



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park Center Drive
Alexandria, VA 22302

Reply to

Attn. of: SF-114

JUL 26 1993

Subject: WIC: Priority Restrictions

To: Regional Directors
Supplemental Food Programs
All Regions

Attached is the final version of Policy Memorandum 93-8, revised, based on your comments and suggestions, from the draft memorandum issued June 3, 1993.

One point, however, deserves additional clarification. Several of the comment letters suggested that specific guidance be provided on how to solve administrative problems that may arise to jeopardize the quality of service provided in local WIC agencies. We have not included such guidance in this final memorandum, primarily because these problems tend to vary widely from State to State; we believe that they are better addressed on an individual basis by each State agency, with assistance supplied as needed from FNS.

Thank you for your comments and suggestions regarding this policy. With your input, the policy guidance we are able to issue from this office is made stronger and more responsive to the needs of the WIC Program. Please contact the Policy Section if you have any questions about this particular policy.

ALBERTA C. FROST
Director
Supplemental Food Programs

Attachment

FORM FNS-600A (6-82)



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Subject: Policy Memorandum: 93-8
WIC: Priority Restrictions

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This policy memorandum addresses two questions that have arisen regarding national policy on local WIC agency priority restrictions.

1. **May a State allow one or more of its local agencies to set restrictions on the priorities served, or do such restrictions have to be uniformly implemented statewide?**

Each WIC State agency should have in place a caseload allocation methodology that ensures equal access to Program benefits statewide, including procedures that are designed to accommodate occasional, unexpected participation surges and drops at the local agency level. A State is expected to make reasonable efforts to balance caseload or redirect caseload slots as necessary to maintain service levels at approximately the same priority levels for all of its local agencies when service priorities are in danger of becoming extremely disparate. A recent court case in West Virginia overturned a local agency's placement of a WIC applicant on a waiting list in one county when participants at the same priority level as the plaintiff were still being served in other counties within that State. While we acknowledge that such a decision sets a rather alarming precedent in terms of caseload management and the priority system in general, we share this example as a caution to other States about the importance of assuring equitable access to WIC benefits to all potential Program participants.

Because local agencies may reach maximum caseload at varying rates, Program regulations do provide for a State agency to allow one or more of its local agencies to set restrictions on the priorities served when that local has filled all of its allocated caseload slots. For example, a natural disaster or a strike at a local factory which creates an unanticipated demand for WIC would result in the local WIC agency serving the affected area reaching caseload faster than other local agencies in that State. However, the State agency's normal operating procedures should ensure that the

FORM FNS-600 (6-82)

State agency would become aware of such special circumstances relatively quickly, so that the necessary caseload adjustments could be made. A local agency proposing to restrict the priorities it serves should contact the State agency for approval/concurrence as soon as it realizes the need to take such a step.

2. When funds (i.e., caseload slots) are available, may local agencies be allowed to establish a priority system for administrative convenience? No. Eligible applicants must be served as they present themselves as long as caseload slots are available. Administrative limitations, such as lack of staff or overcrowded waiting rooms, do not constitute valid reasons to turn away eligible applicants. Only when all caseload slots are full can a priority system be established to fill vacated places as they subsequently occur. While increasing demands on many local agencies are creating administrative problems, as well as possibly jeopardizing the quality of the services that can be provided to each WIC applicant, alternative solutions must be explored that could provide administrative relief to the local agency staff and still accommodate applicants.



ALBERTA C. FROST
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Supplemental Food Programs Division