



Vendor Manual

for the State of Alaska Supplemental Food Program
for Women, Infants and Children

Draft February 2016



State of Alaska
Department of Health and Social Services
Division of Public Assistance
Nutrition Services
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Section 1.0 WIC Overview

1.1 About Alaska's WIC Program

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) was enacted by the U.S. Congress in 1972 as an amendment to the 1966 Child Nutrition Act. The U.S. Department of Agriculture (USDA) provides funding for WIC. Participant services are provided by grantee health or social services organizations and administered by the State of Alaska, Department of Health and Social Services, Division of Public Assistance, Family Nutrition.

USDA authorizes states to develop and administer the WIC Program. In Alaska, full service grocery stores serve WIC authorized shoppers. Pharmacies may be authorized to provide medical or specialized infant formulas to WIC participants. This allows WIC shoppers to purchase their WIC foods at the store of their choice and brings tax dollars back to Alaska communities. Vendor participation in the program is based on a contract under which vendors agree to follow regulations and policies established by the federal and State government when offering WIC foods to WIC participants.

Nutrition education is the cornerstone of the WIC program. The foods offered through the program are an enhancement of these nutrition education services. WIC foods are selected because they address specific nutritional health needs and promote healthy pregnancies as well as healthy growth and development in young children. WIC checks and Fruit and Vegetable Vouchers (FVV's) are issued monthly to eligible pregnant, postpartum, and breastfeeding mothers, infants, and children under the age of five.

1.2 Alaska WIC Vendor Website

This Vendor Manual provides basic information about WIC vendor participation and vendor requirements. WIC vendor information is also available on the State WIC website, which may be accessed at <http://dhss.alaska.gov/dpa/Pages/nutri/default.aspx>.

You may also contact the WIC Vendor Management Unit at any time, by email at wic@alaska.gov, or by phone at 907/465-3100.

1.3 Infant Formula and Rebates

The Alaska WIC Program contracts with an infant formula manufacturer using a competitive bid process. The program agrees to purchase the manufacturer's formula and in return, the manufacturer agrees to pay a rebate for each container of their infant formula purchased through the WIC program. Because of the competitive bidding process, the infant formula brand provided by the program is subject to change.


To ensure the safety of the infant formula provided by the program, regulations require vendors to purchase infant formula only from the State's list of approved formula providers. The Alaska WIC Authorized Infant Formula Suppliers List is included as Appendix H, and it

is maintained on the WIC website at <http://dhss.alaska.gov/dpa/Pages/nutri/wic/vendors/default.aspx>.

1.4 WIC Food Delivery System

About every three months, a WIC participant visits a WIC clinic and is issued WIC checks and Fruit and Vegetable Vouchers (FVV's). In Alaska, WIC participants in more remote communities access WIC health, nutrition, and educational services during itinerant clinic staff visits to their communities. These participants receive their WIC checks and FVV's by mail. The State WIC program also delivers food packages by mail directly to participants who live in communities that do not have a WIC authorized vendor.

WIC checks specify the types and quantities of food that may be purchased. The FVV specifies a specific dollar amount that the participant can use toward the purchase of fresh, frozen, or canned fruits and/or vegetables.

		The Alaska WIC Program		75-1248	00664067
		Supports Breast Feeding - 130 Seward St., Suite 508 - Juneau, AK 99801		919	
PARTICIPANT NAME - WIC ID#		FIRST DATE TO USE	DATE OF SALE	LAST DATE TO USE	
		9/12/2014	804113	10/11/2014	
Vendor must deposit within 60 days from the first date to use					
QTY	DESCRIPTION	AMOUNT OF SALE			
2	GALLON(S) WHOLE FRESH MILK	\$			
1	PKG(S) -16 OZ-WIC APPROVED CHEESE				
1	DOZEN WIC APPROVED EGGS or 4.5 OZ PKG DRY	WIC VENDOR STAMP			
36	OUNCE(S) WIC APPROVED CEREAL				
1	JUICE-12OZ-FRZ or 11.5OZ POURABLE CONC or 46-48OZ PLSTC/CAN				
1	JAR(S) -18 OZ-PEANUT BUTTER				
	XXX END OF ORDER XXX				
<p>Vendor - Do not accept unless you have an Alaska WIC Contract: Not to Exceed \$200.00 To report WIC fraud, call (800) 424-9121, or visit www.usda.gov/oig/hotline.htm</p> <p style="text-align: right;">Signature of Participant or Authorized Representative</p>					
⑆00664067⑆ ⑆091912482⑆ 804113⑆					

Each participant is provided with a Food List booklet that describes the food items and brands they may purchase with their WIC checks and FVV's.



1.4.1 State Agency Responsibilities

The State Agency assures that all food delivery policies and procedures as required by USDA are adhered to. The State Agency is responsible for the following duties:

- 1) Reimburse vendors for all validly redeemed and deposited checks.
- 2) Interact with and provide training and technical assistance to vendors on issues related to check redemption, contract violations, complaints, allegations of program abuse by either vendors or participants, and administrative hearings.
- 3) Provide information to vendors regarding major changes in the WIC food delivery system prior to implementation of those changes.
- 4) Review and approve or disapprove all vendor applications.
- 5) Review reports of performance of vendors completed by the Local Agency.
- 6) Provide materials and training guidance for the Local Agency to assist vendors in their program participation, including helping to reduce problems in processing WIC checks.
- 7) Train and evaluate Local Agencies in their responsibilities with vendors.
- 8) Collect vendor shelf prices at least twice annually, and review vendor requests for adjustments to reimbursements for WIC approved foods.
- 9) Issue warning letters for violations of the vendor agreement and impose sanctions in accordance with program regulations and policies.
- 10) Maintain vendor confidentiality. Any information relating to a vendor that individually identifies the vendor, except name, address, phone number, website, and authorization status will remain confidential.

1.4.2 Local Agency Responsibilities

Local Agencies are health or social service organizations who receive grants to provide WIC services in a particular region of the state. These agencies maintain clinics where participants receive services, including nutritional risk assessments, science-based nutrition education, food benefits, breastfeeding counseling and support, and referrals for other needed services. Vendors may contact a Local Agency when dealing with challenges within the WIC food delivery system. Local Agencies are required to provide the following assistance to vendors:

- 1) Recruit vendors as needed and appropriate, and serve as a contact for vendor management.
- 2) Monitor vendor compliance with program requirements, and provide technical assistance to vendors on issues related to check redemption, program violations, complaints, and allegations of program abuse by vendors or participants.
- 3) Evaluate potential vendors during the application process.
- 4) Provide annual training to vendors as directed by the State Agency.
- 5) Investigate complaints about participants and vendors, and issue warning notices, as directed by the State Agency.
- 6) Participate in fair hearings, administrative hearings, and appeals, as necessary.
- 7) Train new WIC vendors in the proper procedures prior to issuance of a vendor agreement by the State Agency.

1.4.3 Vendor Responsibilities

- 1) Comply with requirements specified in the Vendor Agreement and the Alaska WIC Vendor Manual.
- 2) Purchase infant formula from the Approved List of Infant Formula Wholesalers/Retailers/Manufacturers only.
- 3) Accept and process checks only within the confines of the store.
- 4) Ensure that a minimum stock of foods with future expiration dates is on the shelf at all times. (Certain exceptions are allowed. Refer to Section 2 of this manual for more information regarding minimum stock requirements.)
- 5) Post the WIC Accepted Here poster in a highly visible location on or near entrances to the store.
- 6) Assure that WIC participants purchase only WIC foods identified in the Food List booklet.
- 7) Give all WIC participants the same service and the same courtesies as non-WIC customers.
- 8) Deposit all properly redeemed WIC checks within 60 days of the first date to use that is printed on the check.
- 9) At least one employee is to attend and complete all required training. That employee is then responsible to train all store employees on WIC procedures and distribute WIC materials.
- 10) Keep the current Food List booklet at each cash register.
- 11) Submit timely, accurate Price Surveys of listed foods as required by the State Agency.
- 12) Cooperate with State or Local Agency staff when the store is being monitored.
- 13) Do not use any incentives, “giveaways,” specials, or the like, for the purpose of encouraging or otherwise enticing WIC participants to redeem their WIC checks at the store.
- 14) Notify the State Agency in writing within at least fifteen (15) days in advance of when the store ceases operation, changes ownership, name, or location. In these instances, except for a name change and/or close proximity location change, the State Agency will terminate the vendor agreement.
- 15) Compliance with the vendor selection criteria must be maintained throughout the vendor agreement period, including any changes to the criteria.

Section 2.0 Your Role as a WIC Vendor

2.1 Vendor Evaluation and Selection Criteria

The Alaska WIC Program provides authorized foods to participants via a retail purchase system using contracted grocery vendors. The State Agency has established criteria to evaluate and select vendors for initial and continuing authorization in the WIC Program. The State Agency authorizes a sufficient number of vendors to assure reasonable participant convenience and access and to ensure the lowest practicable food prices. The State Agency limits the number of authorized vendors to ensure that State Agency and Local Agency staffs can effectively manage the evaluation and monitoring of stores. The authority to limit the number of authorized vendors is in the Federal Regulations at 7 CFR § 246.12(g)(2).

2.1.1 Vendor Selection Criteria

Applicant and authorized vendors must consistently meet the all of the following criteria throughout the contract period, including any changes to the criteria. A WIC-authorized vendor must:

1. be in a location accessible to program participants and State and Local WIC Agency staff.
2. be authorized as a USDA Supplemental Nutrition Assistance Program (SNAP), or “Food Stamp,” vendor in good standing. The vendor may not have been suspended or disqualified by SNAP within the past three years. According to Federal regulations at 246.12(g)(3)(iii), unless denying authorization of a vendor applicant would result in inadequate participant access, the State Agency may not authorize a vendor applicant that is currently disqualified from SNAP.
3. possess a current Alaska Business License.
4. possess a current Food Establishment permit issued by the Alaska Department of Environmental Conservation or the Municipality of Anchorage.
5. have at least the minimum square feet of space, consistent with the assigned vendor peer group, devoted to the sale of grocery items.
6. be open at least eight hours per day, six days per week.
7. maintain an adequate stock of WIC food items for the number of participants regularly accessing the store; at least the minimum required stocks of WIC foods must be in the store at all times.
8. purchase infant formula only from sources on the List of Authorized Suppliers of Infant Formula in Appendix I.
9. purchase WIC food items only from a wholesale supplier or other nonretail suppliers; no WIC approved foods may be purchased from other retail stores for resale to WIC participants.
10. provide an accurate and complete vendor application and price survey.
11. if previously authorized by the program, have a satisfactory compliance record with the previous vendor agreement
12. comply with business integrity requirements: a vendor applicant is not eligible if its current owners, officers, or managers have civil judgments entered against them, or have been convicted of any activity indicating a lack of business integrity. According

to Federal regulations at 246.12(g)(3)(ii), unless denying authorization of a vendor applicant would result in inadequate participant access, the State Agency may not authorize a vendor applicant if during the last six years the vendor applicant or any of the vendor applicant's current owners, officers, or managers have been convicted of or had a civil judgement entered against them for any activity indicating a lack of business integrity. Activities indicating a lack of business integrity include, but are not limited to fraud; antitrust violation(s); embezzlement, theft, or forgery; bribery; falsification or destruction of records; making false statements or claims; receiving stolen property; obstruction of justice; arson; conspiracy; officially removed from any federal, state, or Local programs due to business improprieties.

13. derive less than 50 percent of total sales from the sale of WIC foods.
14. be in compliance with the program's competitive price requirements (be competitive with, and within the price limitations for similarly situated vendors in terms of type, size of store, and geographic location).
15. maintain and use a cash register system in conducting all business sales transactions, and provide a printed, itemized receipt to customers. "WIC" must be printed or written on the receipt.
16. maintain visible, posted prices of all WIC-authorized food items.
17. not provide incentive items or advertisements with the intention to solicit WIC participants.
18. comply with approved use of WIC acronym, logo, and facsimiles.

2.1.2 Vendor Limiting Criteria

If a community is located in a Rural Area, there must be a minimum of 15 WIC participants in the community, or able to travel to the community to shop. WIC participation data is averaged by month for the preceding 180 days for the State Agency to authorize one store.

The State Agency will authorize two stores in a community in a Rural Area only if there are 30 or more participants, on average, in the 180 days preceding authorization.

2.2 Vendor Authorizations and Contract Cycle

The Alaska WIC Program authorizes vendors for a period of three years, at the end of which all vendor agreements are terminated and vendors must reapply for authorization. The current vendor agreement period is from October 1, 2016 to September 30, 2018, to be followed by a 2018 to 2021 agreement period. Any vendor who is authorized during the three-year authorization period will be terminated at the end of the current authorization period and must reapply for the next authorization period.

Vendors are notified by the State Agency 60 days before the end of the contract period, and must reapply within 30 days.

2.3 New Vendor Applications

Non-participating grocers located in Alaska who meet the vendor selection criteria may request a vendor application from the State Agency. New vendor applications are accepted from January 1 through March 31 each year, and are generally processed within 30 days. An applicant vendor can be authorized only after a complete application has been received and reviewed, and after the Local Agency conducts a pre-authorization onsite evaluation of the vendor's store.

Note: Stores that are not on the road system may experience a significant delay before a pre-authorization visit can be made by the Local Agency WIC Coordinator or staff.

The Alaska WIC Program will not authorize a vendor applicant if the Agency determines the store has been sold by its previous owner in an attempt to circumvent a WIC sanction.

The Alaska WIC Program authorizes only a sufficient number and distribution of vendors to

- assure reasonable participant convenience and access to WIC foods,
- ensure the lowest practicable food prices, and
- ensure effective State Agency management, oversight, and review of authorized vendors

Steps in the authorization process:

- 1) A vendor who meets all selection criteria may submit a completed vendor application packet to the Vendor Management Unit at:

State of Alaska
Dept. of Health & Social Services
Division of Public Assistance
Alaska WIC Program
P.O. Box 110612
Juneau, AK 99811-0612

- 2) The vendor application packet may be requested from the Vendor Management Unit or downloaded from the Agency website. In addition to the completed application form the applicant vendor must provide:
 - Alaska WIC Program Banking Information Form
 - Copy of a current Alaska Business License
 - Copy of current SNAP Authorization Certificate
 - Copy of current DEC Food Establishment Certificate; if the vendor is located in the Municipality of Anchorage, an Anchorage Food Safety and Sanitation Program Food Establishment Permit must be provided.
 - Agent Authorized to Act for Vendor form, if appropriate

- A completed WIC Food Price Survey (submitted electronically)
- 3) The Vendor Coordinator will review the application packet to determine whether the vendor meets all selection criteria, all information is complete, and all attachments have been provided. This review is generally completed within 30 days.
 - 4) If the application is incomplete, the vendor will be notified in writing to provide any additional documents or information. The information must be received within 15 days of the notification or the application will be considered to have expired.
 - 5) The vendor will be notified in writing when the application has been deemed complete, and the Local WIC Agency will be requested to contact the vendor to schedule the preauthorization onsite monitoring visit.
 - 6) The Local Agency will conduct the preauthorization visit. The staff person conducting the visit will inspect the store to determine whether the vendor stocks the minimum required WIC food items, sufficient WIC foods to serve WIC participants along with the number of community shoppers who are likely to shop at the store, and all other requirements are met. Training for store manager(s) and staff on WIC policies and procedures is provided during the visit. Applicant vendors in Rural Areas will likely experience a delay in scheduling the preauthorization onsite monitoring until a WIC representative is able to travel to the community.
 - 7) If the Local Agency determines that the store does not meet requirements for any reason, the vendor has one opportunity to correct, within 15 days of the monitoring visit. If the vendor fails to provide required information or to address the identified problem(s) within 15 days, the application will be rejected as incomplete, and the vendor will not be able to reapply until the next open period for applications.
 - 8) If the preauthorization onsite monitoring determines that the store meets State and federal requirements, the State Agency will sign a Vendor Agreement with the vendor, and provide a vendor stamp with a unique identifying number, *WIC Accepted Here* store posters, and activate the vendor in the State Agency's banking and management information systems.

2.4 Vendor Name Changes and Relocations

If the vendor's name changes but ownership remains the same, a new application must be submitted for verification of information only. This is not considered a new application, only an update of changes to the current contract.

If the vendor moves to a new location or constructs a new facility, the State Agency will determine whether the store must complete a new vendor application process. At the least, the new location will receive a pre-authorization visit and review for compliance with WIC.

2.5 Vendor Change of Ownership or Termination of Operations

A vendor's authorization to participate in WIC is NON-TRANSFERABLE. If a vendor changes ownership or goes out of business, the authorization to participate automatically becomes null and void and no WIC checks may be accepted. The Authorized WIC Vendor Stamp must be returned to the State Agency upon termination of the WIC Vendor Agreement due to voluntary termination, change of ownership, non-renewal of the contract, or disqualification from the WIC Program. The "WIC Accepted Here" sign must be removed from display. The vendor is responsible for notifying the State Agency at least 30 days in advance of an ownership change or termination of operations.

If the new owner would like to be authorized to accept Alaska WIC Program food instruments, please advise him/her to contact the WIC Vendor Management Unit at (907) 465-3100.

A vendor's authorization can be terminated by the State Agency with 15 days' advance written notice to the vendor. These terminations typically occur due to the vendor no longer meeting WIC eligibility criteria, disqualification from participation in the Supplemental Nutrition Assistance Program (SNAP, or "Food Stamps"), or failing to comply with any of the program requirements outlined in this manual and the Vendor Agreement.

Failure to comply with program requirements may also result in legal penalties beyond authorization to participate, as set forth in the Vendor Agreement.

2.6 Vendor Authorization

Each vendor must apply to the program and be approved in order to participate as an authorized WIC vendor. The State Agency is not responsible for reimbursement for any WIC check accepted by the vendor during any time in which a valid contract is not in effect.

All authorized WIC vendors will be issued a rubber stamp containing the WIC vendor number; an authorized window decal stating the store accepts WIC checks; and a copy of the signed Vendor Agreement.

2.7 Confidentiality of Vendor Information

Confidential vendor information is any information about a vendor (whether it is obtained from the vendor or another source) that individually identifies the vendor, except for vendor's name, address, telephone number, website/email address, and vendor type and authorization status. Except as otherwise permitted by this section, the State Agency must restrict the use or disclosure of confidential vendor information to:

- 1) Persons directly connected with the administration or enforcement of the WIC Program or the Alaska SNAP program who the State Agency determines have a need to know the information for purposes of these programs.
- 2) Persons directly connected with the administration or enforcement of any Federal or State law. Prior to releasing the information to one of these parties (other than a Federal Agency), the State Agency must enter into a written agreement with the requesting party specifying that such information may not be used or disclosed except

for purposes directly connected to the administration or enforcement of a Federal or State law; and

- 3) A vendor that is subject to an adverse action, including a claim, to the extent that the confidential information concerns the vendor subject to the adverse action and is related to the adverse action.

2.8 Reporting Sales Information

The Alaska WIC Program requires vendor applicants and current vendors to report the total annual sales of the store and total grocery sales for the 12 months immediately preceding application, and the most recent available 12 months at the time of a price survey. This information is used to determine whether a store earns more than 50 percent of its income from WIC.

2.9 “WIC Accepted Here” Poster

The WIC Accepted Here sign must be displayed by the store and should be placed in a highly visible location on or near the entrance to the store. Vendors with more than one entrance may request additional signs.



2.10 Authorized WIC Vendor Stamp

Each WIC vendor is assigned a unique WIC identification number that appears on the rubber stamp. The stamp must be used on all WIC checks processed by the vendor. The vendor must ensure the authorized vendor stamp is used only for the purpose intended and assume full responsibility for any unauthorized use of the stamp. Replacement stamps can only be obtained by contacting the State Agency. Replacements are mailed to the vendor within 15 days of a request. Authorized WIC stamps can only be obtained from the State Agency. The vendor or the Local Agency may not duplicate the stamps.

2.11 Approved Foods

WIC checks may be used to purchase only the items specified on the WIC check and listed as approved in the Food List / Participant ID Booklet. Participants and vendors must comply with the following important rules regarding approved foods:

- Participants are not required to buy all of the items listed on their checks, with the exception of infant formula checks.
- For infant formula checks, participants must buy the full amount listed on the check.
- Participants must buy only the brands and sizes of WIC items that are approved; no substitutions are allowed.
- Participants must purchase the largest size-lowest cost dairy products and peanut butter. For instance, a participant may not buy two half-gallons of milk when one

gallon is listed on the check. Participants must also purchase only white eggs, and the lowest cost dozen of large eggs.

- A vendor may not require the participant to purchase store brands, except when the store brand of dairy or peanut butter is the lowest cost for that type of item in the store.
- Fruit and Vegetable Vouchers (FVV's) may be used to buy fresh, frozen, or canned vegetables and fruits. The fruit/vegetable purchase must not exceed the FVV value printed on the check. If the value of the fruit or vegetable item(s) exceeds the value printed on the FVV, the participant must be allowed to pay the amount over the FVV's value with personal funds.

2.12 Minimum Stocks of WIC Foods

WIC foods are carefully selected to meet federal nutritional requirements, which provide vitamins, minerals, and proteins to WIC participants. Participants are prescribed nutritious foods to address their individual nutritional needs. Therefore, substitutions for WIC foods are not allowed. The table below shows the categories of WIC foods:

Nutrient Provided	WIC Foods That Supply the Nutrient
Protein	Infant formula, milk (including soy), yogurt, eggs, cheese, peanut butter, dried peas or beans, tuna, pink salmon, sardines, and mackerel.
Iron	WIC approved brands of cereal, peanut butter, dried peas or beans, canned beans, eggs, iron-fortified infant formula, fruits and vegetables, 100% whole wheat breads, and whole grains.
Vitamin C	Citrus fruit juices, fruit juices fortified with Vitamin C, infant formula, fruits and vegetables.
Vitamin A	Milk (including soy), eggs, cheese, infant formula, fruits and vegetables.
Calcium	Cheese, milk (including soy), yogurt, tofu, infant formula, and 100% whole wheat breads.

The Alaska WIC Allowed Foods List contains the types and brands of WIC foods that are the only foods allowed for purchase with WIC checks. The food list also specifies foods that may not be purchased. A copy of the Allowed Foods List must be maintained at each cash register.

The Alaska WIC Program has established minimum stock requirements for all WIC foods that must be maintained by the vendor at all times. Vendors must order sufficient quantities of WIC foods for the number of participants likely to shop at the store, as well as other customers, to ensure that the inventory does not fall below the minimums.

Pharmacies, which are authorized by the Alaska WIC Program only to provide infant formula to participants, are not subject to minimum stock requirements for WIC foods.

The minimum stock requirements are included in Appendix C of this Vendor Manual. When revisions are made to the minimum stock requirements the changes are mailed to vendors and posted on the Agency website at

<http://dhss.alaska.gov/dpa/Pages/nutri/wic/vendors/default.aspx>.

2.13 Exemptions from Minimum Stock Requirements

As a condition of authorization, all vendors are required to maintain minimum stocks of the State's approved WIC foods at all times. All vendors should order and stock a sufficient amount of these foods to supply to WIC participants and other store patrons.

The Alaska WIC Program allows stores in rural areas only to be exempted from stocking specific food items that

- 1) are fresh foods that cannot be ordered and delivered to the community at all, or that will not have an adequate shelf life upon delivery to the community to be regularly available to WIC participants. Example: if fresh milk, or fresh milk with sufficient shelf life cannot be obtained by the vendor in a remote area.

OR

- 2) are food items that the Local WIC Agency does not prescribe to any participant in the community. Example: tofu or soy beverage, which are options for participants that may not be selected by any participant in the community, and thus do not appear on any WIC checks tendered in the community.

A vendor or vendor applicant in a rural area may request an exemption for fresh milk, fresh milk - gallon size only, lactose free or lactose reduced milk, powdered milk, soy beverage, or tofu by submitting the WIC Food Exemption Request Form to the State Agency's Vendor Management Unit, who will consult the appropriate Local Agency. No WIC approved foods other than those listed in this paragraph may be exempted.

A Local Agency may recommend approval of an exemption by the State Agency if the:

- 1) vendor is classified in a rural peer group;
- 2) vendor's request is submitted on the correct form;
- 3) vendor qualifies under criterion a or b above;
- 4) vendor agrees to make the exempted item(s) available in the store within 10 days of notification by the Local Agency staff that the item(s) are needed;
- 5) vendor certifies that the store will not stock the exempted item(s) for the duration of the exemption.

The State Agency will approve the exemption if the request is properly submitted and the Local Agency recommends approval. If at any time the vendor begins stocking an exempted food item, the exemption will be terminated and minimum stocking requirements must be met.

The WIC Food Exemption Request, Form 006, is included in the Forms section of this manual, and available on the WIC website.

2.14 Use of Shelf Labels

The State Agency strongly encourages vendors to use shelf labels to identify WIC foods for participants. In addition to assisting WIC participants, identification of WIC food items in busy store aisles helps reduce confusion and delays at the cash register.

WIC vendors are provided with shelf labels created by the State Agency. They should be placed on the vendor's shelves in close proximity to the identified food. Remember to move shelf labels when shelf displays are rearranged. If a vendor wishes to use any other shelf label than the one provided by the State, a written request and a copy of the materials must be sent to the State Agency for approval.

WIC foods must be available on store shelves along with other similar foods. "WIC only" aisles or displays are discouraged; if a vendor groups WIC foods, the same foods must also be available in their appropriate locations throughout the store.

2.15 Infant Formula

WIC participants are allowed to purchase only the brand and size of the infant formula stated on the WIC check. No other infant formula may be substituted for the listed formula. Additionally, the participant must purchase the full amount of infant formula listed on the check.

In order to help contain costs, the Alaska WIC Program contracts with infant formula manufacturers to rebate a portion of the infant formula cost to the program. These rebates help support the program. The WIC contracted infant formulas are most often prescribed to participants. Occasionally, other infant formulas are provided to infants who have a special need. The contracted formulas are the only formulas with a minimum stock requirement.

Under federal regulation at 7 CFR 246.12(g)(11) vendors must purchase infant formula only from a distributor listed on the Authorized Infant Formula Suppliers List (Appendix H).

2.16 Use of the WIC Acronym and Logo

USDA Food and Nutrition Service (FNS) has registered the acronym "WIC" and the WIC logo. This registration protects and limits the use of these trademarks. WIC vendors are authorized to create and use material that simply notifies participants that the vendor is an authorized WIC vendor or "We Accept WIC Checks." Any other use of the trademark requires prior authorization from the State Agency.

Section 3.0 WIC in the Store

3.1 WIC Customer Relations

The Alaska WIC Program relies on its vendors to ensure that only WIC authorized foods are purchased. When proper checkout procedures are followed, WIC participants receive the nutrients they need to improve their health status. The cashier plays an important role as part of the vendor's responsibility to the WIC Program.

A vendor's employees must offer WIC participants and their authorized representatives the same courtesies as offered to other customers. Separate lines or checkout counters may not be established for only WIC customers. Likewise, the store may not have a policy of calling a manager to observe and/or approve every WIC transaction.

WIC-authorized vendors are discouraged from stocking WIC foods in a "WIC only" aisle or display. If WIC approved foods are stocked in such an aisle or display, each WIC approved food item must also be maintained on the shelf with other food items of the same variety, e.g. WIC cereals must be found in the cereal aisle, WIC bread in the bread aisle, and canned food items with other items of the same type.

WIC checks and FVVs may be redeemed at any WIC authorized vendor location in the State of Alaska, regardless of the community or clinic where they are issued.

A WIC participant may designate another person or persons to shop for her or her children's WIC foods. The participant is responsible for making sure that the "authorized representative" or "proxy" knows the rules for shopping with WIC checks, the Allowed Foods, and checkout procedures. The participant must also make sure that the representative signs the inside back page of the Alaska WIC Allowed Food List booklet before shopping for WIC foods.

3.2 Checkout Procedures

3.2.1 Separate items by WIC check

The participant should separate their WIC purchases and non-WIC purchases before reaching the checkout stand. The participant should also separate their items to match the checks or Fruit and Vegetable Vouchers when checking out. If the participant has not sorted their WIC food items, politely ask them to do so.

Also, the cashier should check the items before starting the transaction to ensure that the participant or authorized representative has the proper items that are listed on the WIC check or FVV.

3.2.2 Valid Dates to Use the WIC Check or FVV

Each WIC check and Fruit and Vegetable Voucher has a "First Date to Use" and a "Last Date to Use." The checks are valid only during this timeframe. Checks accepted on the First Date to Use or the Last Date to use are valid. Checks accepted before the First Date to Use or after the Last Date to Use will be returned to the vendor and cannot be reimbursed.

Before ringing up the WIC food items, the cashier should verify that the purchase is being made within the valid dates to use. After ringing up the purchase, the cashier should enter the purchase date in the appropriate box on the check. Checks that are missing the sale date when deposited in the bank will be returned to the vendor and cannot be reimbursed.

3.2.3 Cash Register

Each WIC check must be treated as a separate transaction, with the exception that multiple FVVs may be grouped in a single transaction, if the store's point of sale system can process multiple FVVs in a single transaction..

FVVs have a maximum value, and a purchase made with FVVs may not exceed the face value printed on the voucher.

3.2.4 Sales Total

The total price of the WIC foods purchased with each WIC check must be written in numerals in the "Amount of Sale" box on the right side of the check. Checks that are missing the sales total when deposited in the bank will be returned to the vendor and cannot be reimbursed.

3.2.5 Participant Signature

After the amount of the sale has been entered on the WIC check, WIC participants must sign the check in the presence of the cashier. The check must be signed by the "Authorized Participant" or an "Authorized Representative/Proxy" whose signature is on the last page of the participant's Alaska WIC Allowed Food List booklet. The cashier must compare the signature with the signatures in the booklet to verify that the shopper is authorized to shop with WIC checks.

If a check or FVV is deposited without a participant's or authorized representative's signature, it will be returned by the bank and cannot be reimbursed.

3.2.6 Cash Register Receipt

A cash register receipt must be provided to the customer for all WIC transactions. "WIC" must be printed or written on the receipt.

3.2.7 Endorsement of the WIC Check or FVV – Vendor Stamp

If the vendor has the capability to do so, it should imprint the entire WIC transaction on the back of the check. If possible, the vendor name and WIC vendor number should be placed on the back of the check. This may enable reimbursement if there is ever any question as to the identity of the vendor, the purchase amount, or date of use of the check.

Before depositing the WIC check or FVV in the bank, stamp the vendor number in the appropriate box. A check or FVV that is missing the vendor stamp will be returned by the bank, but may be stamped and re-deposited, so long as the check or FVV is re-deposited within 60 days of the first date to use that is printed on the check or FVV.

3.2.8 Correcting errors at the register

Altered WIC checks include changes in participant name, first and last dates of use, food item descriptions, dollar amount on the Fruit and Vegetable Voucher, and authorized food quantities. Use of white-out in these noted areas on checks is an alteration. Altered checks should not be accepted from WIC participants. Participants presenting altered checks should be instructed to return to the Local Agency for replacement checks. Altered checks will be identified by the bank scanning equipment and returned to the vendor's bank unpaid. **Altered checks cannot be reimbursed by the WIC Program.**

If the vendor makes an error when entering the "Amount of Sale" on the WIC check or Fruit and Vegetable Voucher, the error may be corrected by drawing a SINGLE line through the incorrect amount. Enter the correction clearly and legibly as close as possible to the incorrect figure. The clerk or bookkeeper must initial the alteration. No other corrections are allowed.

3.3 Sales Tax

No sales tax may be charged for a regular WIC transaction.

Sales tax may be applied only in the following circumstance: if a WIC participant purchases more than the maximum dollar amount (\$4.00, \$8.00, \$11.00, or \$16.50) as printed on a Fruit and Vegetable Voucher (FVV), the participant must be allowed to pay the amount over the maximum value of the voucher. Participants may use cash, card, or SNAP benefits to complete the transaction. **Sales tax may be applied to the amount over the value of the voucher only.**

3.4 Incentive Items

Vendors may only offer WIC participants the same store incentives as are offered to all customers. Vendors may not offer sales or promotions intended to attract WIC participants only.

3.5 Coupons/Store Specials/Loyalty Cards

WIC participants are encouraged to use coupons, store specials, and loyalty cards to buy WIC foods. The use of coupons, store specials, and loyalty cards does not alter the requirement to select the least expensive brand of dairy, eggs, and peanut butter. A participant must not be required to have a store loyalty card.

A participant may take advantage of a "buy one – get one free" promotion of a WIC food item, if it is offered to all customers.

3.6 Rain Checks

If all foods on the check are not available, the participant must go to another authorized WIC location where all items on the check may



be purchased, or the participant can use the check knowing that they are not receiving their full WIC benefit.

No substitutions of non-WIC foods are allowed. If the vendor does not have an item, the vendor must take immediate steps to ensure that adequate stocks of WIC foods are maintained in the store.

3.7 Exchanges and Refunds

Participants may not return foods purchased with WIC checks for a cash refund, store credit, or to exchange for *different* foods. Foods that are bought with a WIC check and are spoiled may be returned for an even exchange of the same product. If asked to process a returned item for cash, review the cash register receipt to determine whether the purchase was a WIC transaction. If the purchase was made with WIC checks, politely decline to perform the return, and refer the participant to the Local WIC Agency.

It is okay for the vendor to call the Local WIC Agency with the name of the person they believe is a WIC participant who is attempting to exchange WIC foods for cash or credit, as this may be fraud. The State or Local WIC Agency will investigate and take appropriate action.

3.8 Employee Training

Vendors are responsible for training personnel to handle WIC transactions properly. The vendor is responsible for any and all cashier errors. The State and/or Local Agency provides vendor training every year. This may be in the form of a training newsletter, verification of the completed online WIC cashier training, or a Cashier DVD training. One staff member from each contracted WIC vendor must attend the required face-to-face or teleconference training provided by the State or Local Agency annually.

Section 4.0 Vendor Reimbursement Process

4.1 Reimbursement Process Information (including ACH)

Vendors are required to submit WIC checks or fruit and vegetable vouchers (FVVs) to their bank for prompt processing of reimbursement. Checks and/or vouchers received by the bank are reviewed by the State of Alaska WIC Program's banking contractor. The banking contractor is instructed to return any check or voucher containing processing errors including, but not limited to, missing a vendor stamp, sales amount or participant signature. Please see below for full list of rejection reasons. If no errors are found, an electronic reimbursement will be provided to the banking account on file matching the unique vendor number stamped on each reimbursable item. Under federal regulation 7 CFR 246.12(s), payment must be made to the vendor within 60 days after valid checks or vouchers are submitted for redemption.

However, per federal regulation 7 CFR 246.12(k)(4), if a vendor is found to have committed a vendor violation that affects the payment to the vendor, the State Agency has the right to deny payment or initiate claims collection within 90 days of either the date of violation

detection or the completion of the review or investigation giving rise to the claim, whichever is later. Any findings will be communicated to the vendor in writing.

Description of Error	Overlay Printed on Returned Check	What Can be Done?
Missing Vendor Stamp	Missing Vendor Stamp Stamp and Resubmit	Stamp and resubmit your check to your bank. <i>A Handwritten vendor number is not allowed.</i>
Unreadable/Illegible Vendor Stamp	Unreadable Vendor Stamp Stamp and Resubmit	Stamp and resubmit your check to your bank. <i>A Handwritten vendor number is not allowed.</i>
Unauthorized Vendor Stamp	Invalid Vendor Stamp Void Do Not Redeposit	This is a fatal error and cannot be corrected.
Stale Dated Check	Stale Date Void Do Not Redeposit	This is a fatal error and cannot be corrected. This rejection occurs when a check is deposited 61 days or more from the first date to use printed on the check.
Early Cashing	Post Date Void Do Not Redeposit	This is a fatal error and cannot be corrected. This rejection occurs when a check is deposited prior to the first date to use printed on the check.
Missing Signature	Missing Signature Void Do Not Redeposit	This error can only be corrected if the participant returns to the store to sign the check. Call the Local WIC clinic and have the clinic contact the participant to return to the store to sign the check; then submit the check with the “WIC Check Appeal Request” form to the WIC Vendor Management Unit.
Altered Check Field	Altered Void Do Not Redeposit	The following are fatal errors and cannot be corrected: First and last date to spend Vendor Stamp Food Prescription
Encoding Error	Encoding Error Correct and Resubmit	This error can be corrected through your bank. Once corrected by your bank resubmit your check for deposit with your bank.
Unreasonable Dollar Amount	Over Max \$ Amount ACH may apply-Void	This error occurs when the requested dollar amount exceeds the maximum allowable reimbursement (MAR) for a particular check. You will be reimbursed at the MAR. If you believe that you should be reimbursed for a higher amount, you may resubmit the check with the “WIC Check Appeal Request” to the WIC Vendor Management Unit.
Previously Presented/Rejected	Second Presentment Void Do Not Redeposit	If you believe that you should be reimbursed further you may resubmit the check with the “WIC Check Appeal Request” form to the WIC Vendor Management Unit.
Over Account Maximum	Over Max \$ Amount Void Do Not Redeposit	This is a fatal error and cannot be corrected. No WIC check can exceed \$200.

Purchase Date Missing	Date Of Use Error Void Do Not Redeposit	This is a fatal error and cannot be corrected.
Purchase Price Missing	Amount Missing Void Do Not Redeposit	This is a fatal error and cannot be corrected.
Stop Payment	Stop Payment Void Do Not Redeposit	This is a fatal error and cannot be corrected.

Section 5.0 Monitoring and Compliance

5.1 Visits to the Store

Federal regulations require that WIC agencies perform routine monitoring of vendors and provide vendor training.

- Each vendor must receive at least one monitoring visit every three years.
- At least one representative of every store must receive annual training on ten topics required by federal regulation, the:
 1. purpose of the WIC Program;
 2. supplemental foods authorized by the SA;
 3. minimum quantities and varieties of WIC foods that must be stocked;
 4. requirement to purchase infant formula only from sources included on a list provided by the SA;
 5. procedures for transacting and redeeming WIC checks and Fruit and Vegetable Vouchers;
 6. vendor sanction system;
 7. complaint process;
 8. claims procedures
 9. SA's policies and procedures regarding incentive items;
 10. any changes to program requirements since the last training.

Federal, State Agency or Local Agency staff or other staff working under their authorization will periodically evaluate and monitor the activities of each authorized WIC vendor to determine compliance with WIC policies, requirements, and procedures. Visits may be unannounced and include undercover investigations. The vendor must provide WIC officials reasonable access to the premises and to appropriate records and personnel upon request. When problems are noted during any type of monitoring or investigation activity, the vendor is expected to take corrective action to remedy problems within a specified time frame. The State Agency or Local Agency will provide technical assistance and/or training if requested by the vendor or if indicated by the monitoring visit.

Announced and unannounced on-site monitoring visits will include, but not be limited to:

1. Verifying the availability and minimum stock of WIC approved foods.

2. Verifying the accuracy of prices charged on WIC checks and randomly reviewing WIC checks to detect redemption irregularities.
3. Observing and/or interviewing store personnel to determine their knowledge of and compliance with WIC vendor regulations and procedures. Interviews may be with a store manager, head cashier, or line cashier.
4. Verifying the presence of the authorized WIC vendor sign in the front window of the vendor, the Vendor Manual in the office, and the WIC Approved Food List at each cash register.
5. Reviewing expiration dates of all WIC foods available for sale. Any outdated products will be removed from the shelf and reported to the store manager.
6. Verifying that there are no signs or procedures indicating special lines, prices, or foods are designated for WIC participants.

5.2 Minimum Stock Requirements

In order to meet the needs of all WIC participants, all authorized vendors are required to maintain an adequate stock of WIC approved foods at all times, as a condition of authorization. Vendors should order foods in sufficient quantities to serve both WIC and non-WIC customers continuously.

All vendors are provided with the minimum stock requirements at the time of application; the minimum stock requirements are also mailed to vendors when any changes have occurred, and they are posted on the State Agency website. WIC stocks are inventoried during the pre-authorization site visit and during routine monitoring visits by State or Local Agency staff.

Appendix C contains the current minimum stock requirements.

5.3 Price Surveys

Federal regulations require the State Agency to collect shelf prices for WIC foods periodically. Shelf prices are monitored to help contain the food costs of the program. Price surveys must be accurately completed and returned by the deadline – generally 21 days after the request.

Section 6.0 Vendor Agreement Violation, Sanctions, and Appeal Rights

Alaska WIC vendors determined to be in violation of WIC program policies and procedures, federal regulations, state statutes, the Vendor Participation Contract or Vendor Manual shall be sanctioned as indicated below and in the Penalty & Sanctions Schedule, located at Appendix E.

Vendor violations may be intentional or unintentional. The Alaska WIC program may refer vendors who commit fraud and/or abuse of the WIC program to federal, state or local authorities for prosecution under applicable statutes. The WIC program has two levels of violations: those that result in Alaska WIC program sanctions and those that result in federally mandated sanctions.

The Alaska WIC program detects violations through monitoring, undercover buys, data analysis and reports from WIC clients and Local WIC Agencies. Vendors who commit fraud and abuse may be prosecuted under federal, state and local laws and may be fined or imprisoned in addition to program sanctions.

Imposed sanctions may include warning letters, mandatory training sessions, monetary claims, Civil Money Penalties (CMP), terminations or disqualifications or any combination of sanctions.

In addition to the sanctions mandated by federal regulations, the State Agency will institute program sanctions. Each instance of a violation of Alaska WIC program rules has a set point value. The accumulation more than 25 points within a contract cycle will result in termination of the Vendor Agreement and a one-year disqualification from the Alaska WIC program.

If necessary to ensure participant access to WIC foods, civil money penalties (CMP) may be assessed in lieu of vendor disqualification. The following participant access criterion is applied to determine whether CMP are an appropriate alternative to disqualification.

Participant access is considered adequate in:

- Urbanized Areas, if the participant/store ratio is less than or equal to 350:1.
- Communities in Rural Areas with a population greater than 1,000, if participants have access to a vendor within 15 miles in local service areas.
- Communities in Rural Areas with a population of 999 or fewer, if there is one vendor or participants may be served by the Mailout Vendor Program (MOV).

6.2 Reciprocal Penalties

If a vendor is disqualified from the Alaska WIC program, that vendor may also be subjected to a termination from the Supplemental Nutrition Assistance Program (SNAP), otherwise known as the Food Stamp Program. Likewise, a vendor disqualified from the Supplemental Nutrition Assistance Program may have its WIC authorization terminated.

6.3 Notice of Penalty or Sanction

The State Agency must provide written notice of any sanctions imposed against a vendor. The notice must specify:

- the sanction being imposed,
- the effective date of the sanction,
- the reasons for the sanction, and
- explain the vendor's right to and the procedures to follow to obtain an administrative review.

Notice must be given prior to any sanction being imposed, with the exception of disqualification due to conviction of trafficking WIC checks.

6.4 Vendor Appeal Rights

A vendor wishing to appeal an adverse action must submit a written request for a review of the action. The request must be made within fifteen (15) days of receipt of the notice of adverse action. The request for review must state the reason(s) for the request and include any supporting information or documentation. The requestor should also specify the level of review sought, as described in Section C, Parts 1 and 2, below. Requests for administrative review should be addressed to:

Director
Division of Public Assistance
P.O. Box 110640
Juneau, AK. 99811-0640

Appealing an action does not relieve the food vendor of responsibility for continued compliance with the terms of any written agreement or contract with the State Agency or Local Agency.

Participating vendors who are disqualified from the program must reapply for authorization to participate. Vendor applicants who are denied participation at application may appeal the denial, but shall **not** participate in the program while awaiting decision.

The State Agency shall not deny or dismiss a request for an administrative review unless:

- The request is not received in writing by the State within the time limit of 15 days from receipt of the notice of adverse action.
- The request is withdrawn in writing by the appellant or representative.
- The appellant or a representative fails, without good cause, to appear at any scheduled hearing.
- The request for review is regarding an adverse action that is not subject to administrative review.

When a vendor is disqualified due in whole or in part to violation in 7 CFR 246.12(I) (1), such notification must include the following statement: “This disqualification from WIC may result in disqualification as a retailer in the Supplemental Nutrition Assistance Program (SNAP). Such disqualification is not subject to administrative or judicial review under the Alaska WIC Program.”

Administrative Review Levels

1. Informal Review by Director, Division of Public Assistance

The vendor submits a written request for an administrative review of the decision. The vendor may request an abbreviated review by the Director of the Division of Public Assistance or an administrative hearing. The request should include the requestor’s name, mailing address, telephone number, and email address, if any, and it should also:

- a. Identify the specific decision requested to be reviewed; and
- b. State in clear and concise terms the reason for the request and
- c. The reason(s) why the adverse action should be reversed, and include any supporting documentation.

- d. The State Agency replies in writing to the requesting party either denying the review and stating the reason for denial, or allowing the administrative review to proceed.

If the requesting party has requested an abbreviated review, the Director of the Division of Public Assistance notifies the requesting party of the schedule for the abbreviated review and when a decision will be made. Written notification of the review decision, including the basis for the decision will be provided to the vendor. The written notification need not amount to a full opinion or contain formal findings of fact and conclusions on law. The written notification should be provided within 90 days from the date of receipt of a vendor's request for an administrative review. This time frame is only an administrative requirement for the State Agency and does not provide a basis for overturning the State Agency's adverse action if a decision is not made within the specified time frame.

2. Administrative Hearing

If the requesting party requests an administrative hearing, the Director notifies the requestor at least 15 days in advance of the time and place of the pre-hearing conference or administrative hearing. The administrative hearing will be conducted according to the provisions of the Alaska Administrative Procedure Act, AS 44.62.330-630.

As part of the administrative hearing, the State Agency must provide the vendor with the following:

- a) The opportunity to appeal the adverse action within a time period specified by the State Agency in its notification of adverse action;
- b) Adequate advance notice of the time and place of the administrative hearing to provide all parties involved sufficient time to prepare for the hearing;
- c) The opportunity to present its case and at least one opportunity to reschedule the administrative hearing date upon specific request;
- d) The opportunity to cross examine adverse witnesses;
- e) The opportunity to be represented by counsel if desired;
- f) The opportunity to examine, prior to the hearing, the evidence upon which the State Agency's action is based;
- g) An impartial decision-maker whose determination is based solely on whether the State Agency has correctly applied federal and State statutes, regulations, policies, and procedures governing the program, according to the evidence presented at the administrative hearing; and
- h) Written notification of the hearing decision, including the basis for the decision. The written notification need not amount to a full opinion or contain formal findings of fact and conclusions on law. The written notification should be provided within 90 days from the date of receipt of a vendor's request for an administrative review. This time frame is only an administrative requirement for the State Agency and does not provide a basis for overturning the State Agency's adverse action if a decision is not made within the specified time frame.

Adverse Actions Subject to Administrative Review

Adverse Action	Administrative Review by DPA Director	Administrative Hearing
<p>The denial of authorization to become a WIC vendor based on:</p> <ul style="list-style-type: none"> • The vendor selection criteria for competitive price; • The vendor selection criteria for minimum variety and quantity of authorized supplemental foods; • The determination that the vendor is attempting to circumvent a sanction; • A State Agency-established vendor selection criteria if the basis of the denial is a WIC vendor sanction or the Alaska Supplemental Nutrition Assistance Program withdrawal of authorization or disqualification; • The State Agency’s vendor limiting criteria. 	Allowed	Allowed
<p>The denial of authorization to become a WIC vendor based on the vendor selection for criteria for a current Alaska Supplemental Nutrition Assistance Program disqualification or CMP* for hardship.</p>	Allowed	Not Allowed
<p>The termination of a current WIC Vendor contract for cause.</p>	Allowed	Allowed
<p>The termination of a current WIC Vendor contract because of a change in ownership or location or cessation of operations.</p>	Allowed	Not Allowed
<p>The disqualification of a current WIC vendor based on the imposition of a CMP in lieu of disqualification based on an Alaska Supplemental Nutrition Assistance program disqualification.</p>	Allowed	Not Allowed
<p>The disqualification of a current WIC vendor based on the disqualification or CMP in lieu of disqualification based on a mandatory sanction imposed by another WIC State Agency.</p>	Allowed	Not Allowed
<p>Application of peer group criteria.</p>	Allowed	Not Allowed

Adverse Action	Administrative Review by DPA Director	Administrative Hearing
The imposition of a fine or CMP in lieu of disqualification.	Allowed	Not Allowed
Above 50% status determination.	Allowed	Not Allowed
The disqualification of a current WIC vendor for cause.	Allowed	Not Allowed

*CMP = Civil Money Penalty, similar to a fine.

Adverse Actions Not Subject to Administrative Review

- The vendor selection criteria for business integrity;
- The validity or appropriateness of the State Agency’s vendor limiting or selection criteria;
- The validity or appropriateness of the State Agency’s client access criteria and client access determinations;
- The State Agency’s determination whether a vendor had an effective policy and program in effect to prevent trafficking and that the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation;
- The disqualification of a current WIC vendor based on a trafficking conviction;
- The expiration of a vendor’s contract;
- Disputes regarding food instrument payments and vendor claims (other than the opportunity to justify or correct a vendor overcharge or other error, as permitted by 7 CFR 246.12(k)(3));
- The State Agency’s determination whether to notify a vendor when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction; and
- The State Agency’s determination to include or exclude an infant formula manufacturer, wholesaler, distributor or retailer from their list.

6.4 Administrative Review Process

A vendor wishing to appeal an adverse action must submit a written request for a review of the action. The request must be made within fifteen (15) days of receipt of the notice of adverse action. The request for review must state the reason(s) for the request and include any supporting information or documentation. The requestor should also specify the level of review sought, as described in Section C, Parts 1 and 2, below. Requests for administrative review should be addressed to:

Director
Division of Public Assistance
P.O. Box 110640
Juneau, AK. 99811-0640

Appealing an action does not relieve the food vendor of responsibility for continued compliance with the terms of any written agreement or contract with the State Agency or Local Agency.

Participating vendors who are disqualified from the program must reapply for authorization to participate. Vendor applicants who are denied participation at application may appeal the denial, but shall **not** participate in the program while awaiting decision.

The State Agency shall not deny or dismiss a request for an administrative review unless:

- The request is not received in writing by the State within the time limit of 15 days from receipt of the notice of adverse action.
- The request is withdrawn in writing by the appellant or representative.
- The appellant or a representative fails, without good cause, to appear at any scheduled hearing.
- The request for review is regarding an adverse action that is not subject to administrative review.

When a vendor is disqualified due in whole or in part to violation in 7 CFR 246.12(I) (1), such notification must include the following statement: “This disqualification from WIC may result in disqualification as a retailer in the Supplemental Nutrition Assistance Program (SNAP). Such disqualification is not subject to administrative or judicial review under the Alaska WIC Program.”

Section 7.0 Complaints

7.1 Customer Relations and Complaints

Per the WIC program vendor agreement, vendors are to offer WIC participants the same courtesies as offered to other customers. WIC participants are not to be singled out in any way including, but not limited to, separate WIC only lines, special store hours, maintaining WIC participant records, announcing a WIC transaction or requiring manager attention during each WIC transaction.

If the State Agency or clinic receives a complaint about a vendor, the State Agency will contact the vendor to request information about the incident or issue. The State Agency will not provide name, contact information, or identifying information about the complaining party. The State Agency will notify the vendor if any response is required, including any change in the vendor’s operations, staff training, or other action.

7.2 Vendor Complaints Against WIC Participants

In the event your store observes attempted program violation including, but not limited to, the following examples by a WIC participant, please report the occurrence to your State Agency's Vendor Management Unit. Examples of occurrences to report include:

- The use of an expired or altered WIC check or voucher
- Any verbal abuse, threat or physical abuse to store personnel
- An attempt to purchase non-food items with a WIC check or voucher
- An attempt to obtain a cash refund by returning items purchased with WIC check or voucher

Please submit any complaints against a WIC participant to your WIC program Vendor Management Unit within 10 days of the reported incident. A complaint form is available on our website at <http://dhss.alaska.gov/dpa/Pages/nutri/wic/vendors/default.aspx> or a written complaint can be mailed, emailed or faxed. Please be as specific as possible and ensure to record the names of those involved and as many details as possible including the time, date, words exchanged, physical description, names of staff witnesses and any checks or vouchers. We encourage your store to include a copy of the WIC check or voucher to assist in the investigation and/or training of the WIC participant. The complaint will be discussed with the client and appropriate actions will be taken.

- 1) Mail: State of Alaska, DHSS-DPA-WIC
PO Box 110612
Juneau, AK 99811-0612
- 2) Email: wic@alaska.gov
- 3) Fax: (907) 465-3416

Section 8.0 Non-discrimination and Civil Rights

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or Local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the

form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Section 9: Definitions

Above 50 percent (A50%) Vendor – A vendor that derives more than fifty percent of its annual food sales revenue from WIC sales.

Administrative Warning – A written notice which describes the nature of a violation of the WIC Program regulations by a vendor, and a request for correction of the violation.

Alaska WIC Approved Food List – The published list of State of Alaska authorized WIC Foods.

Alaska WIC Vendor Application – The application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Vendor.

Alternate or Proxy – A person who is authorized by the Local Agency to pick up and or redeem WIC checks in place of the participant.

Applicant – The individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Vendor.

Authorization – Means the process by which the Alaska WIC Program assesses, selects, and enters into an agreement with food retailers/grocery stores. An authorized WIC vendor has met the WIC Vendor selection criteria and has entered into a WIC Vendor Agreement as a WIC Vendor.

Business Entity – The retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

Fruit and Vegetable Voucher (FVV) – A check, voucher or other payment method with specific not-to-exceed cash value that can be used only to obtain fresh fruits and vegetables.

Civil Money Penalty – A monetary penalty that can be submitted in lieu of a sanction.

Commissioner – The Commissioner of the Alaska Department of Health and Social Services or his/her designee.

Compliance Buy – A covert, on-site investigation in which a representative of the WIC Program poses as a participant, parent, or caretaker of an infant or child participant, or proxy, transacts one or more WIC warrants, and does not reveal during the visit that he or she is a program representative.

Department – The Alaska Department of Health and Social Services.

Department Representative or Representative of the Department – An employee or authorized agent of the Department.

Disqualification – Action taken to suspend a WIC Vendor's participation in the WIC Program for reasons of fraud, abuse, or other Program violations.

Food Sales – When reporting “total annual food sales,” vendor should include sales of all foods that are allowed to be purchased with Food Stamp benefits.

Grocery Store – A fixed and permanent retail store whose primary business is the sale of food.

Hearing Officer – The person authorized by the Commissioner or his/her designee to preside at the formal administrative hearing.

High-Risk Vendor – A vendor identified as having a high probability of committing a vendor violation through application of the criteria established in 7 CFR §246.12(j)(3) and any other additional criteria established by the State Agency.

Incentive Items – May include, but are not limited to, cash prizes, lottery tickets, transportation, sales or specials and other free food or merchandise. Minimal customer courtesies of the retail food trade, such as bagging or helping load groceries are exceptions.

Inventory Audit – The examination of food invoices or other proofs of purchase to determine whether a vendor has purchased sufficient quantities of supplemental foods to provide participants the quantities specified on WIC warrants redeemed by the vendor during a given period of time.

Local WIC Agency (LA) – A public or private, non-profit health or human services Agency which provides WIC services, in accordance with the USDA WIC Regulations.

Participants – Authorized pregnant women, breastfeeding women, postpartum women, infants, or children who are receiving supplemental foods or warrants under the WIC Program.

Pharmacy – Any store, shop, department, or other place, at a fixed and permanent location, where drugs, medicines, or liquid foods, prescribed by a physician licensed to practice medicine in all its branches, are dispensed, sold, or offered for sale at retail value for an individual.

Pre-Agreement On-Site Visit – An on-site visit to a vendor’s retail food establishment to verify location and inventory.

Violation or non-compliance – An act against program rules, regulations, policies and procedure.

Redemption – The act of cashing WIC checks according to WIC regulations and banking standards.

State WIC Agency – The Agency of the Alaska Department of Health and Social Services, Division of Public Assistance, Family Nutrition Services, which administers the Alaska WIC Program.

Supplemental Foods – Foods provided by WIC that are high in protein, iron, folic acid, calcium, and vitamins A and C. These include infant cereal, iron-fortified adult cereal, vitamin C-rich fruit or vegetable juice, eggs, milk, cheese, peanut butter, dried and canned beans/peas, and canned fish. Soy-based beverages, tofu, fruits and vegetables, baby foods, whole-wheat bread, and other whole-grain options were recently added to better meet the nutritional needs of WIC participants.

USDA – The United States Department of Agriculture.

USDA WIC Regulations – The Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children, 7 CFR 246*ff*.

Vendor or WIC Retail Vendor – The individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept WIC checks and to provide supplemental food to WIC Participants or Alternates of WIC participants.

Vendor Number – The unique number assigned to a Vendor by the Department for validating WIC checks.

Vendor Site – A fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Alternates of WIC Participants.

WIC Check – A negotiable voucher issued by a Local WIC Agency that specifies the quantity, size, and type of authorized foods prescribed for a WIC Participant for a designated time period, which can be taken to an authorized Vendor during that time period to purchase for the specified types and quantities of food

WIC-eligible special formula/medical foods – Certain products that are specifically formulated to provide nutritional support for individuals with a diagnosed medical condition that precludes the use of conventional foods.

WIC Foods – Those competitively priced foods that have been placed on the WIC Approved Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Alaska.

WIC Food Price Survey – A form for reporting the vendor's current prices for WIC food items to the Department.

WIC Vendor Agreement – An agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants.

Women Infants and Children Nutrition Program (WIC) – The Federal Special Supplemental Nutrition Program for Women Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786).