

SECTION: Civil Rights**SUBJECT: WIC Participant Abuse of the WIC Program**

Federal Regulations: §246.2; §246.7 (h)(1)(ii); §246.7 (h)(2)-(3); §246.9; §246.12 (u)(1)-(5) and §246.12 (u) (2) (iii)

POLICY

Participant abuse of the WIC program, which includes intentionally misrepresenting circumstances to obtain benefits, verbal or physical abuse or threat of physical abuse of other program participants, local program, clinic or vendor staff or property, shall result in suspension or disqualification from the WIC program. Suspension will not exceed three (3) months. In most cases, suspensions are handled by the local agency. When the decision to suspend a participant is made, the State agency must be notified. Disqualifications for participant abuse will not exceed 1 year. Disqualifications are handled by the State agency.

Any threats and acts of violence (verbal or physical) against a person or property should be reported to the police. Local agencies should use discretion and follow its parent agency procedures for contacting law enforcement.

Category I Violations

Actions related to intentional misuse of benefits, including but not limited to refusal to follow proper redemption procedures such as:

- Intentional selection of unauthorized foods within an approved food category
- Intentional selection of unauthorized quantities of authorized foods

Category I Violations shall be subject to the following sanctions:

First Occurrence	A written or oral warning
Second Occurrence	A one-month suspension within a 12-month period
Third Occurrence	A three-month suspension within a 12-month period

Category II Violations

Actions related to violation of WIC Participant Rights and Responsibilities including but not limited to:

- Verbal abuse of other participants, local agency nutrition and program, or vendor staff

Category II Violations shall be subject to the following sanctions:

First Actual or Attempted Occurrence	A written or oral warning
Subsequent Actual or Attempted Occurrence	A three-month suspension within a 12-month period

For Category I or II Violations, the first attempt or occurrence, depending upon the nature of the incident or circumstances, the Local agency Coordinator, should discuss with the participant to attempt to resolve any misunderstandings prior to any adverse action in order to ensure the legitimacy of allegations of abuse. Coordinators can contact the State agency to discuss the situation or for further guidance if needed.

- If it is determined that the participant did engage in abusive conduct, warn the participant or guardian that continued like actions will result in suspension or disqualification as outlined above. This warning must be written or communicated verbally in the presence of at least one additional witness. Document the warning in the participant’s CT-WIC record under the Miscellaneous Drop down, Complaints-Add screen.
- Enter all of the information on the Complaints-Add screen. Document the actions provided e.g. warning or suspension in the Notes section. Consider adding an alert to the record to ensure there is proper follow-up.

The screenshot shows a web browser window titled "http://ctwic.dph.ct.gov/ - Complaints - Internet Explorer". The form contains the following fields and sections:

- Case Number:** 19270
- * Received Date:** 8/8/2017
- * Complaint Method:** (dropdown menu)
- Complaint Recipient:** Lonczak, Marilyn, #1152
- Complaint Received From:**
 - * From Whom:** (dropdown menu)
 - Address:** (text field)
 - First Name:** (text field)
 - Last Name:** (text field)
 - Email:** (text field)
 - Phone:** () - -
- Complaint Details:**
 - LA:** 990000 Compliance Agency
 - Clinic:** (dropdown menu)
 - * Description:** (dropdown menu)
 - Family/Participant ID:** (text field)
 - First Name:** (text field)
 - Last Name:** (text field)
- * Notes:** (large text area)
- Send Message to LA Coordinator
- Buttons:** Save, Cancel, Close

- If a suspension is warranted, hand deliver or mail by certified mail, return receipt requested, a copy of the Notice of Participant Action form to the participant stating the reason for suspension, indicating length of time and the right to appeal the suspension. If in person, request the participant sign the Notice of Participant Action form. If the form is mailed, the return receipt is used to indicate the participant was notified.
- Provide a copy (hard copy, e-mail or fax) of the suspension to the State agency within fifteen (15) days. Retain copies in the participant’s file.
- In cases of suspension, if the participant requests a Fair Hearing, have the participant complete the required form, and assist them in forwarding to the State agency in the appropriate time frame.

Category III Violations

Including but not limited to:

- Physical abuse of other participants, local agency nutrition or program or vendor staff
- Misrepresentation of eligibility for program benefits
- Purchase/exchange of non-food items with WIC benefits
- Purchase/exchange of alcohol or tobacco products with WIC benefits
- Exchanging eWIC cards for cash
- Offering for sale, trade or donation or actual sale, trade or donation of WIC foods
- Receipt from food vendors of cash or credit toward purchase of unauthorized foods or other items of value in exchange for eWIC cards/benefits

When the State agency Fraud Investigator receives a complaint concerning a participant's Potential Misuse of Benefits (PMB), a Complaint will be entered in CT-WIC, by the State agency Fraud Investigator, in the same method as described above. The local agency Program Coordinator will receive a CT-WIC message regarding the complaint. The State agency Fraud Investigator will also contact the local agency Program Coordinator via secure e-mail with the Potential Misuse of Benefits Form for her/his action.

Refer to the Potential Misuse of Benefits Guidance for how to proceed once a participant complaint is received. Once the PMB Form is completed, the local agency Program Coordinator (or designee) must return it to the State agency for additional action.

Category III Violations shall be subject to the following sanctions:

The State agency will handle participant Category III violations that mandate a three-month suspension and 1 Year Disqualification.

Any Offense	Three-month suspension
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- If a suspension is warranted, the State agency will hand deliver or mail by certified mail, return receipt requested, a copy of the Notice of Participant Action form to the participant stating the reason for suspension, indicating length of time and the right to appeal the suspension. If in person, the participant will be asked to sign the Notice of Participant Action form. If the form is mailed, the return receipt is used to indicate the participant was notified.
- If the participant requests a Fair Hearing, the local agency may be asked to assist the participant in completing the Request for Fair Hearing form, and assist them in forwarding to the State agency.

Category III Violations mandating a 1 Year Disqualification from the WIC Program*:

- Dual participation
- Claims over \$100
- Subsequent participant claims of any amount

State agency Actions for Participant Abuse

- If the State agency determines that Program benefits have been obtained or disposed of improperly as the result of a participant violation, the State agency must establish a claim against the participant for the full value of such benefits. In addition to establishing a claim, the State agency determines if disqualification is required.

- For all claims, the State agency issues a letter demanding repayment and advises the participant of the procedures to request a fair hearing and that failure to pay the claim may result in disqualification.
- If full restitution is not made or a repayment schedule is not agreed on within 30 days of receipt of the letter, the State agency must take additional collection actions until restitution is made or a repayment schedule is agreed upon, unless the State agency determines that further collection actions would not be cost-effective. In Connecticut, claims under \$500.00 will not be subject to further collection actions.
- Per Federal regulations, for State agency claims assessed for \$100.00 or more, assessed for dual participation, or assessed for a second or subsequent claim of any amount, the State agency must disqualify the participant for one year.

***Exceptions to Mandatory Disqualification outlined in the Federal Regulations:**

- The State agency **may decide not to impose a mandatory disqualification** if within 30 days of receipt of the letter demanding repayment, full restitution is made or a repayment schedule is agreed on, or, in *the case of a participant who is an infant, child, or under age 18, the State or local agency approves the designation of a proxy* (replacement Authorized Person (AP)).
- The State agency may permit a participant to reapply for the Program before the end of a mandatory disqualification period if, full restitution is made or a repayment schedule is agreed on, or, in the case of a participant who is an infant, child, or under age 18, the State or local agency approves the designation of a proxy (replacement Authorized Person).
- The State agency reserves the right to determine the appropriateness of the proxy (replacement Authorized Person) on a case-by-case basis in order to not deny benefits to the infant or child of participant parent who has violated Program rules.
- When appropriate, the State agency must refer participants who violate program requirements to Federal, State, or local authorities for prosecution under applicable statutes.