USDA
United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place Alexandria, VA 22314

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SUBJECT: WIC Policy Memorandum #2023-6: Streamlining Certification – Documentation Guidance

TO: Regional Directors
Special Nutrition Programs
WIC State Agency Directors
All State Agencies

Introduction

This policy memorandum provides guidance to improve outreach and streamline certification in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). It outlines current flexibilities and new policy for certification documentation options and aims to reduce WIC staff and participant burden.

In March 2021, the American Rescue Plan Act of 2021 (Pub. L. 117-2; ARPA) provided the U.S. Department of Agriculture (USDA) with funds to carry out outreach, innovation, and program modernization efforts to increase participation and redemption of benefits in the WIC Program. As part of these efforts, which have been informed by input from diverse program stakeholders, the USDA Food and Nutrition Service (FNS) is working to streamline access to WIC benefits and services.

FNS affirms its support of WIC State and local agencies implementing available flexibilities to remove barriers to participation. FNS's goal is to ensure WIC-eligible individuals can access Program benefits and services in a straightforward and timely manner, reducing the administrative burden at the State and local levels while ensuring program integrity measures are in place. FNS is committed to developing tools and resources, facilitating information sharing, and providing technical assistance and funding opportunities to assist State and local agencies in improving the certification process.

FNS expects State agencies to review and update State Plan policies and procedures during their regular annual process. Ideally, State agencies will continue to consider updates to policies over time that will ensure updated technology, flexibility, and modern service delivery as they are able to incorporate these changes. For purposes of this policy memorandum, "must" refers to a requirement or obligation and "should" refers to a recommendation.[1] Updates in this memo to the definition of "current income" supersede the definition in WIC Policy Memorandum 2013-3: *Income Eligibility Guidance.*

[1] Federal Plain Language Guidelines

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Background

FNS has held listening sessions and heard from a diverse range of program stakeholders on ways to connect more eligible people to WIC, opportunities to improve the participant experience, and ideas on how to streamline benefit delivery and reduce disparities in program delivery. Through this feedback, FNS learned that State agencies are seeking guidance regarding existing flexibilities available when documenting eligibility. As a result, FNS has compiled a variety of ways for State and local agencies to streamline the eligibility determination process using a combination of technology and in-person services.

State agencies have the responsibility of deciding what constitutes eligible proof, so it is necessary for State agencies to review and revise their policies and procedures regularly to reduce applicant/participant burden to the extent feasible.

Unless otherwise specified in this memo, "documentation" refers to the hard-copy or electronic proofs of identity, residency, and income required for certification.

Automatic/Adjunct Income Eligibility

WIC State and/or local agencies must assess automatic or adjunct eligibility before requiring additional documentation for an income eligibility determination.

During the certification process, WIC State agencies **must** first attempt to determine if the applicant is adjunctively or automatically[2] income-eligible before performing a traditional income screening. This practice saves time, improves clinic flow, and reduces burden on the applicant and clinic staff; and ensures that local agencies have all necessary certification documentation in order to streamline the certification process.

State agencies **must** identify procedures to collect and verify automatic and adjunct eligibility information and/or documentation prior to the certification appointment as part of their State Plan[3]. When collecting or validating proof of automatic or adjunctive eligibility, the eligibility date of the other program cannot expire before the WIC eligibility determination has been made (i.e., certification completed). Likewise, State agencies are strongly encouraged to establish agreements with the state-level agencies that administer Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid[4], and/or programs conferring automatic income eligibility to access and validate participation in such programs during, or in advance of, the certification appointment, with participant consent

[2] *See* 7 CFR 246.7(d)(2)(vi) defining what programs confer automatic or adjunctive income eligibility.
[3] 7 CFR 246.7(d)(2)(v)
[4] *See* 7 CFR 246.7(d)(2)(vi)(A) stating that Medicaid refers to the medical assistance program established under Title XIX of the Social Security Act.

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when required.[5] Written agreements, such as Data Sharing Agreements or Memorandums of Understanding, may or may not be necessary to access and validate this information; however, these types of agreements are strongly encouraged to enhance cross program referrals and collaboration, in addition to streamlining eligibility determinations.[6]

Where State agencies have data sharing in place with adjunct programs, and consent has been obtained from the individual as appropriate, collection of current adjunct program enrollment status and residential address from the adjunct program database is considered a best practice to further streamline the WIC certification appointment. This may be considered as current "proof" if the applicant verifies the information is accurate. New documentation is only needed if the data in the adjunct information system (e.g., current residence) is not current or accurate.

Additionally, for program administrative recordkeeping, State agencies ask applicants who are determined to be adjunctively or automatically income-eligible for the Program to self-report their income for entry into a Management Information System (MIS). If an applicant is not able to readily provide this information or declines to self-report their income, **it must not interfere with their certification,** nor result in collecting additional income documentation.[7] If a State agency's MIS requires staff to input income data at this stage, the State agency should establish an alternative solution that allows them to continue the certification process until the MIS can be updated.

Electronic Documents

To strengthen existing Program flexibilities, WIC State agencies must develop policies surrounding the acceptance of documentation. WIC State agencies may permit electronic documentation from a mobile device or other electronic source as proof for certification documentation requirements. WIC State agencies may allow electronic documentation to be provided in person or sent to the clinic via secured electronic means.

FNS recognizes the efficiencies and advantages of a paperless system and electronic documentation may be accepted. If State agencies do accept electronic documentation, WIC State agencies **must** develop policies surrounding the secure use of online and/or electronic resources in the administration of the Program. This can include the acceptance of electronic documentation during the certification process. For example, an applicant does not need to provide hard-copy proof of income; accessing pay stubs and presenting them via mobile device, for example, will suffice. An applicant may send or show electronic documentation at any point

[5] Permission must be obtained from the Medicaid applicant or beneficiary before the agency releases information to an outside source (42 CFR § 431.306(d)). This consent could be obtained by either agency (e.g., on the Medicaid application, during the WIC interview, or at another time period).
[6] Policy Memorandum #2023-5: *Data Sharing to Improve Outreach and Streamline Certification in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)*
[7] 7 CFR 246.7(d)(2)(vi)(C)

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during the certification process, from the initial request for benefits until the certification is considered complete. If the State or local agency has reason to believe this information is questionable, WIC clinic staff **should** take steps to verify the information presented.[8] As advancements in technology can occur frequently, State agencies should periodically review their policies and update their State Plans to reflect the types of documentation that are acceptable and the methods of submitting them. State agencies **must** take steps to ensure that confidentiality standards[9] are adhered to and appropriate security measures are adopted.

Obtain Documentation in Advance

WIC State agencies should utilize tools at their disposal to collect information and documents in advance of certification appointments to identify any missing items and streamline the certification process.

Some State and local agencies currently have the capability to allow applicants to transmit required certification documents or information online (e.g., proof of identity, residency, automatic/adjunct eligibility, income, and referral data) prior to their appointments to streamline the certification process. These tools can include, but are not limited to, web portals, multi-program online application systems, mobile applications, or other State agency upload tools that comply with WIC confidentiality standards. FNS encourages those State agencies that do not yet offer such electronic tools to consider their adoption or offer a form of advance documentation collection to provide a participant-centered experience during the certification process.

WIC agencies are encouraged to ensure that the appropriate and complete list of documents and/or relevant data are received in advance, and procedures should include notifying applicants if they are required to provide different or additional documents or proof(s). Each State agency **must** establish their own procedures for verification of proof of adjunctive income eligibility, for example when it comes to establishing proof of participation in a Medicaid program under Title XIX.[10] If there are any concerns about the documents or information that have been provided, then the clinic is encouraged to verify the information prior to the applicant visiting the clinic or otherwise progressing through the certification process.

Additionally, if acceptable photo identification has been retained on file as proof of identity from a prior certification,[11] that proof may be used to establish identity at a subsequent

[8] 7 CFR 246.7(d)(2)(v)(D)
[9] 7 CFR 246.26(d)(1)(ii)
[10] 7 CFR 246.7(d)(2)(vi)(C)
[11] 7 CFR 246.7(c)(2)(i)

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certification appointment. However, proof of residency[12] and income[13] must be checked during each certification eligibility determination. In addition to parameters described for current income determination in this memo, documentation collection, including review and/or verification as needed, must occur between the time that benefits are requested, and the eligibility determination has been made.

Single Documentation

If applicable, WIC State agencies may allow for one type of documentation to serve as proof for multiple certification documentation requirements.

FNS supports WIC State agencies streamlining certification processes to ease burden on applicants and participants, including using proof of one type of documentation that could serve as proof for multiple certification documents. For example, if an applicant provides proof of income via pay stub(s) with their current address, those pay stubs may be used to document both income and residency. WIC regulations do not require different documents for each certification requirement.[14] State agencies **must** regularly review their policies on accepting documentation for identity, residency, and income to ensure that policies meet regulatory requirements. FNS encourages State agencies to provide maximum flexibility to the applicant and participant.

Determining Proof of Current Income

WIC State agencies may be flexible on what documentation and supplementary information is required to establish current income.

Federal WIC regulations allow a household's current rate of income to be used in determining income eligibility for the Program.[15] WIC Policy Memorandum #2013-3: *Income Eligibility Guidance* states that State agencies may define current income as income received by the household during the month (30 days) prior to the application of WIC benefits. In order to provide flexibility for how an individual or household is paid, current income is now defined as the most recent available proof of 28-31 consecutive days' worth of income received by the household. Further, 2013-3 does not specify the number of pay stubs required to appropriately document current rate of income.[16] WIC agencies have flexibility to determine whether the documentation presented is reasonable in order to establish income.[17] An applicant or

[12] 7 CFR 246.7(c)(2)(i)
[13] 7 CFR 246.7(d)(2)(i)
[14] 7 CFR 246.7(c)
[15] 7 CFR 246.7(d)(2)(i)
[16] *See* WIC Policy Memorandum #2013-3: *Income Eligibility Guidance* for additional information regarding the appropriate method to calculate income.
[17] 7 CFR 246.7(d)(1)(i)

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participant's pay schedule should be considered when determining the appropriate number of documents needed to substantiate current income. State agencies are encouraged to adopt policies that are supportive of local agencies making these determinations based on the applicant's or participant's circumstances. For example, individuals with regular, consistent earnings, such as those earning a salary, may only need to provide one earning statement to sufficiently document income. Alternately, if income is variable or is received from more than one income source, then the State agency may determine it is appropriate to request documentation that shows income for the entire month.

For example, if an applicant provides only one 2-week pay stub and informs WIC staff that they receive the same amount every 2 weeks, certifying personnel may determine the documentation received is reasonable and use it to calculate the applicant's monthly income. If this results in the applicant being over the income limit and the applicant indicates the pay stub was over the usual amount, the applicant must be given the opportunity to provide additional proof of current income that most accurately reflects the household's financial circumstances.

Determining Dates for Proof of Current Income

WIC State agencies should be flexible when determining whether the documentation of 28 – 31 days' worth of income is current, based on when the applicant receives their pay stub and when the documentation is submitted.

WIC State agencies should exercise flexibility when determining the documentation time frame to establish current income. It is important to note that there are multiple dates to consider when establishing current income: 1) dates of pay stub(s) that cover 28-31 days and 2) the most recent pay stub must not be dated more than 30 days prior to the documentation submission date or the first certification appointment. A documentation submission date can be established when an applicant/participant submits documentation from the applicant's initial request for benefits until the certification is considered complete. This increased flexibility will prevent the need for repeat clinic visits, which create a barrier to participation. A State agency that uses any other definition of "current income" from that described herein **must** submit a justification in its State Plan.

For example, if the most recent income documentation available is dated 2 weeks prior to the certification appointment or document submission date, that should be considered allowable for the purposes of calculating current income. If the most recent pay stub is dated more than 6 weeks prior to the certification appointment or document submission date, whichever is earlier, that would not be allowable. If the most recent pay stub is dated 2 weeks prior to the certification appointment but is provided to the clinic 3 weeks after the certification appointment (this scenario would most likely occur during the applicant's temporary 30-day certification period), the documentation submitted would still be considered allowable.

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Temporary 30-Day Certification Period

WIC State agencies may grant a temporary 30-day certification period, if an applicant can provide proof for two of the three required documents to determine eligibility (e.g., identity, residency, and income).

FNS strongly encourages WIC State agencies to use existing flexibilities to minimize barriers to Program benefits and allow for use of temporary 30-day certification periods. For example, if an applicant cannot provide proof of income but has proof of identity and residency, they can be granted a temporary certification period and provided up to one month of benefits if the applicant meets all other eligibility criteria. Self-declared income that meets the Income Eligibility Guidelines counts as one of the required proofs of documentation.[18,19]

The temporary certification period allows the applicant to receive WIC benefits and services while providing the applicant with more time to produce the missing proof or clarifying documentation. The applicant does not need to return to the clinic to provide the missing documentation if they can submit the needed documentation via electronic submission or mailing. If the missing documentation is not provided to the clinic in person, by mail, or electronically within 30 days of their appointment, or if the applicant is found to have income over the WIC Program's income limit, the certification must be terminated.

Participants certified using a temporary certification may not receive a consecutive, subsequent temporary certification (i.e., two "back-to-back" temporary certifications that would equate to 60 days of continuous temporary certification). If a participant receives a temporary certification and that certification is followed by completion of the certification process or a minimum of 6 months passing since the last temporary certification was issued, the participant will be eligible for a second temporary certification. State agency policies may allow for exceptions to the 6-month rule under extenuating circumstances.

Certification of Newborns

In order to strengthen existing Program flexibilities and ease the burden on parents/caretakers with newborn infants, WIC State agencies are strongly encouraged to use applicable adjunctive program participation by the mother or other household members, to enroll the infant on WIC as soon as possible after birth.

FNS recognizes the importance of certifying newborn infant(s) as soon as possible, without placing undue burden on parents or caretakers. An infant born to an individual who is enrolled in SNAP or Medicaid, or into a family that is receiving assistance under TANF may be considered

[18] 7 CFR 246.7(d)(2)(v)(C)
[19] 7 CFR 246.7(d)(1)

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adjunctively income-eligible without any additional income documentation being collected for the infant in order to support certification as soon as possible following birth.[20]

FNS strongly encourages State agencies to further streamline the certification of new mothers and newborn infants whenever able. WIC regulations encourage WIC agencies to coordinate with local hospitals and other healthcare facilities to ensure families have expeditous access to WIC benefits and services upon delivery.[21] Additionally, flexibilities are in place to ensure parents and caretakers can easily certify newborns after delivery. These include exempting physical presence for infants under 8 weeks of age[22] or through physical presence waivers provided through ARPA, allowing for self-reporting anthropometric data within 60 days of birth[23], and by providing temporary certifications when a form of proof may initially be missing.

FNS also recommends WIC State agencies make concerted efforts to expedite completion of the nutrition assessment and risk assignment, including related education and support for the infant and mother/birthing parent dyad. Coupled with streamlined collection of documentation, State agencies can expedite enrollment to the program while minimizing the burden for new WIC eligible families.

Recertification of Adjunctively Eligible Participants

As a new Program flexibility, WIC State agencies may conduct an ex parte review of applicable data sources to determine whether a participant previously certified as eligible for WIC using adjunctive eligibility documentation meets adjunctive income requirements to be recertified.

FNS supports State agencies in utilizing available data to reduce the burden on WIC participants seeking recertification. Where WIC agencies can access applicable data sources, they should attempt to confirm whether a participant nearing the end of their certification period remains adjunctively income eligible in advance of the participant's recertification appointment.[24] When using a data source such as a Medicaid verification database, WIC agencies must ensure that they adhere to terms of any applicable data sharing agreement, including requirements related to participant consent to release of information.[25] If it is determined the applicant still meets

[20] *See* Title XIX of the Social Security Act, and 42 CFR 435.117(b)(1), stating all infants born to a woman enrolled in Medicaid are automatically deemed eligible for Medicaid from birth until the child's first birthday, without application. *See also* 7 CFR 246.7(d)(2)(vi)(A) stating that the applicant be "certified as fully eligible, or presumptively eligible" for TANF or Medicaid.
[21] 7 CFR 246.6(f)(2)
[22] 7 CFR 246.7(o)(2)(iv)
[23] 7 CFR 246.7(e)(1)(ii)(A)
[24] 7 CFR 246.7(d)(2)(v)(A)
[25] *See* Policy Memorandum #2023-5: *Data Sharing to Improve Outreach and Streamline Certification in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)* discussing requirements surrounding data sharing with Medicaid and other entities.

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the income eligibility requirements, State agencies may provide advance notification of income eligibility. Participants must still fulfill the physical presence and nutrition assessment requirements as applicable,[26] but the *ex parte* review will streamline the recertification process by satisfying much of the documentation requirements ahead of the visit and without additional burden to participants. It may also incentivize participants to remain on the Program longer by confirming proactively that they remain income eligible.

State agencies are encouraged to maximize their abilities to provide *ex parte* determinations to facilitate participation and retention. Whether or not the data source can also be used as proof of identity or residency will depend on that State agency's policies on allowable proof.

FNS encourages WIC State agencies to contact their respective FNS Regional Offices to communicate any specific needs and/or questions related to this memorandum or certification and eligibility documentation issues in general. FNS is also interested in sharing innovative certification streamlining activities planned or currently underway. We look forward to working together with State and local partners to streamline the WIC certification process and improve service to WIC-eligible families.

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[26] 7 CFR 246.7(e)(2)

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