



Food and
Nutrition
Service

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Park Office
Center

SUBJECT: WIC Policy Memorandum #2016-4
Verification of Certification

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TO: Regional Directors
Special Nutrition Programs
All Regions

WIC State Agency Directors
All Regions

This memorandum provides guidance for all State agencies administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) related to the issuance, acceptance, and confirmation of Verification of Certification (VOC) when a WIC participant moves from one service delivery area to another, particularly in the case of participants that move from one State to another. This memorandum supersedes WIC Policy Memorandum 93-7, *WIC: Verification of Certification Cards*. Food and Nutrition Service (FNS) Instruction 803-11, Revision 1, *WIC Program – Certification: Verification of Certification (VOC) Cards*, (December 2, 1988), remains in effect, pending revision to incorporate relevant updates.

Background

Section 17(f)(9) of the Child Nutrition Act of 1966 (42 U.S.C.1786(f)(9)) requires that an eligibility certification remain valid for the period for which an individual was originally certified, specifically if that participant moves from one area of WIC operations to another. The WIC regulations at 7 CFR 246.7(k) set forth the general requirements for issuance, acceptance, and content of VOC.

The primary intent of the transfer/VOC provisions in the law and regulations is to ensure seamless and continued participation of certified participants through the entirety of their certification period. The provisions also aim to reduce the administrative burden on a certified participant, as well as local agencies. Protecting WIC program integrity is also an important consideration for the implementation of VOC policy.

Participants who arrive at a local agency or clinic (the receiving agency) with a valid VOC must be transferred and allowed to continue participating through the end of their current certification period, even if the participant does not meet the receiving agency's nutritional risk, priority or income criteria, or the certification period extends beyond the receiving agency's certification period for that category (e.g. six month versus one year child certification period). If a local agency is at maximum caseload, the transferring participant must be placed at the top of any waiting list and

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enrolled as soon as possible. Normal processing standards apply for all participants with a VOC.

VOC Issuance

Local agencies (the sending agency) must provide a VOC to every participant who is a member of a migrant family, and any other participant who is likely to relocate during a certification period (7 CFR 246.7(k)(1)). State or local agencies are encouraged to provide VOCs to every participant, but they are not required to do so. It is important to take steps throughout the certification period to ensure that participants know and understand the availability, process and purpose of VOC to include: describing the VOC availability and process in the Rights and Responsibilities Statement; routinely asking participants if they plan to move during the certification period; posting signs reminding participants to ask for a VOC if they are going to be moving before their next appointment, etc. While it is ultimately the day to day activities by local agency staff that create awareness of VOC procedures, State agencies must ensure that its policies, procedures and data systems do not create barriers (e.g., requiring participants to sign a release form in order to get a VOC) to the effective use of VOC by local agencies or participants.

Content of the VOC

In order to provide key information for the seamless provision of WIC services and to prevent duplicate benefit issuance (dual participation), WIC regulations include eight items that State agencies must ensure are present on the VOC document as described below (7 CFR 246.7(k)(4)).

1. Name of participant.
2. Date the certification was performed.
3. Date income eligibility was determined: This may be different than the certification date.
4. The nutritional risk of the participant: In an effort to make the transfer as seamless as possible, the sending agency should always clearly write out the specific nutritional risk. Clinics should not use codes or descriptions that make it difficult for the receiving agency to easily identify the nutritional risk of the participant.
5. Date the certification expires.
6. The signature and printed name of the certifying local agency official. This does not have to be the person that originally certified the participant. It can be the local agency staff person that provides the VOC, when requested.
7. The name, address and phone number of the certifying local agency. A phone number will help the receiving agency make contact if there are questions or if additional information needed.

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8. An identification number (which may be the WIC participant ID number) or other form of VOC accountability.

In an effort to preserve the integrity of the Program, the sending agency is encouraged to indicate the last date benefits were issued. VOC information can be handwritten if the current management information system or form does not currently include certain information. This information will further facilitate the seamless transfer of benefits by helping the receiving agency determine the amount of benefits to issue once a participant arrives in the new location. Receiving agencies are encouraged to contact the sending agency to verify any questionable information contained on the VOC.

Participants who are eligible to receive WIC formula (infant formula, exempt infant formula, or WIC-eligible nutritionals) in Food Package III must have one or more qualifying conditions, as determined by a health care professional licensed to write medical prescriptions under State law. Providing a copy of this documentation to the participant can streamline the transfer benefits for the participant.

Occasionally, a transferring participant will present a VOC to a receiving agency that is missing one or more of the required components. The transferring participant must not be penalized, nor services delayed for the failure of a sending agency to properly include required components. Therefore, a VOC must be considered valid if it contains the following three items: 1) the participant's name; 2) the date of certification; and 3) the date that the current certification period expires. Transferring participants who present a VOC with at least these three pieces of information must be treated as if the VOC contains all of the required information. If a nutritional risk is not recorded on the VOC or if the participant was certified based on a nutrition risk condition not in use by the receiving agency, the receiving agency must use risk code 502 (or the State agency equivalent code) "Transfer of Certification" to establish nutritional risk for that participant.

WIC State agencies should review their VOC procedures and format to ensure that only necessary information is provided and is easily identified on the VOC. As new information systems are developed, State agencies should ensure that the VOC process and printouts are designed to ensure the appropriate information is provided in a clear and concise format.

Sharing Information

In an effort to minimize the disruption of WIC services, when a transferring participant presents without a VOC, or with insufficient information on a VOC, the receiving agency is encouraged to contact the sending agency to retrieve missing information. To facilitate a streamlined transfer of participants, State agencies must establish a single point of contact that other State or local agencies may use to obtain VOC information.

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This point of contact, at a minimum, must be a phone number that is monitored during the normal daily operating hours of that State agency. This number can be an existing number, such as a general information number. However, staff assigned to monitor this phone line must have the ability to retrieve VOC information and provide the information to the requesting WIC staff. If the State agency is not able to access participant certification information stored in a local or State agency data system, the State agency must have procedures for requesting and receiving the necessary information and providing it to the receiving agency no later than the next business day.

FNS will update the State agency listing on the public website with VOC points of contact: <http://www.fns.usda.gov/wic/wic-contacts>. Any change to this information must be reported to FNS within three business days of the change.

State or local agencies must not routinely require participants to sign a release of information to share VOC information with other State or local WIC agencies. Information collected by WIC about a participant is considered confidential, and except as otherwise permitted by regulation, may only be used for WIC purposes. Confidential information may be disclosed to persons directly connected with the administration or enforcement of the WIC Program for Program purposes (7 CFR 246.26(d)(1)(ii)). This means that a sending agency may share information about a transferring participant with a receiving agency, without prior consent or written release by the participant.

Finally, the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L.104-191) do not apply to the information collected by the WIC Program for Program purposes (WIC Policy Memorandum 2002-2: *Department of Health and Human Services' Regulations to Implement the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Applicability to the WIC Program*). In those instances where WIC services are provided by an entity that is otherwise subject to the HIPAA requirements, State and local agencies should avoid comingling WIC information and HIPAA protected information, such that HIPAA protected health information should not be included on the VOC.

Assignment and Issuance of Benefits

Transferring participants must surrender to the receiving WIC agency any unused food instruments or Electronic Benefit Transfer (EBT) card from the sending agency in their possession. This information will be important in determining which benefits to assign. In general, transferring participants should receive the food package offered in the receiving State agency according to their category and nutritional needs. The receiving agency should explain any differences in the authorized supplemental foods.

The receiving agency must destroy the unused food instruments or EBT card from the transferring participant.

If the participant has unredeemed benefits from the current benefit period, the receiving agency should, to the extent practicable, provide a food package that ensures the participant receives the maximum monthly allowance for that month, unless individually tailored in accordance with 7 CFR 246.10. For State agencies that use a calendar month food package issuance, the food package must be prorated based on the amount of benefits already redeemed. This information should be retrieved from the sending agency.

Documentation of Transfer

Receiving agencies must follow their State agency policy on documenting the transfer. This could include a note in the casefile of the date, content, and source of transfer information, a scanned copy, or a physical copy of the VOC.

Proof of Identity and Residency

While a VOC is considered sufficient proof of income and nutritional risk eligibility, transferring participants must provide proof of identity and current residency to the receiving agency. State or local agencies are not allowed to establish minimum length of residency requirements or waiting periods. As with other participants, if proof of identity or residency are not immediately available, the local agency may wait to process the transfer until the information is provided. In the case of participants who are unable to provide documentation, the local agency may accept a written statement from the participant as described in 7 CFR 246.7(c)(2)(i).

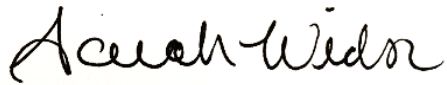
When to Recertify

The use of VOC should not be confused with the actual certification process. Participants presenting VOC have already been certified for WIC and therefore there is no need to conduct certification activities such as assessing income, performing anthropometric measurements, or bloodwork until a subsequent certification is required. Transferring participants should be incorporated into the regular scheduling, nutrition education, and other follow-up appointment processes of the receiving agency for the remainder of their certification period.

If a VOC is presented to a receiving agency and the certification will expire soon (within the next 30 days), the receiving agency may conduct recertification for the convenience of the participant. If the transferring participant reports a change in income within the last 90 days of the certification period, the receiving agency is not required to do a mid-certification income reassessment, and the participant may receive the remainder of benefits for that certification period (7 CFR 246.7(h)(1)(i)).

Summary

The primary intent of the VOC requirements is to ensure seamless and continued participation of certified participants through the entirety of their certification period in the event of relocation by the participant. WIC State agencies must ensure implementation of this policy no later than October 1, 2016. State agencies with questions may contact their respective FNS Regional office.

A handwritten signature in black ink that reads "Sarah Widor". The signature is written in a cursive, flowing style.

SARAH WIDOR
Director
Supplemental Food Programs Division