

Program Administration: Sanctions, Compliance, and Program Violations Schedule

Effective Date: June 16, 2021

Supersedes: June 1, 2014

Category A	Class I Violation Descriptions	Administrative Actions* (See VII below)	St/Fed Violations
1.	Limits participants in their choice of WIC approved food.	\$100 fine, second occurrence within a 12-month period.	St
2.	Minimum food stocking requirement not met for any WIC approved food item(s), including contract formula.	\$100 fine, second occurrence within a 12-month period.	St
3.	Cardholder not given a shopping receipt for their WIC purchase and cardholder did not expressly decline the receipt.	\$100 fine, second occurrence within a 12-month period.	St
4.	Prices not displayed in the immediate area of WIC approved food(s).	\$100 fine, second occurrence within a 12-month period.	St
5.	Requests additional identification, beyond requesting the cardholder enter their Personal Identification Number (PIN), to process a eWIC transaction.	\$100 fine, second occurrence within a 12-month period.	St
6.	Asks for and/or enters the eWIC cardholder's PIN in order to process a eWIC transaction.	\$100 fine, second occurrence within a 12-month period.	St
7.	Equitable treatment is not provided to the eWIC cardholder/ participant when these options are offered to cash paying customers, including the use of manufacturer and/or store coupons, incentives or discounts.	\$100 fine, second occurrence within a 12-month period.	St
8.	Offers incentives or in-store promotions exclusively targeted at eWIC cardholders/participants.	\$100 fine, second occurrence within a 12-month period.	St
9.	Required training of cashiers on how to process a eWIC transaction is not provided.	\$100 fine, second occurrence within a 12-month period.	St
10.	Charges the WIC Program sales tax on a eWIC purchase.	\$100 fine, second occurrence within a 12-month period.	St
11.	Violates participant's confidentiality.	\$100 fine, second occurrence within a 12-month period.	St
12.	Scanning UPC of WIC approved food items and providing food items that are different from the WIC prescribed benefits.	\$100 fine, second occurrence within a 12-month period.	St

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Category B	Class II Violation Descriptions	Administrative Actions	St/Fed Violations
1.	A federally mandated requirement or documented corrective action is not complied with, i.e., fails to purchase formula from an approved supplier, distributor or manufacturer.	2 incidents = pattern; 1 year DQ or CMP.	St
2.	Prices of WIC authorized foods/formula is not provided as requested by the WIC program.	2 incidents = pattern; 1 year DQ or CMP.	St
3.	Minimum food stocking requirement is not met within a 12-month period.	3 documented incidents within a consecutive 12-month period= pattern; 1 year DQ or CMP.	St
4.	Discriminates against a eWIC cardholder based on race, color, national origin, age, sex or disability.	2 incidents = pattern; 1 year DQ or CMP.	St
5.	An administrative fee, compliance fine, overcharge, as requested by the WIC Program, is not paid.	2 incidents = pattern; 1 year DQ or CMP.	St
6.	Does not attend mandatory WIC Program training after having the opportunity to reschedule once.	2 incidents = pattern; 1 year DQ or CMP.	St
7.	Fails to properly use "WIC" shelf labels on food(s) as outlined in the WIC Approved Food List.	3 documented incidents within a consecutive 12-month period equates to a pattern, 1 year DQ or CMP.	St

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Category C	Class III Violation Descriptions	Administrative Actions	St/Fed Violations
1.	Transacts and/or redeems eWIC transactions outside of authorized channels or the actual store location as identified in the signed Retailer Agreement, including the use of an unauthorized store location. 7 CFR 246.12(l)(1)(iii)(D)	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
2.	Uses a different Universal Product Code (UPC) than what was charged to the WIC program which results in allowing the eWIC cardholder to purchase an ineligible food or non-food item. 7 CFR 246.12(l)(1)(iv)	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
3.	Charges the WIC program more for supplemental WIC food(s) purchased than non-WIC customers (overcharge). 7 CFR 246.12(l)(1)(iii)(C)	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
4.	Charges the WIC Program for supplemental foods not received by the eWIC cardholder (overcharge). 7 CFR 246.12(l)(1)(iii)(E)	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
5.	Manually enters a cardholder's Personal Account Number (PAN) without having actual physical possession of the eWIC benefit card for the items charged as being purchased by the cardholder.	4 incidents = pattern; 1 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
6.	Threatens/inflicts physical harm/commits verbal harassment against a WIC representative or a participant using program benefits.	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	St
7.	Provides false and/or incomplete information, including pricing data, as part of the selection and evaluation process.	4 incidents = pattern; 1 year DQ or CMP. (See footnote for additional information related to the CMP).	St
8.	Transacts and/or redeems eWIC transactions outside of normal operating hours as reported to the WIC Program.	4 incidents = pattern; 3 year DQ or CMP. (See footnote for additional information related to the CMP).	St
Category D	Class IV Violation Descriptions	Administrative Actions	St/Fed Violations
1	Trafficking/Illegal sales, including the buying or selling of eWIC benefits for cash; exchanging WIC benefits for fire arms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C.802). 7 CFR 246.12(l)(1)(ii)(A) & (B)	1 incident = 6 year DQ or CMP. (See footnote for additional information).	Fed
2	Sells cigarettes/tobacco or alcoholic beverages to eWIC cardholder - one documented occurrence is sufficient for imposing this sanction. 7 CFR 246.12(l)(1)(iii)(A)	1 incident = 3 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed
3	Provides cash, in whole or in part, for eWIC benefits. 7 CFR 246.12(l)(1)(ii)(A)	1 incident = 6 year DQ or CMP. (See footnote for additional information).	Fed

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Category E	Class V Violation Descriptions	Administrative Actions	St/Fed Violations
1	A conviction of trafficking or illegal sales. Trafficking/Illegal sales-the buying or selling of eWIC benefits for cash; exchanging WIC benefits for fire arms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802). 7 CFR 246.12(l)(1)(i)	1 incident = permanent DQ (see footnote for additional information).	Fed

- i. The Sanctions, Compliance, and Program Violations Schedule applies to eWIC transactions only.
- ii. Federally mandated violations are designated with the notation of Fed, state mandated violations are designated with the notation of St.
- iii. CMP means Civil Monetary Penalty. The State WIC Office may impose a CMP in lieu of a disqualification if the disqualification of the store would result in inadequate participant access.
- iv. DQ means WIC Program disqualification.
- v. A pattern of noncompliance for federally mandated violations equates to four or more documented incidents unless stated otherwise.
- vi. A pattern of noncompliance for state mandated violations equates to two or more documented incidents unless stated otherwise.
- vii. Patterns established for routine monitoring are established when two (or more) occurrences of the same violation occur within a consecutive 12-month period. Patterns established for compliance investigations are established when two (or more) occurrences of the same violation occur within the single (same) compliance investigation.
- viii. For violations documented during the first compliance buys of an investigation, the State WIC Office will send a written warning letter to the retailer. The State WIC Office will conduct additional buys two weeks after sending this warning letter. Once the investigation is closed, the store will receive a final summary of the documented violations.
- ix. Exception – no written warning may be sent to a store prior to completing additional compliance buys if this notice would jeopardize the integrity of the investigative process. The State WIC Office may decide not to provide written notification to the retailer if it determines that said notification would compromise the investigative process. The State WIC Office must document in the store's file the reason(s) supporting this administrative decision.
- x. All violations flagged as overcharge will result in assessment of a financial vendor claim and the retailer will have to repay the amount of the overcharge.
- xi. Refer to State WIC Regulation 12VAC5-195-600 (Sanctions and administrative actions) for additional information pertaining to state agency policies.