



Exempt Action Proposed Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-195
Regulation title	Virginia WIC Program state regulations
Action title	Implementation of state regulations pertaining to the Virginia WIC Program
Document preparation date	May 5, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action addresses all facets of Virginia WIC Program operations, from the intake and certification process to food delivery systems to program abuse and sanctions by both participants and retail stores. Significant emphasis is placed on procedures to be used by applicants, participants and stores to appeal actions of the State agency that may adversely impact upon them. Sections of the regulations that pertain to program participants and applicants include detail on: eligibility requirements, proof of identity and residency, proxy and caretaker, certification, nutritional risk priority system, food instruments, alternative office hours, waiting lists, termination, fair hearing and fair hearing request denial, program abuse and sanctions, claims against participants, interruption of benefits, conflict of interest, and emergency situations. Sections of the regulations that pertain to retail stores and applicants participating in the Virginia WIC program include, but are not limited to: authorization requirements, adequate participant access, competitive pricing and price verification, selection decisions, training and education, performance and administrative monitoring, sanctions and administrative actions, and fines and disqualification.

This regulatory action is necessary in order for Virginia to remain compliant with federal regulations, which require that Virginia comply with its own state requirements. The Virginia WIC Program is regulated by federal regulations published in the Code of Federal Regulations, 7 C.F.R. Part 246, Special Supplemental Nutrition Program for Women, Infants and Children. The proposed state regulations for the Virginia WIC Program are based on the program's federal regulations and they detail the specific policies and procedures over which Virginia has jurisdiction to develop and enforce, as granted by the United States Department of Agriculture, Food and Nutrition Service (USDA - FNS), the federal agency that administers the WIC Program.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

In federal fiscal year 2007, the Virginia WIC Program provided direct service to an average of 143,271 women, infants and children a month. The Virginia WIC Program serves women who are breastfeeding, pregnant or have just given birth; infants less than one (1) year-old and children less than five (5) years-old. WIC participants must be Virginia residents and meet the financial and nutritional requirements set forth by regulations. Financial eligibility is defined as income below 185% of the federal poverty level while nutritional eligibility is defined by risk factors such as a medical problem or an unhealthy diet. Mothers, fathers and legal guardians may apply for WIC benefits for the children in their care.

The purpose of the program is to assure healthy diets during pregnancy and breast-feeding, infancy and early childhood to age five for eligible families who might otherwise not be able to afford to eat properly. The provision of education for mothers and/or primary care-givers about healthy eating is coupled with vouchers to purchase a defined package of high nutrient foods at community groceries. Increasing attention is being paid to educating families about ways to avoid the risks of childhood obesity while assuring proper nutrition. Breastfeeding is promoted while regular and specially prescribed formulas are provided for infants who are not breastfed.

This regulatory action is necessary so that the WIC Program may continue to operate efficiently and effectively, and with a transparent compliance to federal regulations. Without these regulations, the ability of the Virginia WIC Program to function will be compromised and so will the health of Virginia's families.



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