be enrolled in local agency programs in the next available funded opening. If placed on a waiting list, the transferring participant shall be placed ahead of all waiting applicants regardless of their nutritional risk criteria.

The local agency must accept verification of certification as proof of eligibility until expiration of the certification period.

If the applicant lacks a VOC card, local staff may call or write to the transferring agency to obtain or verify needed information. If required by the out of state agency, send an Authorization To Obtain Confidential Information form (WIC-24) signed by the caretaker/applicant. Such Transfers are to be enrolled as soon as information is sufficient.

B. In State Agency Transfers

1. Transferring Agency

- (a) When a participant requests a transfer to another agency, select the appropriate agency for transfer.
- (b) Call to notify the receiving agency of the transfer and to give the participant's name and I.D. number. Make an appointment for the participant at the receiving agency, if appropriate. If participant is due to recertify the same month, the Payee should keep the existing recertification appointment(s) and then transfer.

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If checks are due to be issued, give one month, thereby giving receiving agency time to get client into QWIC system.

- (c) Do not terminate the transferring participant from your caseload. The computer will do it automatically when the participant is added to another agency's caseload. Put a termination notice in the chart and give one to the participant.

(Note: The receiving agency must put the participant's I.D. number into the computer when adding the participant.)

2. Receiving Agency

- (a) When receiving a participant transfer, enter the participant number into the computer. The participant must receive the next available opening, regardless of priority. Use the full 8 digit number from the old agency and enter "M" for moved on the Intake screen.
- (b) Document proof of residency and identity on the Eligibility Agreement form. Have Payee sign the Eligibility Agreement and give a Proxy form to be completed.
- (c) Note completed transfer in the progress note. Issue an ID Folder to the participant.

NOTE!! The Receiving Agency must wait a day before requesting transfer because of the possibility of conflicting transactions by the computer.

C. Out of State Transfers

1. Transferring Agency

- (a) If a participant requests a transfer out of state, determine the date of the move and the last set of checks to be issued from the transferring agency. Checks may be issued up to the day the person moves from the state.
- (b) Complete a VOC card and give it to the participant after issuing the

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last set of checks and record the VOC card on the VOC card register. Follow instructions as follows:

- i) The payee signature must be completed before the VOC card leaves the agency. If a payee cannot request a VOC card The payee signature must be completed in person, the card must be sent to the specified out-of-state agency directly. Only the receiving agency or the payee may make this request.
 - ii) The " First day to use" noted on checks last received by the participant should be listed on the VOC card.
 - (iii) A description of the food package must be written out.
 - (iv) Write out the nutritional risk criteria, do not use codes.
 - (v) The person completing the VOC card is the local agency official. The official's name should be printed clearly above his/her signature on the back of the card.
 - (vi) The name of the receiving agency may be completed if it is known.
- (c) Terminate the participant.
- (d) If a transferring participant or a WIC program in another state requests any information about a participant, such information may be transferred either to the participant (or guardian), or, for purposes of coordination of health care, to qualified personnel and health care providers within the health care system. No information may be given to any other party unless the request is made by the participant/guardian or a proper release of information form is received (Section 243).

2. Receiving Agency

- (a) When receiving a participant transfer, enter the participant on the computer. The participant must receive the next available opening, regardless of priority. In the Intake screen put "M" in the action space

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and the transferring state in the previous site space. If the VOC Card is incomplete, attempt to verify missing information. However, if the VOC card includes the minimum requirements of the participant name, when the certification period ends, and the name and address of the local agency, the next available opening must be given to the participant. Individuals presenting a valid VOC card must provide proof of residency and identity.

- (b) Document Proof of residency and identity on the Eligibility Agreement form. Have Payee sign an Eligibility Agreement for any person transferring into the agency. Also give Payee A Proxy form to be completed.
- (c) Staple the VOC card to the participant chart if out of state and note completed transfer in the progress note. Issue an ID folder to the participant.

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D. Department of Defense WIC Overseas Program

The Department of Defense (DoD) is authorized by law to establish and operate a program like WIC, using DoD funds, for United States (U.S.) active duty military personnel and other support staff stationed overseas and their dependents.

The Transferring Agency

1. State and local agencies must issue WIC VOC cards to WIC participant affiliated with the military who will be transferred overseas.
2. WIC clinics are not responsible for screening and determining eligibility for WIC Overseas Program eligibility.
3. WIC participants issued VOC cards when they transfer overseas must be instructed of the following:
 - a. There is no guarantee that the WIC Overseas Program will be operational at the overseas site where they will be transferred
 - b. By law only certain individuals are eligible for the WIC Overseas Program
 - c. Issuance of a WIC VOC card does not guarantee continued eligibility and participation in the WIC Overseas Program.
4. All information on the VOC card must be completed, because WIC Overseas Program personnel cannot readily contact a WIC Program to obtain further information. All VOC cards must contain the following:
 - a. The name of the participant

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- b. The date the certification was performed
- c. The date income eligibility was last determined
- d. The nutrition risk conditions of the participant
- e. The date the certification period expires
- f. The signature and printed or typed name of the certifying local agency official
- g. The name and address of the certifying local agency
- h. An identification number or some other means of accountability

Special emphasis should be placed on ensuring local agencies specify the nutrition risk conditions on the VOC card and avoid the use of codes.

- 5. Follow the procedures described for an out of state transfer.

Acceptance of WIC Overseas Program VOC Cards

- 1. State and local agencies must accept a valid Wic Overseas Program VOC card presented at a WIC clinic by WIC Overseas Program participants returning to the U.S. from an overseas assignment.
- 2. In accepting a VOC card, minimally the following elements on the cards are absolutely essential:
 - a. The participants' name
 - b. The date the participant was certified
 - c. The date that the current certification period expires

WIC Overseas Program participants arriving in a WIC clinic and showing a VOC card with only these three pieces of information should be treated just as if the VOC card with only these three pieces of information should be treated just as if the VOC card contains all of the required information.

- 3. Individuals presenting a valid VOC card must provide proof of residency and identity, with limited exception, in accordance with WIC Program regulations and policies.
- 4. Follow the procedure for an out of state transfer as outlined above.

E. Important Points About Transfers

- 1. **Do not** transfer a participant during the month recertification is due if transfer is within state.
- 2. Submit an original VOC card register to the state WIC office when it is completed to its capacity or at least once every six months and retain a copy for your records.

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3. Some states certify infants up to their first birthdays. If a VOC card is received with a certification period that extends beyond six months, that certification period must be granted. The state agency should be notified of all cases involving extended certification periods.
4. Keep all un-issued VOC cards locked up at all times.

242 Program Violations or Abuse/Multiple Participation

A. Local Agency Procedures for Minimizing or Determining Abuse or Violations

As the primary contact with participants, and source of information given to participants, local agencies play a crucial role in preventing, uncovering, and correcting participant violations of Program procedures. Local agency activities should include the following:

1. Careful documentation of income, nutritional risk, and other eligibility data.
2. Educational efforts and provision of materials aimed at making participants aware of Program rules, regulations, and correct redemption practices, and of the importance of these rules to themselves and the Program.
3. Review of check redemption practices and utilization of supplemental foods.
4. Developing a relationship with participants, based on mutual concern and interest in the nutritional benefits and integrity of the Program, which encourages the flow of information regarding participant and vendor practices through:
 - a. periodic interviews regarding shopping and redemption practices and vendor practices.
 - b. specific interviews when requested by the state agency

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regarding specific concerns.

- c. reporting data obtained in a usable manner to establish conclusions about participant or vendor practices and as evidence in subsequent actions.
- d. obtaining statements from participants when an investigative action has been initiated.

B. Program Abuse

(All references to "Participant" also apply to any parent, guardian, payee, applicant, or alternate shopper as appropriate).

1. Definition of Abuse and Violation

CATEGORY I

Participant abuse of the Program, Category I, includes, but is not limited to, knowing and deliberate:

- a. Misrepresentation of circumstances or concealing or withholding information to obtain benefits.
- b. Sale or exchange of supplemental foods or food instruments with any individuals or entities except those duly authorized to receive checks or foods and in accordance with WIC Program rules.
- c. Receipt of credit or refund in exchange for WIC food instruments or food items from any party.
- d. Dual/Multiple Participation (C below).
- e. Committing a Category II violation after having been warned or disqualified for a previous Category I or II violation or committing a total of three Category II violations separately or in combination.
- f. Committing two Category III violations following any disqualification for violation(s).

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- g. Physical abuse, or threat of physical abuse of Program, clinic, or vendor staff.
- h. Failure by the participant to utilize, or failure of the payee to make available to the participant, the supplemental foods in any month.
- 6/98 i. *Participating in WIC at any local agency while disqualified at any local agency.*

CATEGORY II

Violations of Program rules, Category II, shall include but not be limited to committing or attempting:

- a. Misuse of food instruments or supplemental foods, other than a Category I violation.
 - b. Purchasing food or other items other than the authorized allowed WIC supplemental foods.
 - c. Redemption of checks outside the use dates listed on the check.
 - d. Redemption of WIC checks after they have been reported lost/stolen.
 - e. Committing a Category III violation after having been warned or disqualified for any violation or committing a total of three Category III violations, separately or in combination.
 - f. Signing the check before the price of the WIC food is entered on the check or when not in the presence of the store personnel.
 - g. Redeeming WIC checks with anyone other than a vendor which is authorized to accept Rhode Island WIC checks.
2. Procedures
- a. When evidence of possible abuse or violations is uncovered,

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the local agency shall consult with state agency staff concerning a course of action.

- b. When the evidence is lacking, or when further action is counter to the effective and efficient administration of the Program action by the local agency may be deferred or halted. Further efforts may be made to verify or monitor possible abuse or violation.
- c. If a finding of abuse cannot be substantiated, or if other mitigating circumstances exist, the local agency will counsel the participant:
 - i. Inform the participant that there is some evidence that abuse or violation may have or has taken place.
 - ii. A participant may not be required to admit to guilt.
 - iii. Warn the participant that any information given may be used against him/her in determining sanctions or in any appeal proceedings.
 - iv. Inform the participant as to the practice or practices which are abuses or violations of the Program and the penalties of disqualification and/or prosecutions which such practices may result in. Describe the correct procedures to be followed by participants in obtaining and utilizing benefits, including the reasons.
 - v. Offer the opportunity to ask any questions concerning the matter.
 - vi. The content of the counseling session, any warnings and the participant's response should be carefully documented in the record. If requested, forward a copy to the state agency.
 - vii. If the participant refuses to cooperate with the counseling process, review the case for possible disqualification from the Program, based on the available evidence.

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- d. If a finding of abuse or violation can be substantiated, sanction procedures may be initiated.
- e. If needed, the local agency may request advice or assistance from the state agency, at any point.

3. Sanctions

- a. Authority - Local agency appropriate sanctions for abuse or violations of the Program in accordance with this procedure. The local agency shall confer with the state agency, before imposing any sanction. The State Agency reserves the authority, in particular instances, to direct that sanctions be imposed by the local agency or that sanctions be modified or not imposed.
- b. When sanctions are to be imposed, the local agency shall notify the participant by registered mail, return receipt requested, that there is evidence that he/she has engaged in violation(s) or abuse of the Program. Notice of imposition of the sanction may be included or deferred until further steps are completed.
- c. The participant should be advised of the sanction to be imposed for the abuse or violation, and/or the effective date of the sanction (giving at least fifteen day's notice). He/she should be offered an opportunity prior to the imposition or effective date of the sanction to meet in conference to present any information or evidence that the information is in error, that the violation did not take place, that extenuating circumstances exist, or that severe hardship or serious health risk may result from Program disqualification.
- d. The competent professional authority shall determine whether a serious health risk may result from Program disqualification.
- e. The local agency may consider a serious health risk to the participant and other relevant factors in determining whether or not the sanction should be waived in a particular case.

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- f. If restitution by the participant is required under section 246.23(c) of USDA Regulations such restitution will be in cash and will equal the value of Program benefits improperly issued unless it is determined that the recovery would not be cost effective.

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- g. If not waived or modified, the following sanctions shall apply:

Category I - Disqualification for three months *and, if appropriate, restitution of the value of benefits improperly issued.*

Category II - Disqualification for one month *and, if appropriate, restitution of the value of any benefits improperly received.*

- h. In the event of physical abuse or threat of physical abuse of staff (1.,f., above), the sanction may be imposed without offering a conference as above (3, c), or despite a determination of health risk (3, d), if appropriate to protect the safety of staff. Notify the participant as in 3, j below. Such abuse during a certification appointment may prevent the completion of the certification/recertification and lead to denial of eligibility or failure to recertify.
- i. Before disqualifying a child participant, the local agency may determine whether the abusive person can be excluded from the agency and an acceptable alternative payee utilized.
- j. If not already accomplished, the participant shall be given fifteen day notification by certified mail, return receipt requested, of the implementation of the disqualification from the Program. Any notice of violation or disqualification shall include the Fair Hearing statement, request, and information forms. Specify the date that the person may reapply for the Program. This date should allow for enough time in advance of the end of the disqualification period for the person to be reinstated in the following month.
- k. After this period, the local agency shall review the eligibility

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of the participant as a new applicant.

C. Dual/Multiple Participation

1. The Rhode Island Department of Health WIC Office and local agencies should print down daily and monthly printouts of all possible dual participants.
2. The WIC computer system will not allow checks to be printed for a participant listed as a possible dual participation until local agency staff enter into the computer that the listing has been resolved.
3. Whether discovered through participation reports or other sources, once dual participation is verified, do not issue checks. The local agency with which the participant has the next scheduled appointment or check pickup shall:
 - (a) Discuss dual participation with participant.
 - (b) Inform participant that dual participation is not allowed.
 - (c) Have participant determine which agency he/she prefers.
 - (d) Retrieve WIC ID folder of other agency and send it to the Rhode Island Department of Health WIC Office.
 - (e) Determine with the state agency whether checks should be issued. The dual benefits received should, in most cases, be applied towards the current or next month.
 - (f) Notify in writing the state agency as to local agency preference, and steps that have been taken.
 - (g) Terminate the participant from one agency.
4. The circumstances of the dual participation will be reviewed by a state supervisor and local agency liaison and the local agency. This review will especially include a determination as to whether the child participants have been receiving the supplemental foods.
5. The state and local agency shall then determine the severity of the

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violation, procedures to be followed, and sanctions, if any, to be imposed (see procedures for B. Program Abuse, above and D, Other Violations...,below).

6. If the participant refuses reduction of service to one local agency or persistently denies dual participation, in the face of conclusive evidence or there is evidence of deliberate dual participation, a supervisor at the State agency and the WIC coordinator at the local agencies involved shall review the case for disqualification from the Program.

D. Other Violations of Program Rules

CATEGORY III

1. Violations of Program rules, Category III, shall include but not be limited to:
 - a. The violations described above where evidence indicates absence of intent or deliberateness or where other extenuating circumstances would not support a conclusion of Program abuse.
 - b. Failure by the participant to utilize, or failure of the payee to make available to the participant, all of the supplemental foods in any month.
 - c. Failure to inform the local agency of a change in address, residence, or other circumstances which might have an effect on eligibility.
 - d. Failing to report any unused WIC foods to the local agency WIC staff.
 - e. Any other violation of Program regulations, rules, or procedures, not classified as Category I or II.
 - f. Attempting any violation of Program rules.
2. When there is reasonable evidence of such violations, the local agency

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will notify the participant (contact, telephone, mail etc.) and offer an interview to consult with and counsel the participant covering relevant topics, such as:

- a. What occurred and where in a manner indicating that the participant is given the benefit of the doubt.
- b. Advise the participant that the practice is in violation of Program regulations or procedures and warn that person that any information given may be used against him/her in determining sanctions or penalties or in any subsequent appeal procedure, and of the penalties that may be instituted for such practices.
- c. Counsel and educate the participant on the proper procedures to be used, indicating the correct procedures and why they are necessary. Offer the participant the opportunity to ask any questions and answer them.
- d. A determination will then be made of the participant's intention, the severity of any violation, and of the participant's cooperation in attempting to change the practices. The local agency will then take appropriate additional measures as warranted.
- e. Additional measures may include:
 - i. A warning letter, indicating further violations would be grounds for more severe penalties or for establishing a case of abuse.
 - ii. Cancellation of checks or reduction or deletion of items in the food package as determined by the competent professional authority as being unusable, unneeded, excess benefits, or not being made available to the participant.
 - iii. Disqualification for one month if the investigation or review reveals that the participant is ineligible or violates Program rules, regulations, or requirements twice within a 24 month period. Disqualification for

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three months for three violations within a 24 month period.

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iv. *If restitution by the participant is required under section 246.23(c) of USDA Regulations such restitution will be in cash and will equal the value of Program benefits improperly issued unless it is determined that the recovery would not be cost effective.*

f. Document in the record the efforts for counseling, content, and the response of the participant.

E. Prosecution of Fraud and Abuse

1. All instances of fraud, abuse, misrepresentation, etc. must be reported to the State WIC Office.
2. The State Agency may, at its discretion, refer cases which appear to violate the provisions of RIGL Section 23-13-17 may be referred to federal, state or local authorities for prosecution.

F. USDA "Whistle Blower Hotline" for Fraud Control

Reports of fraud or abuse are usually handled by the local or state agency. Participants or other citizens may, if they prefer, report suspected fraud by stores or participants to the USDA by calling the toll free hotline (1-800-424-9121) or writing to:

United States Department of Agriculture
Office of Inspector General
PO Box 23399
Washington, DC 20024

They may remain anonymous. They should try to give details of the fraud or abuse such as names, places, times and other information.

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