

## Division of Community Nutrition

<i>Subject: Inadequate Participant Access Assessment</i>		<i>Policy: VEN 01.0</i>
<i>Reference: Vendor Manual 15.0-15.4</i>	<i>Effective: August 12, 2013</i>	<i>Supersedes: April 2, 2007</i>

### I. Policy:

The Division of Community Nutrition requires that local agencies have an active role in providing participant impact feedback related to the Inadequate Participant Access (IPA) process. It is critical to the delivery of food benefits that adequate participant access of authorized retail stores exists within a specific trade or geographic area. In accordance with federal regulations the State WIC Office shall complete a written IPA assessment prior to a retail store being disqualified for documented program abuse. This type of assessment shall be completed for an applicant being denied program authorization, if it has requested any type of appeal.

To augment this assessment process it is vital to obtain timely feedback from the local agency whom may have special knowledge about local conditions, such as physical barriers based on their familiarity of the community and on-going association with eligible participants. *However, feedback such as participants' preference and convenience are not considered legitimate issues for the local agency to raise when providing their inadequate participant response. All responses submitted should be objective statements of fact pertaining to potential participant impact.*

All information provided as part of this evaluation process shall be complete and accurate. The information contained in the written assessment may be subject to further review by the State WIC Office, retail store managers, a store's legal counsel or other personnel involved in the decision-making process, i.e., adjudication officer.

### II. Definition(s):

- Applicant means a sole proprietorship, a partnership, cooperative association or a corporation that is not currently authorized to process eWIC transactions. This term may be used interchangeably with "retailer" or "retail store" in this policy.
- Authorization is the process by which the State WIC Office assesses, selects and enters into an Agreement with stores that apply or subsequently reapply to be authorized.
- Disqualification means the State WIC Office may take administrative actions to terminate with cause a store's status to continue processing eWIC transactions due to documented Program non-compliance.
- Peer Group means the grouping or classification assigned to each retail store that participates in the WIC Program. Each retailer / applicant is assigned to a peer group based upon certain criteria, i.e., geographic location, number of cash registers and WIC sales, if applicable.

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- Unique Participant means the number of unduplicated individuals that have initiated one or more eWIC purchasing transactions at a retail store during a specific period. Although multiple eWIC transactions may have been initiated by a participant at a single store location, the individual's usage of any particular store is counted only once.

### III. Procedure(s):

- A. Inadequate Participant Access is determined and documented on a case-by-case basis when considering whether the State WIC Program should:
  - 1) Retain a retail store in lieu of Program disqualification;
  - 2) Make an authorization exception decision; or
  - 3) Waive the selection criteria for the initial authorization of an applicant.
- B. The State WIC Office has the final decision-making authority to establish criteria used to determine what constitutes Inadequate Participant Access.
- C. There are certain times in which the State WIC Office and / or its Vendor Liaisons will not obtain local agency feedback when making IPA decisions. For instance, the State WIC Program will not solicit feedback from the local agencies when the following occurs:
  - 1) The number of unique participants served by the local agency falls below the authorized retailer's designated peer group classification.
  - 2) The retailer is being retained in lieu of disqualification because the geographic location of the next nearest authorized retail store location exceeds a reasonable driving distance.
- D. Prior to taking disqualification actions against an authorized retail store, the Vendor Liaison assigned to that store completes an Inadequate Participant Access Form (IPA) WIC-410. Specific background information related to the affected store is sent (i.e., fax or email) directly to the WIC Coordinator. Along with the completed IPA form, other optional attachments included for his/her review may consist of a geographic map.
- E. All store status and background information contained on the IPA form is completed by the Vendor Liaison who sent the form.
- F. The WIC Coordinator or his/her designee shall review and respond to the State WIC Office's request for feedback regarding the completed IPA assessment in the Comment sections as identified below.

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- 1) This written response from the WIC Coordinator shall be returned within 5 work days of receipt. In the “comments” section, the WIC Coordinator shall indicate in their completed response their agreement and / or disagreement to the recommendations being made by the Vendor Liaison.
  - 2) The local agency shall retain and maintain file copies of all responses and paperwork submitted to State WIC Office related to IPA assessments. Documentation of the responses shall be made available for review as a component of LAME audits as required.
  - 3) The WIC Coordinator is expected to submit any supplementary information that supports the local agency's position / Vendor Liaison’s recommendation; which may be derived from a general knowledge of the area or by a physical evaluation of the retail store’s location. Examples of acceptable (supplementary) information may include:
    - a. The names of low income housing developments in close proximity to the store location
    - b. Knowledge of WIC eligible population that reside in these low income housing units
    - c. Geographical / natural barriers that exist (major highways, rivers, bridges, etc.), or
    - d. Any other service barriers which may affect WIC participants, including but not limited to documented complaints against authorized stores serving the trade area under consideration
- G. If no response is received from the WIC Coordinator or his/her designee within five work days after transmittal, then the Vendor Liaison shall document in the Comments section the non-response and proceed with the recommendation made by him/her.
- H. Under no circumstances should the WIC Coordinator or any local agency personnel inform a retailer and / or store personnel that administrative action is under consideration by the State WIC Office. All information contained in the IPA assessment is considered confidential.
- I. In certain situations for denial authorization decisions (i.e., Vendor Liaison is unfamiliar with the applicant’s store location / immediate trade area) the WIC Coordinator may be contacted and their feedback requested in making an authorization exception decision.
- J. The WIC Coordinator may request in the Comments section that the Vendor Liaison contact him/her, once the final outcome of the administrative actions being taken against the authorized retail stores has been resolved.