

## POLICY MANUAL

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### 3. CLINIC OPERATIONS.

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#### 3.06. Program Eligibility.

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##### A. POLICY OVERVIEW:

PA WIC Program applicants must 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), Temporary Assistance for Needy Families (TANF) or Low Income Home Energy Assistance Program (LIHEAP) 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 Policy 5.00, Nutrition and Risk Assessment.
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 publicly 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:
  - a. Who lacks a fixed and regular nighttime residence; or
  - b. Whose primary nighttime residence is:
    - (1) A supervised publicly or privately operated shelter (including a welfare hotel, a congregate shelter, or a shelter for victims of domestic violence) designated to provide temporary living accommodation;
    - (2) An institution that provides a temporary residence for individuals intended to be institutionalized;
    - (3) A temporary accommodation of not more than 365 days in the residence of another individual; or
    - (4) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

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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 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 (FIs) under the Program. This also includes fully breastfeeding infants and partially breastfeeding women who do not receive FIs.
12. Pregnancy Not Resulting In Live Birth: The occurrence of miscarriage, still birth or abortion.
13. 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.
14. 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.
15. Unemployed Person: An adult member of a family not engaged in a gainful occupation.

### C. POLICY:

1. Refer to Policy 3.04 Caseload Management about categorical eligibility and the WIC priority system.
2. The enrollment process must include identity, residency, and income verification, verbal race and ethnicity identification, and a thorough nutrition assessment and risk assignment. Refer to Policy 5.00, Nutrition and Risk Assessment.

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- c. The enrollment process is recommended to require physical presence, but LAs may opt to conduct certifications virtually in accordance with Policy 3.08, TeleWIC Services.
- d. Applicants and participants can go to any WIC clinic within the state of Pennsylvania, regardless of the county in which they reside.

#### 3. Identity Requirements

- a. At certifications and recertifications, the LA must require each applicant to present proof of identity. If photo identification has been scanned into the system from a prior certification, that proof may be used to establish identity at a subsequent certification appointment as long as it has not expired.
- b. The LA shall document the proof provided for each applicant in the Management Information System (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 (i) a victim of theft, loss, or disaster; (ii) a homeless individual; or (iii) a migrant farmworker, Affidavit must be selected in the MIS and a signature captured. If the MIS is down:

- (a) Staff must capture a signature on a paper form.

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- (b) When the system is available, select System Unavailable.
      - (c) Scan paper form into the MIS.
    - (3) If the Affidavit 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 FIs.
  - d. A Verification of Certification (VOC) is not an acceptable form of personal ID and one of the forms listed above in 3.b. must be presented. Refer to Policy 3.05, Processing Standards and VOCs.
4. Residency Requirements
- a. At certifications and recertifications, 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 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
      - (g) Adjunctive eligibility verification in the electronic Client Information System (eCIS).

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- (2) If the applicant is unable to provide proof of residency due to being (i) a victim of theft, loss, or disaster; (ii) a homeless individual; or (iii) a migrant farmworker, Affidavit must be selected in the MIS and a signature captured. If the MIS is down:
    - (a) Staff must capture a signature on a paper form.
    - (b) When the system is available, select System Unavailable.
    - (c) Scan paper form into the MIS.
  - (3) If the Affidavit 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 must be rescheduled. If an applicant cannot present proof of residency and staff have verified them to be adjunctively eligible in eCIS, this is sufficient to continue the appointment as this indicates they are a Pennsylvania resident, but staff should follow up at the next appointment to verify their specific address.
  - (5) If the applicant is homeless and without an address (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. Refer to Policy 3.05, Processing Standards and VOCs.
  - 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.
- ### 5. Income Eligibility
- a. At their certification appointment, applicants shall be interviewed to determine their household composition and family size.
    - (1) Each economic unit or family should have its own source of income.

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- (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.
- b. All participants with valid VOC cards shall be deemed to meet the Program's income eligibility criteria.
  - c. Migrant farmworkers who must be certified again because their VOC have expired are deemed to satisfy the WIC Program's income eligibility criteria if the income determination was made within the previous 12 months.
  - d. Participants with expired VOC, who are migrant farmworkers, shall be considered new Program applicants in the determination of income eligibility.
  - e. 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.
  - f. When changes in WIC Income Guidelines occur, the SA will provide LAs with the new guidelines. The MIS shall apply the new guidelines on the date the guidelines go into effect.
  - g. 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 SNAP benefits.
    - (2) An individual or member of a family eligible to receive TANF benefits.
    - (3) An individual who is eligible to receive 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 until they turn one year of age.
    - (5) An individual who is presumptively eligible for MA or TANF benefits.
    - (6) A member of a family receiving LIHEAP.

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- h. Confirmation of eligibility using the eCIS database is required in determining adjunct eligibility for applicants. Individuals who have been verified as receiving SNAP, MA, LIHEAP and/or TANF benefits will remain adjunctively eligible for WIC benefits for the entire certification period. Children's Health Insurance Program (CHIP) does not make a participant or family adjunctively eligible.
- i. 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.
- j. 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;
  - (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.

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Examples include, but are not limited to, gifts, inheritance, lottery winnings, workman's compensation for lost income, and severance pay.

- (14) Money from a family or friend that is not expected to be paid back;
  - (15) Loans that an applicant or participant has constant or unlimited access to.
- k. Income Exclusions: All income is counted except those sources specifically listed in regulations. For a complete list see 7CFR 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, not including amounts to which the applicant or participant has constant or unlimited access.
  - (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.
  - (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)).

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- (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) Payments under the Low-Income Household Water Assistance Program.
- (14) 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). The specified costs set forth in section 472 (1) and (2) of the Higher Education Act are tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including the costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution. The specified costs set forth in section 472 (1) and (2) of the Act are those costs which are related to the costs of attendance at the educational institution and do not include room and board and dependent care expenses;
- (15) Tax refunds, including Earned Income Credit (EIC).
- (16) Reimbursements from employer for job-related travel expenses.
- (17) 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 real and personal property, such as a home or auto; and payments that are intended for a third party to pay for a specific expense incurred by a household, such as payment of medical bills resulting

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from an accident or injury.

- (18) Payments to certain Filipino World War II veterans under Section 1002(g) of Public Law 111-5.

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:

- (1) Pay stub(s) that show the most recent available proof of 28-31 consecutive days received by the household.
- (a) An individual with regular, consistent earnings, such as those earning a salary, can provide one paystub, so long as it is not dated more than 30 days prior to the certification.
- (b) An individual whose income is variable or received from more than one income source, must provide multiple paystubs. At least one pay stub must not be dated more than 30 days prior to the certification, this individual can provide additional pay stub(s) dated more than 30 days prior to the certification but within 28-31 days of the most current pay stub.
- (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.

m. When 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, the applicant should sign the Affidavit in the MIS. Staff must select the reason for why the applicant or participant cannot provide documentation of income.

- (1) If the system is down and a paper statement is used, then it must be retained in the individual's file.

n. If a family cannot present proof of income and staff have verified adjunct eligibility in eCIS, self-declaration of income must be collected in the MIS. This is sufficient for the entire certification period. If the applicant does not meet one of the

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circumstances listed in C.5.m. above or is not adjunctively eligible, self-declaration is not an option, and the certification appointment must be rescheduled.

- o. If a participant is scheduled for a certification appointment prior to the date the certification expires and they do not have income documentation, staff can modify the certification end date and extend the certification for an additional 30 days and reschedule the certification to the following month.
- p. If the certification period has expired and they do not have income documentation, no benefits can be issued, and the appointment must be rescheduled.
- q. 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.
- r. 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:
    - (a) Weekly income x 52
    - (b) Bi-weekly income (every two weeks) x 26
    - (c) Semi-monthly income (two times a month) x 24
- s. The LA shall document the proof provided in the MIS. Electronic documentation may be accepted.
- t. The LA may require verification of questionable information which it determines necessary to confirm income eligibility for Program benefits.
- u. Determining eligibility of families with members on active military duty should be done as follows:

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- (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.
- v. 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.
- w. 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.
- x. 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.
- y. The LA must terminate a participant and any other household members currently receiving WIC benefits at any time they are determined ineligible. Participants can use any remaining benefits for the current month; however, they should not

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use any future months. eWIC cards must be hot carded if there are any future months of benefits.

- z. 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.

#### 6. Utilizing electronic Client Information System (eCIS)

- a. WIC staff who will be certifying receipt of MA, SNAP, LIHEAP or TANF benefits for adjunctively income eligible applicants must utilize the Department of Human Services' (DHS) database (eCIS) for all determinations.
- b. WIC staff who will be using DHS's eCIS database must complete the online self-registration to gain access to the application.
- c. eCIS shall be used to verify eligibility for MA, SNAP, LIHEAP and TANF on the date that a WIC applicant is certified or up to two weeks prior to the appointment as long as the other program's benefits do not expire before the certification appointment is completed.
- d. Since the information contained on DHS's database is confidential, the following requirements for operators are applicable. Operators shall:
  - (1) Only use the eCIS 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 eCIS database; and
  - (4) Not use the eCIS database for fraudulent purposes.
- e. Violations of the above requirements may result in disciplinary action.
- f. The SA recommends that all staff verify eligibility of WIC applicants in the eCIS database prior to going to a disconnected satellite site.

#### 6. Proof of Pregnancy or Pregnancy Not Resulting in Live Birth

- a. WIC staff must verify pregnancy status (proof of pregnancy) within 60 days of initial certification.

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- b. The LA shall not require proof of pregnancy prior to issuing Program benefits. Pregnant women who are otherwise eligible for WIC shall be issued benefits immediately and, if necessary, given 60 days to provide proof of pregnancy. If proof is not provided within 60 days, the LA shall issue a Notice of Termination.
- c. Proof of pregnancy may be accepted in the following formats and must be documented in the MIS accordingly:
  - (1) Medical documentation from a healthcare provider or pregnancy center that includes participant name and estimated date of delivery (EDD). Medical documentation of proof of pregnancy must be kept on file in the physical chart or scanned into the MIS.
  - (2) Electronic documentation including name and EDD. Document in the MIS electronic documentation was viewed including the date viewed and physician's name or healthcare system.
  - (3) Verbal confirmation of the EDD collected via telephoning the pregnant woman's physician. Document in the MIS verbal confirmation was received including the date of verbal confirmation and physician's name.
- d. 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.
- e. Participants who are actively participating in WIC as pregnant and report a pregnancy that did not result in live birth are not required to provide medical documentation of the pregnancy outcome; however, it should be obtained whenever possible at the time of recertification as postpartum. If proof of pregnancy outcome for those not resulting in live birth, including the date of the adverse event, is not available staff must obtain a date verbally from the participant and document the information in the MIS to enable the correct calculation of the postpartum eligibility period.
- f. For participants who were not actively participating in WIC as pregnant, proof of pregnancy or proof of pregnancy not resulting in live birth must be provided to be certified as a postpartum woman.
  - (1) If proof of pregnancy is provided, staff must obtain verbal date of the adverse event from the applicant and document the information in the MIS to enable the correct calculation of the postpartum eligibility period.

### 8. Certification Periods

- a. Pregnant Woman: A pregnant woman shall be certified once for the duration of her pregnancy. The pregnancy certification period ends no later than six weeks

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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 not breastfeeding postpartum woman.

- 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 turns one year of age, whichever period is shorter.

If a breastfeeding woman notifies the clinic that she has stopped breastfeeding at any time before six months postpartum, WIC type and food package must be changed to reflect her new status.

- c. Not Breastfeeding Postpartum Woman: A not-breastfeeding woman shall be certified once following delivery. Certification period ends no later than the end of the calendar month during which her infant turns six months of age.
- d. Infant Under Six Months of Age: The certification period for an infant enrolled before six months of age ends at the end of the month in which the infant turns one year of age.
- e. Infant Six Months of Age or Older: The certification period ends no later than six months from the date of certification.
- f. Breastfed Infant: A breastfed infant who is not receiving a food package must be enrolled as soon as the necessary certification data are available. Length of the certification period is based upon age as described in d. and e. above.
- g. Child: The certification period is 12 months from the date of certification for children one through three years of age. The certification for children four years of age is 12 months or at the end of the month which the child turns five years of age.

Infants at 11 months of age can be recertified as a child; however, this will result in a six-month certification period.

- h. Certification end dates may be modified by plus or minus 30 calendar days, as needed.
- i. Health Evaluations must occur approximately halfway between the certification date and the certification end date for all participant types except Pregnant and Not Breastfeeding Postpartum Women.
- j. Participants shall be informed at least 15 calendar days before the expiration of each certification period that their certification for Program benefits will expire.

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9. Notification of Ineligibility or Termination
  - a. Applicants found ineligible for the Program during an initial certification visit shall be advised in writing of ineligibility, reason(s) for ineligibility, and the right to a fair hearing.
  - b. Participants who are ineligible at a certification or a recertification appointment for over-income do not require a 15 calendar day advance notice. However, a Notice of Ineligibility must be issued.
  - c. Endorser/proxy must sign the Notice of Ineligibility in the MIS. Print one copy to give to the Endorser/proxy.
  - d. The individuals below do not require a Notice of Termination:
    - (1) Participants who have failed 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 LAs with a special form to use should this occur.
    - (3) Applicants placed on a Waiting List. Refer to Policy 3.04, Caseload Management.
  - e. Participants who are no longer categorically eligible for the program, shall receive the Notice of Termination no less than 15 calendar days prior to their termination date and of their right to a fair hearing.
  - f. Print two copies of the Notice of Termination. Staff and endorser/proxy must sign both copies of the Notice of Termination. Issue one copy to the endorser/proxy and one copy must be kept on file in the physical chart or in a central file.
  - g. File the Ineligible and Terminated files separately if still using physical charts or a central file.
10. 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 a different county's 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 1.02, Abuse and Fraud Prevention and Investigation.
  - b. Rights and Responsibilities should be readily accessible for participants to review

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during all certification and recertification appointments. WIC staff must provide a copy of the Rights and Responsibilities to participants upon request.

- c. Once the Rights and Responsibilities have been reviewed, instruct the endorser to sign in the MIS using the digitized signature pad available or by using the TeleWIC reason for teleWIC appointments.
  - (1) If the MIS is down:
    - (a) Staff must capture a signature on a paper form if the participant is in clinic.
    - (b) When the system is available, select System Unavailable.
    - (c) The signed paper form must be kept in the physical file or in a central file location.
- d. WIC staff must explain to the endorser and proxy how the food delivery system operates and review the WIC Food List. Refer to Policy 5.05, Authorized Product List (APL) and Statewide Food List.
- e. Assess the individual's need for referrals to health and social services, 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. All referrals made must be documented in the MIS in accordance with SA guidance. Refer to Policy 6.02, Participant Referrals.
- f. Explain to the endorser that he or she may appeal any decision made by the LA regarding their eligibility.

#### 11. Eligibility of Foreign-Born Immigrants, Refugees or Students

- a. Foreign born 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 foreign-born immigrants 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/undocumented immigrant person", 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.

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#### 12. 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 participate in appointments or 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.
  - (4) If a proxy is needed to participate in a WIC appointment on behalf of the endorser and is not able to provide all necessary information, the appointment is subject to being rescheduled.
- b. The clinic staff shall enter all appropriate fields in the MIS for a proxy and collect the appropriate signatures if they are in person. If collecting proxy information via a teleWIC appointment, then staff can use the teleWIC reason for both signatures.
- c. Verify the proxy's ID at each appointment and have them digitally sign for any FI issuance.
- d. The proxy shall receive instruction from the LA or the endorser on how to use the WIC Food List and FIs.
- e. The endorser shall be permitted to change a proxy at any time or the endorser may retain the same proxy for all subsequent appointments.
- 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 for that family.
- g. If the MIS is unavailable and proxy or endorser is in person, fill out a paper form, collect the signature(s) and scan the Proxy Authorization form into the individual's file when the MIS is back up. If the MIS is unavailable and the proxy information was collected during a teleWIC appointment, enter the appropriate information once the MIS is back up.

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Reference(s):

1. [WIC Policy Memo #2013-3 Income Eligibility Guidance, June 10, 2013](#)
2. [WIC Policy Memo #2003-3 Family Size and Income Determination for Military Families, March 19, 2003](#)
3. [WIC Policy Memo #2024-4 Income Eligibility Guidelines, March 25, 2024](#)
4. [WIC Policy Memo #2023-6 Streamlining Certification – Documentation Guidance, May 10, 2023](#)
5. 7 CFR §§ 246.2 and 246.7.
6. [WIC Policy Memo #1992-14 Lump Sum Payments as Income, July 9, 1992.](#)
7. [WIC Policy Memo #2010-5 Payments to Certain Filipino World War II Veterans - Exclusion](#)

Policy Status:

1. This Policy supersedes P&P Number 3.02 dated May 26, 2022.
2. This Policy supersedes P&P Number 3.02 dated September 18, 2017.
3. This P&P supersedes P&P Number 1.04 dated September 8, 2010.
4. This P&P supersedes P&P Number 2.01, dated August 31, 2012.
5. This P&P supersedes P&P Number 2.02., dated June 1, 1999.
6. This P&P supersedes P&P Number 2.05, dated January 17, 2012.
7. This P&P supersedes P&P Number 2.06, dated July 15, 2011.
8. This P&P supersedes P&P Number 2.09, dated December 10, 2012.
9. This P&P superseded P&P Number 2.10, dated June 11, 2012.
10. This P&P supersedes P&P Number 2.11, dated September 16, 2008
11. This P&P supersedes P&P Number 2.14, dated January 16, 1989.
12. This P&P supersedes P&P Number 4.07, dated September 9, 2013.