

**Program Administration: Sanctions, Compliance, and Program Violations Schedule**

Effective Date: October 5, 2024

Supersedes: May 1, 2017

<b>Category A</b>	<b>Class I Violation Descriptions</b>	<b>Administrative Actions</b>	<b>St/Fed Violations</b>
1	Erroneously limits participants in their choice of WIC approved food.	2 incidents = pattern, \$100 fine	St
2	A cardholder shopping receipt for WIC purchases is not provided and was not expressly declined by the cardholder.	2 incidents = pattern, \$100 fine	St
3	Prices of authorized food(s) are not displayed in close proximity to WIC approved foods or in the immediate area where foods are kept.	2 incidents = pattern, \$100 fine	St
4	eWIC redemption records are not maintained for a minimum of one year from the date of the eWIC transaction, in order to resolve any outstanding settlement disbursement issues.	2 incidents = pattern, \$100 fine	St
5	Requests additional identification, besides the Personal Identification Number (PIN), in order to process a eWIC transaction.	2 incidents = pattern, \$100 fine	St
6	Asks for and/or enters the eWIC cardholder's PIN in order to process a eWIC transaction.	2 incidents = pattern, \$100 fine	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.	2 incidents = pattern, \$100 fine	St
8	WIC shelf labels are not displayed on food(s) that have this requirement, as identified in the WIC Approved Food List brochure.	2 incidents = pattern, \$100 fine	St
9	Required training of cashiers on how to process an eWIC transaction is not provided.	2 incidents = pattern, \$100 fine	St
10	Charges the WIC Program sales tax on an eWIC purchase.	2 incidents = pattern, \$100 fine	St
11	Violates participant's confidentiality.	2 incidents = pattern, \$100 fine	St

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<b>Category B</b>	<b>Class II Violation Descriptions</b>	<b>Administrative Actions</b>	<b>St/Fed Violations</b>
1	Fails to purchase formula from an approved supplier, distributor or manufacturer.	2 incidents = pattern; 1 year DX or CMP.	St
2	Prices of WIC authorized foods/formula is not provided as requested by the WIC program.	2 incidents = pattern; 1 year DX or CMP.	St
3	Minimum food stocking requirement is not met within a 12-month period.	3 incidents within a consecutive 12 month period equates to a pattern; 1 year DX or CMP.	St
4	Discriminates against a eWIC cardholder on the basis of race, color, national origin, age, sex or disability.	2 incidents = pattern; 1 year DX or CMP.	St
5	An administrative fine or overcharge, as requested by the WIC Program, is not paid.	2 incidents = pattern; 1 year DX or CMP.	St
6	Does not attend mandatory WIC Program training after having the opportunity to reschedule once.	2 incidents = pattern; 1 year DX or CMP.	St
7	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 DX or CMP. (See footnote for additional information related to the CMP).	St
8	Threatens/inflicts physical harm/ commits verbal harassment against a WIC representative or a participant using program benefits.	4 documented incidents = pattern; 1 year DQ or CMP. (See footnote for additional information related to the CMP).	St
9	Transacts and/or redeems eWIC transactions outside of normal operating hours as reported to the WIC Program.	4 documented incidents = pattern; 1 year DQ or CMP. (See footnote for additional information related to the 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 vendor and/or an unauthorized person.. 7 CFR 246.12(l)(1)(iii)(D)	4 incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
2	Providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances in exchange for eWIC benefits or cash-value vouchers. 7 CFR 246.12(l)(1)(iii)(F)	4 incidents = pattern; 3 year DX 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 DX 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. 7 CFR 246.12(l)(1)(iii)(E)	4 incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
5	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 DX or CMP. (See footnote for additional information related to the CMP).	Fed
6	Claims reimbursement in excess of documented inventory. 7 CFR 246.12(l)(1)(iii)(B)	4 incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
7	Providing unauthorized food items in exchange for food instruments or cash-value vouchers, including charging for supplemental foods provided in excess of those listed on the food instrumen7 CFR 246.12(l)(1)(iii)(A)	4 incidents = pattern; 1 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
8	Providing prohibited incentive items to customers. 7 CFR 246.12(l)(1)(iv),	4 incidents = pattern; 1 year DQ or CMP. (See footnote for additional information related to the CMP).	Fed

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Category D	Class IV Violation Descriptions	Administrative Actions	St/Fed Violations
1	Selling firearms, ammunition, explosives, or controlled substances as defined in <u>21 U.S.C. 802</u> , in exchange for food instruments or cash-value vouchers 7 CFR 246.12(l)(1)(ii)(A) & (B)	1 incident = 6 year DX or CMP. (See footnote for additional information).	Fed
2	Provides cash (trafficking), in whole or in part, for eWIC benefits. 7 CFR 246.12(l)(1)(ii)(A)	1 incident = 6 year DX or CMP. (See footnote for additional information).	Fed

  

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 firearms, 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 DX (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. Per 7 CFR 246.12(l)(1)(x)(C), the CMP maximum amounts shall not exceed the amounts specified at 7 CFR 3.91(b)(3)(v) and 7 CFR 3.91(b)(3)(vi) as of the date that a State imposes a sanction.
- 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.