

## Division of Community Nutrition

<b>Subject: Special Formula Ordering</b>		<b>Policy: FDS 03.2.2</b>
<b>Reference: §C.F.R. 246.2</b>	<b>Effective: August 1, 2018</b>	<b>Supersedes: August 12, 2013</b>

### I. Policy:

Non-contract formula (Special formula) shall be provided by the Community Action Program (CAP) Distribution Center. The CAP Distribution Center, herein referred to as the Distribution Center, shall ship requested formula to either the local agency or the participant's home whichever is more appropriate.

### II. Procedure(s):

A. Local Agency Determination of Ordering Special Formula - local agency shall determine:

- 1) Participant eligibility to receive special formula;
- 2) Quantity and type of special formula to be issued to the participant;
- 3) The full formula product name shall be written on the Formula Shipping Request Form WIC-396 (i.e. w / iron, w/o iron, w / fiber, 20 calorie, 24 calorie and flavor);
- 4) Availability of special formulas at retail store within a reasonable distance;

*Note: The following formulas shall be provided through approved retail stores unless they are not available: Nutramigen (all types), Alimentum (all types) and Pediasure (with or without fiber). Issue a maximum one-month issuance of these WIC food benefits to the parent or legal guardian. If either of these formulas is not available, the Distribution Center shall be used to supply these products.*

- 5) All products packaged in glass containers shall be shipped to the local agency or other administrative offices designated by the local agency. All other special formulas shall be shipped to either the local agency or to the parent/ legal guardian / proxy's home;
- 6) Local agency personnel shall discuss with parent / legal guardian / proxy / caretaker their availability and product safety before shipping formula to a parent / legal guardian's home. The parent / legal guardian / proxy / caretaker shall be available at the home address between 8:00 am to 8:00 pm to sign for the delivery of formula;

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- 7) The local agency shall inform the parent / legal guardian / proxy / caretaker requesting home delivery;
  - a) A person shall be at the parent / legal guardian / proxy's home during the daytime to sign for receipt of the formula. Special formula orders shall not be replaced if the Distribution Center provides proof that formula was delivered.
  - b) Damaged formula shall be refused in total quantity and not signed for at the time of delivery. The parent / legal guardian / proxy shall refuse only the damaged box of a special formula order. Boxes not damaged in a special formula order shall be accepted. The parent / legal guardian / proxy shall contact the local agency for a total quantity replacement order.

### B. Local Agency Special Formula Order

- 1) Local agency personnel in completing the Special Formula Shipping Request Form WIC-396 shall print in large, clearly legible handwriting to ensure the right product is provided. A maximum one-month issuance shall be ordered from the Distribution Center at a time. Special formula is ordered based upon number of cans needed by the participant. The local agency does not have to order special formula products by case.
- 2) The local agency shall issue only one WIC food benefit for each special formula order.
- 3) A thirty-day spend period shall be issued on all special formula food benefits that shall be ordered through the Distribution Center, unless a proration situation exists.
- 4) Rules for the proration of formula for special formulas:
  - a. If the parent / legal guardian / proxy / caretaker are up to 10 days late picking up food benefits, he / she shall not lose any cans of formula.
  - b. If the parent / legal guardian / proxy / caretaker is 11 to 20 days late, he / she shall lose 1/3 the number of cans.

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- c. If the parent / legal guardian / proxy / caretaker are > 20 days late, up to the day before the next food instrument pickup day, the client shall lose 2/3 of his / her number of cans.
  - d. A parent / legal guardian / proxy / caretaker shall not pick up his / her special formula WIC food benefits for the next month until 10 days prior to their next food benefit pickup date.
- 5) **All special formula food benefits shall be issued before preparing the Special Formula Shipping Request, WIC-396**
  - 6) *A separate WIC-396 shall be completed for each participant special formula line item. **Only one special formula may be ordered per each WIC-396.** All information on the WIC-396 is required and shall be completed to order any special formula.*
  - 7) The full product name of the formula shall be written on the WIC-396 (i.e. w / iron, w/o iron, w / fiber, 20 calorie, 24 calorie and flavor).
  - 8) The WIC-396 shall exactly match the information for the issued food benefits (i.e. participant ID, formula name, quantities and food benefit issuance number) before obtaining the parent or legal guardian's signature.
  - 9) Obtain the parent / legal guardian / proxy's signature for the special formula issued to the participant. The local agency may be held financially liable for payment of any special formula food benefits flagged as "State Ordered" that do not have a signature from the parent / legal guardian / proxy.
  - 10) The price box area on the food benefit shall be left blank. **Local agency personnel shall not issue food benefits for special formula that have been flagged in the Crossroads system as "State Ordered" to the parent / legal guardian / proxy.**
  - 11) If the participant is to receive other WIC approved foods, then these food benefits shall be issued to the parent / legal guardian / proxy. The parent / legal guardian / proxy / caretaker shall sign for the WIC food benefits as per normal procedures.

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- 12) An alternate method to ordering by Crossroads transmission is by telephone. All information contained on the WIC-396 shall be provided when an order is placed by telephone. The Distribution Center telephone number is-1-717-293-0187.
- 13) If local agency personnel have any questions regarding your order, directly contact the Distribution Center. When leaving an inquiry about an order, leave a message containing the participant's name, the participant's ID number, a phone number including area code, and a brief description of the nature of the question. With that information, Distribution Center personnel may be able to call you back quickly with the answer. **The Distribution Center order-processing deadline during a business day shall be 2:00 PM. Orders received after 2:00 PM may be processed the next business day.**
- 14) Local agency personnel shall confirm the successful transmission of the WIC-396 in Crossroads.
- 15) Local agency personnel shall not retransmit a previously sent WIC-396 unless instructed to do so by the Distribution Center.
- 16) If the local agency is unsure the WIC-396 was successfully transmitted, they shall call the Distribution Center to confirm the receipt of the order prior to re-sending the transmission. Local agency personnel shall not transmit a 2<sup>nd</sup> attempt without contacting the Distribution Center.
- 17) The local agency shall be held financially liable for duplicative orders processed by the Distribution Center, if multiple orders for the same prescription were sent to the Distribution Center and issuance from on-hand inventory cannot be used.
- 18) The State WIC Office shall follow up and confirm that a duplicative order processing error exists.
- 19) The WIC-396 shall be kept in the participant's file.
- 20) Duplicate special formula orders received at the parent / legal guardian / proxy / caretaker home or local agency shall only be charged against a submitted order and the issued food benefit for that order. Arrangements with the Distribution Center to off set the cost of duplicate orders with future orders and/or unrealized food benefits issuances are prohibited.

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### C. Payment for Special formula

- 1) Payment for special formula orders submitted to the Distribution Center shall be made by sending the food benefit issuance from Crossroads to the Distribution Center. The Distribution Center, after receiving an issuance, deposits it and receives payment from the WIC Program for the special formulas ordered by the local agencies.
- 2) Local agency personnel shall send the signed WIC food benefit issuance from Crossroads to CAP.
- 3) The State WIC Office shall follow up with local agencies when a food benefit issuance is not received for a submitted order. The local agency shall be held financially liable when a pattern of non-compliance is documented during three consecutive months.
- 4) The Distribution Center will not contact the local agency when a food benefit issuance is not received or deemed as past due. The State WIC office shall conduct a follow up with local agencies when a food benefit issuance is not received for a submitted order.

### D. Special Formula Shipment to Participant's Home

- 1) When formula is sent to the parent / legal guardian / proxy's home, the Distribution Center shall have a physical address, an apartment number, suite or trailer lot number (**not a Post Office Box**). A physical address shall be documented in the Crossroads system for that parent / legal guardian / proxy.
- 2) A person shall be at the parent / legal guardian / proxy's home during the daytime to sign for receipt of the formula. (It is important that parent / legal guardian / proxy / caretaker understand they should only request home delivery if a person is home to accept delivery). The commercial delivery service is not under any obligation to obtain a signature if the delivery is attempted and no one is available to sign for the special formula.
- 3) Local agency personnel shall inform the parent / legal guardian / proxy / caretaker they shall verify that delivered formula is not damaged or broken prior to signing for delivery.

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- 4) When formula containers are damaged, the parent / legal guardian / proxy / caretaker shall refuse to accept the shipment at the time of delivery and shall not sign for the order as received.
- 5) Damaged formula shall be refused in total quantity and not signed for at the time of delivery. The parent / legal guardian / proxy / caretaker shall refuse only the damaged box of a special formula order. Boxes not damaged in a special formula order shall be accepted. The parent / legal guardian / proxy / caretaker shall contact the local agency for a total quantity replacement order.
- 6) Local agency personnel shall inform the parent / legal guardian / proxy / caretaker when to expect delivery. This shall normally be 2-4 business days after the order is placed.
- 7) The parent or legal guardian shall be instructed that if the order is not received within **(5) five business days after being placed**, the local agency shall be contacted. The local agency shall contact the Distribution Center within 8 business hours at 1-717-509-7962 to trace the order. **Local agency personnel shall not give the Distribution Center's phone numbers to the parent / legal guardian / proxy.**
- 8) Instruct the parent / legal guardian / proxy / caretaker that should the need for formula change or be discontinued, they shall immediately notify the local agency and return the unused portion of the formula before receiving food benefits for a new formula.
- 9) Notify the parent / legal guardian / proxy / caretaker that if formula is out-of date when received from the Distribution Center then he / she shall return it to the local agency site for replacement.
- 10) Formula in glass bottles shall not be shipped to the participant's home and shall be shipped to the ordering local agency.

### E. Special Formula Shipment to Local Agency

- 1) The special formula shall be delivered to the local agency when it is not feasible to send it to the parent / legal guardian / proxy's home.

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- 2) **All formula in glass bottles shall be shipped to the local agency. This is due to the high possibility of breakage with glass and to the extremely narrow range of acceptable temperatures for formula.**
- 3) Local agency personnel shall verify that the delivered formula is not damaged or broken prior to signing for delivery.
- 4) Local agency personnel shall have the option to refuse the entire shipment or accept partial shipments at the time of delivery when formula containers are found to be damaged.
- 5) Local agency personnel shall verify that the delivered formula is not damaged or broken immediately after taking possession of delivery when the delivery company does not allow inspection prior to signing for delivery.
- 6) The parent / legal guardian / proxy / caretaker shall either contact the site when the product is due in (normally 2-4 business days after the order is placed) or have local agency personnel call when the product has been received.
- 7) Instruct the parent / legal guardian / proxy / caretaker that should the need for formula change or be discontinued they shall immediately notify the local agency and return the unused portion of the formula before receiving food benefits for a new formula.
- 8) Local agency personnel shall inspect delivered formula to ensure the formula is not out-of-date before issuing to the participant.
- 9) Local agency personnel shall maintain a Special Formula Order Log (WIC-389), and record all formula orders placed and received through the Distribution Center. Please refer to the WIC-389.

### F. Damaged / Broken Formula

- 1) The Distribution Center shall only replace damaged formula after receiving a Special Formula Replacement Request Form (WIC-397) from the local agency or State WIC Office.

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- 2) For damaged / broken formula the local agency personnel shall complete and send the Damaged / Breakage or Outdated Report for Special Formula WIC-394 to the Distribution Center. This documentation shall include product type and quantity.
- 3) Local agency personnel shall report, by submitting a WIC-394 to the State WIC Office within 24 hours, from the date of receipt of any damaged special formula.
- 4) Local agency personnel shall send the WIC-394 to the Distribution Center within 24 hours from the date of receipt. The original shall be maintained by the local agency in the participant's file.
- 5) Once documentation is completed, the damaged formula shall be discarded or destroyed.
- 6) If the local agency accepts delivery of damaged / broken special formula and formula is identified after receipt, then the formula shall be replaced by, the Distribution Center in accordance with damaged and replacement formula procedures.
- 7) Local agency shall be held financially responsible for reimbursing the State WIC Office for the cost of the damaged special formula replacement when the local agency fails to submit a WIC-394 within the stated timeframe.

### G. Replacement of Special formula

- 1) Special formula shall only be replaced and paid for by the Virginia WIC Program for the following reasons:
  - a. If formula is damaged and the WIC-394 and WIC-397 are submitted to the Distribution Center, or
  - b. Out-of date, or
  - c. Non-receipt of initial order (in this case the replacement order shall be sent to the local agency site), or
  - d. Incorrect order shipped / received (delivery shall be refused).

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- 2) The top of the Special Formula Shipping Request Form WIC-397 shall be marked void and filed in the participant's record with a notation of non-receipt or damaged, date returned and WIC personnel initials.
- 3) The local agency personnel shall complete the WIC-397. All information requested on the form shall be completed.
  - a. All replacement requested for formula not damaged shall preferably be done through the Crossroads. An alternate ordering method is to telephone all information using the Distribution Center 1-717-509-7962 telephone number. The Distribution Center processing deadline for a business day shall be 2:00 PM.
  - b. All replacement requests for damaged formula shall be submitted to the Distribution Center using the WIC-397.
  - c. A copy of the WIC-397 shall be maintained with the voided original WIC-396 in the participant's file.

### H. Usage of Returned Formula

- 1) Special formula that is returned by the parent / legal guardian / proxy / caretaker or is not needed once received from the Distribution Center shall be issued to another participant.
- 2) If the product shall go out of date within ninety (90) days, or if usage of the formula at the local agency is considered unlikely, **notify only local sites within your health district that the formula is available.**
  - a. The local agency (requesting site) prior to accepting the formula shall insure there is sufficient formula to fill a participant's entire food prescription (either partial month or complete month).
  - b. The local agency (sending site) shall make arrangements to ship the formula to the requesting location. Use only a carrier that shall track or trace package delivery.
- 4) The parent / legal guardian / proxy / caretaker shall sign a Special Formula Acknowledging Form (WIC-388) which confirms receipt of the special formula.

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The signed statement shall include the parent / legal guardian / proxy's name, participant ID and product. Place the signed WIC-388 in the participant's file.

- 5) If the requesting local agency does not receive the formula within five business (5) days, notify the sending local agency to trace the shipment. If medically necessary, order the formula using standard procedures from the Distribution Center.
- 6) If formula is received in damaged / broken condition, follow the procedure for ordering the formula using standard procedures from the Distribution Center.

### I. Distribution Center Processing of Orders

- 1) If the order is received by telephone, the Distribution Center personnel shall transcribe the order on to a WIC-396 to have a paper copy of the order. This copy shall be exactly matched with the local agency's WIC-396 which shall be mailed / faxed to the Distribution Center at a later time.
- 2) The Distribution Center shall determine if requested product is in stock. If the product is in stock, the requests shall be processed as follows:
  - a. Verify the WIC-396 contains a 10-digit WIC food instrument number. For any order that is missing a food benefit issuance number, participant ID or critical processing information, the Distribution Center shall make two attempts to contact the local agency to obtain the missing information. The Distribution Center shall return the WIC-396 to the local agency if it is not successful after two attempts to obtain a missing benefit issuance number, participant ID or any other critical information needed to process a special formula order request. **The WIC participant shall not receive any formula until a correct and complete form has been submitted.**
  - b. Enter orders into the XLN inventory software and create a pick sheet.
  - c. Pull the required quantity of the formula. If loose containers are requested, they shall be packaged separately or with other cases, as most appropriate.
  - d. In some cases, multiple packages shall be required for a single request depending on the weight requirements of the shipper.

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- e. Strapped shipments shall be weighed and data from the WIC-396 shall be entered into the UPS or FedEx shipping computer system.
  - f. Determine the most reasonable shipping carrier based on ship-to-location and cost of shipping.
  - g. Appropriate shipping labels shall be placed on strapped parcels and the shipping confirmation label shall be placed in the lower left corner of the WIC-396
  - h. Distribution Center processing deadline for a business day shall be 2:00 PM. The Distribution Center shall process and ship all requests received within one business day of receipt.
- 3) If the product is not available from the Distribution Center, the local agency shall fax a copy of the WIC-396 to a designated person at the State WIC Office at 1-804-864-7854 attn: Vendor Management - special formula order. If the State WIC Office approves, the State WIC Office shall send authorization to the Distribution Center to purchase the product and a copy to the local agency acknowledging the outcome.
- 4) If approved by the State WIC Office, Distribution Center personnel shall special order the product from the manufacturer, in a quantity equal to two (2) times the requested order. Special shipping arrangements may be authorized by the State WIC Office to expedite the delivery process. This authorization shall be provided to the Distribution Center in writing. The local agency site that ordered the product shall be notified by telephone of the expected arrival date by the Distribution Center.
- 5) If the product is normally stocked by the Distribution Center but is temporarily out of stock, the Distribution Center personnel shall research when and if the product has been ordered from the manufacturer.
- a. If the product has not been ordered, it shall be ordered from the manufacturer.
  - b. If the product has been ordered and is due in, the Distribution Center personnel shall contact the manufacturer for an expected delivery date and then notify the local agency site.

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- c. If under any circumstances a special formula is determined to be out of stock from the manufacturer, the Distribution Center personnel shall notify the local agency as soon as possible that the product is out of stock and when it is expected to become available from the manufacturer.

### J. Distribution Center Processing of Non-Receipt of Shipped Special formula

- 1) When the Distribution Center is notified by the local agency of non-receipt of formula, the Distribution Center shall pull the order form and trace the shipment through the carrier. The local agency shall be notified of the status of the order, as reshipment shall be sent to them, not the parent / legal guardian / proxy's address.
- 2) The Distribution Center shall reconcile the original shipment with the shipper either through reimbursement, if the shipment was lost, or return of the shipment.

### K. Distribution Center Processing of Requested Replacement of Special Formula

- 1) The Distribution Center shall match the replacement request with the original order form and ship the replacement order to the local agency.
- 2) The Distribution Center shall hold all replacement orders regarding formula losses due to damage / breakage until the WIC-394 is received.
- 3) If the WIC food benefits issuance for the original order has not been reconciled, the additional shipping costs and extra costs of the replacement formula shall be added to the original food benefit issuance. The Distribution Center shall check the appropriate checkbox on the WIC-397. If the WIC food benefits issuance for the original order has been reconciled, the additional cost (which includes shipping and product replacement) shall be billed to the State WIC Office in a separate billing manner. The Distribution Center shall check the "Bill To: local agency" checkbox on the WIC-397. The Distribution Center shall submit to the State WIC Office the WIC-397 the corresponding WIC-394, and original WIC-396 within 14 calendar days after shipping all replacement requests.

### L. Distribution Center Processing of WIC Food Benefit Issuances

- 1) The Distribution Center shall match and reconcile WIC food benefit issuances they receive against the Formula Shipping Request forms processed. The form

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shall be an exact match of quantity ordered against a specific Crossroads food issuance number. The Distribution Center shall not add on a single Crossroads food issuance payment for duplicate orders processed. The Distribution Center will not contact the local agency when a food benefit issuance is not received or deemed as past due. The State WIC office shall conduct a follow up with local agencies when a food benefit issuance is not received for a submitted order.

- 2) Within thirty (30) calendar days of shipping a special formula order request, the Distribution Center shall bring any outstanding and / or unmatched Formula Shipping Requests that do not have a corresponding Crossroads benefit issuance number to the attention of the designated State WIC Office contact. This follow up with the State WIC Office contact person shall be completed by the Distribution Center within 14 calendar days after the formula shipping forms had been identified as unaccounted for / missing. These unmatched / unaccounted-for Shipping Request forms shall be mailed by overnight delivery and sent to the State WIC Office. The State WIC office shall follow up with local agencies for payment.
- 3) The price the Distribution Center shall place on the WIC food benefit issuance shall be made up of the wholesale price for the formula shipped, plus the actual shipping cost, multiplied by 1.09 for an effective overhead charge of 9%. If any portion of the shipped formula had been returned by a local agency, that portion of the shipment shall have a zero (0) wholesale cost.
- 4) The wholesale price shall be used for the formula shipped. The wholesale price for the formula is defined as the Distribution Center purchase price for the formula shipped.
- 5) The overhead charge shall be 9.0% and it may be recalculated each year and the Special Formula Agreement adjusted to reflect the revised overhead cost.
- 6) The Distribution Center shall determine the shipping cost from the “shipping confirmation label” on the WIC-396.
- 7) All signed WIC food benefit issuances shall be deposited in the Virginia WIC Program Banking Contractor system. All Distribution Center receipts and expenditures shall be accounted for separately by the Virginia WIC Program Banking Contractor. The Distribution Center shall provide banking information to establish a direct deposit account for transfer of payment to their bank account.

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- 8) Weekly, the Distribution Center shall gather all food benefit issuances submitted without a signature or stale dated and return them overnight to the Virginia WIC Program State WIC Office. These food benefit issuances shall be paid through the ACH banking process.

### M. Maintenance of Documentation

- 1) The Distribution Center shall maintain the following documentation:
  - a. All formula orders to the manufacturers
  - b. All shipping receipt documents from the manufacturers
  - c. All processed WIC-396 received, and
  - d. All shipping information for formula orders sent by Distribution Center to local agencies or participants

### N. State WIC Office Responsibilities:

- 1) Review inventory and / or redeemed WIC Food benefit documentation. A copy of inventory documentation shall be made available to the State WIC Office, upon request.
- 2) Perform monthly monitoring of local agency activity regarding the usage of the Distribution Center.
- 3) Communicate to the Distribution Center management any problems or concerns relating to the operations of the special formula Distribution Center.
- 4) Maintain an authorized vendor profile for the Distribution Center, which shall allow deposit of WIC food instruments with local banks and clearance through Virginia's Banking Contractor system.
- 5) Perform a post payment edit of food benefits to ensure that no computation or clerical errors have resulted in an inadvertent overcharge. Any overcharge or processing errors shall be resolved with the Distribution Center.
- 6) Provide 2 business days turn around on WIC food benefits sent to the Distribution Center without the parent or legal guardian's signature or stale dated, which the

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Distribution Center have batched, bundled and express mailed to the State WIC Office.

### O. Local Agency Responsibilities:

- 1) Maintain all required documentation at the local agency.
- 2) Ensure that all Shipping Request Forms exactly match the corresponding Crossroads food benefit issuance sent to the Distribution Center.
- 3) Be responsible for ordering of Special formula from Distribution Center.
- 4) Make the State WIC Office aware of any service delivery problems or concerns relating to the operations of the special formula Distribution Center using procedures set forth in Retailer Compliant Handling Policy VEN 07.0.
- 5) Ensure special formula WIC food benefit issuances are signed prior to ordering special formula. The State WIC Office shall charge the local agency a \$5.00 administrative fee for every unsigned special formula WIC food benefit issuance sent to the Distribution Center.