



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

**PURPOSE:** To ensure local WIC program staff understands the importance of informing participants about program violations and the subsequent sanctions taken by the program should it be found a participant or caregiver intentionally committed 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 §246.23 ¶(c)(1)—Claims against participants  
OAR 333-053-0030 through 333-053-0110—WIC Participant Administration

**OREGON WIC PPM REFERENCES:** ♦587—Program Integrity: Dual Participation  
♦588—Program Integrity: Complaints  
♦635—Participation Notification: Eligibility and Rights & Responsibilities  
♦712—Breastfeeding: Breast pump Distribution and Recovery Guidelines

**APPENDICES:** 590.4 Appendix A State office participant fraud and abuse procedures

**TWIST TRAINING MANUAL**

**REFERENCES:** Chapter 8, Lesson 103—Complaints

**DEFINITIONS:**

*Claim* A demand for reimbursement or return of intentionally misused program benefits.

*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 sanction period is over.

*Participant offense* Any **unintentional** action of a participant, parent or caretaker of an infant or child participant, or a proxy, that violates Federal or State statutes, regulations, policies or procedures governing the WIC program. Offenses and violations may include, but are not limited to the following:

- Altering vouchers;
- Exchanging vouchers for anything other than the foods specified on the voucher;
- Redeeming vouchers that have been reported as lost or stolen (Refer to ♦560—Replacing Food Instruments);
- Returning WIC items for cash or credit;

**PROGRAM INTEGRITY: PARTICIPANT VIOLATIONS, *cont.***

***(DEFINITIONS:)***

- Selling or attempting to sell WIC foods or formula for cash;
- Selling or attempting to sell vouchers for cash;
- Physical or verbal abuse; or threatening behavior towards vendors, local WIC staff, state WIC staff or other participants;
- Using vouchers at an unauthorized store;
- Participating in more than one WIC program (inside or outside Oregon), or in both WIC and the Commodity Supplemental Food Program (CSFP) referred to as dual participation (Refer to ♦587—Program Integrity: Dual Participation);
- Providing false or deceptive information resulting in inappropriate eligibility determination;

<i>Participant violation</i>	Any <b>intentional</b> action of a participant, parent or caretaker of an infant or child participant, or a proxy, that violates Federal or State statutes, regulations, policies or procedures governing the Program. (See “ <i>participant offense</i> ” for examples of types of both offenses and violations.)
<i>Restitution</i>	Reimbursement to the state WIC program the cash value of program benefits received by a participant as a result of a violation.
<i>Sanction</i>	Penalty imposed by the state WIC program because of a violation.
<i>Termination</i>	Termination from the WIC Program occurs when a participant’s file is closed and benefits cease for any reason, including, but not limited to, lack of eligibility, no longer breastfeeding, transferring out of state, etc. If the participant has been terminated due to a participant violation, it is considered a disqualification (see definition above) and the participant can reapply for benefits at any time after the sanction period is over.
<i>TWIST</i>	The WIC Information System Tracker.
<i>Vouchers</i>	“Vouchers” means a negotiable financial instrument by which WIC benefits are provided to participants. Vouchers can provide either specific amounts of WIC authorized foods or formulas or a fixed-dollar amount for participants to obtain WIC authorized fruits and vegetables (referred to as a “Cash Value Voucher” or “CVV”). Vouchers are also referred to as “checks,” “food instruments,” or “FIs.” Cash Value Vouchers are also referred to as “Fruit and Vegetable Vouchers” or “FVV.”



**PROGRAM INTEGRITY: PARTICIPANT VIOLATIONS, cont.**

*(Is this an offense or a violation?)*

2.3 If it is determined that the activity was an offense, the WCC or designated state WIC program staff will document the decision in TWIST and close the complaint.

**NOTE:** WIC vouchers **cannot** be withheld from a participant to compensate for program violations.

*Disqualification from the WIC program*

3.0 State WIC program staff handles all disqualifications resulting from program rule violations. Copies of all disqualification notices will be sent to the local program. (See Attachment A for additional information about disqualifications).

4.0 Not returning hospital-grade breast pumps and/or selling WIC issued breast pumps violates an agreement between WIC and the participant. It does not, however, result in a disqualification like the violations listed above may. Refer to ♦712—Breastfeeding: Breast pump Distribution and Recovery Guidelines for more information about breast pump recovery.

*Verbal and/or physical abuse*

5.0 If a participant or the parent/guardian of a participant verbally or physically abuses a local WIC staff member, follow local agency procedures for safety and service.

5.1 If the abuse continues, local agency staff may:

- Ask the person to leave the clinic
- Ban or exclude the person from the clinic and notify the local agency's assigned state WIC nutrition consultant of the action taken.

5.2 Employee safety is the priority. If a person actually physically harms a WIC employee, follow local agency safety procedures.

5.2.1 The WIC coordinator should contact the agency's assigned state WIC nutrition consultant who, along with the WCC, will determine appropriate program action.

*In-kind service*

6.0 Participants who are unable to pay restitution may be offered an exception in lieu of disqualification by providing in-kind service. The WCC will notify the state nutrition consultant assigned to participant's local program if this exception has been granted. The nutrition consultant will contact the WIC coordinator to discuss the exception options and provide the in-kind service process and procedure. ★

**If you need this in large print or an alternate format,  
please call 971-673-0040.  
WIC is an equal opportunity program and employer.**

### **State office participant fraud and abuse procedures**

- The WIC Compliance Coordinator (WCC) works closely with local agency staff when investigating possible participant fraud or abuse.
- If the state office determines that a complaint is unsubstantiated, the WCC or designated state WIC program staff will document that determination in TWIST and close the complaint.
- If the complaint is substantiated, the WCC will determine whether the activity was an offense or a violation.
- If the WCC determines that the activity was an offense, the decision will be documented in TWIST the complaint will be closed.
- The participant will be provided with a written warning that their actions were not in compliance with WIC program rules and that future acts of non-compliance may lead to sanctions (disqualifications and/or claims).
- Sanctions are not imposed for offenses.
- If it is determined there is sufficient evidence that a violation has occurred, the state WIC office will impose a sanction, which may include disqualification and/or repayment.
- Claims issued to participants fall under two categories: less than \$100.00 and \$100.00 or more. If a claim is established for \$100 or more, and restitution is not made, the participant will be terminated from the program and disqualified from participation for one year.
- If violations involve multiple participants in the same family, the dollar amount for each participant will be added together when calculating the total claim amount. However, the dollar amount for each participant will be calculated separately when determining if the amount is \$100.00 or more and the participant must also be disqualified from participating in the program for one year.
- If a participant has committed a violation and then commits another violation of the same or a different kind, this is considered a separate claim and counts as a second or subsequent violation. If a participant commits a second or subsequent violation, regardless of the amount of the claim, the participant will be terminated from the program and disqualified from participation for one year.
- Upon the decision to disqualify a participant, the WCC will:
  - Terminate the participant record in TWIST using the termination reason “disqualified;”
  - Enter the effective date of the disqualification and the date on which the participant may

- reapply for WIC benefits into TWIST;
  - Issue the participant written notice of the disqualification, a claim for reimbursement of improperly received program benefits and information regarding the participant's right to a fair hearing; and
  - Send a copy of the written notice of disqualification to the local agency WIC coordinator and the agency's state nutrition consultant.
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- TWIST will not allow users to recertify, reinstate, or reactivate a participant who has been disqualified until the term of the disqualification has been completed or an exception has been applied.
  - If several family members are on WIC and one is disqualified, the remaining members may continue to receive WIC services.