



# Vendor Manual

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## **INTRODUCTION**

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) was established by federal law in 1972. It is designed to improve the nutritional status of eligible persons. The Program began in Indiana in 1974. WIC services are available statewide.

The United States Department of Agriculture (USDA) provides funds to the Indiana State Department of Health (ISDH) to administer the WIC Program. The ISDH contracts with qualified local agencies to provide WIC services in their communities.

WIC provides services to pregnant women, postpartum women, breastfeeding women, infants, and children up to age five. By helping provide proper nutrition at the beginning of life, WIC seeks to prevent serious health problems that can last a lifetime. WIC helps to provide children a better chance to grow up healthy, perform better in school, and lead more active and productive lives.

The WIC clients you will be serving have been evaluated by health professionals and have been found to have a special need for WIC foods. WIC foods are specifically prescribed for each WIC client, so it is mandatory that no substitutes be allowed.

## **WIC FOOD DELIVERY SYSTEM**

The WIC food delivery system begins when a client visits a WIC clinic and receives a WIC EBT card based on the individual's nutritional needs. The EBT card allows clients to purchase WIC-authorized foods and formulas, including fresh or frozen fruits or vegetables. Once an EBT card is used at the checkout line, the WIC eligible items in the transaction will be charged to Indiana WIC's account, and the vendor's receipt will show the remaining monthly balance on the EBT card.

This Vendor Manual has been prepared to inform you of your responsibilities as a WIC vendor. For more information, contact the Indiana WIC Program by calling 1-800-522-0874 or writing to [WICVendorMail@isdh.in.gov](mailto:WICVendorMail@isdh.in.gov).

## **PROGRAM REQUIREMENTS FOR ALL VENDORS**

- 1. Vendors must enter into a financial agreement with Indiana WIC to process WIC EBT cards.**
  - A. Vendors with integrated cash register (ICR) systems will process WIC EBT transactions via a third-party processor (TPP). Vendors using a TPP should ensure that the TPP is aware of Indiana WIC procedures and has entered into a financial agreement with Conduent, Indiana's contractor for WIC EBT processing.
  - B. Vendors who do not possess integrated cash register (ICR) systems must process WIC EBT using Conduent-provided stand-beside point-of-sale (POS) machine(s). Indiana WIC will only provide new stand-beside vendors with state-funded POS equipment if the vendor is determined necessary for client access using the client access criteria described on page 13 in this manual. Indiana WIC vendors will receive state-funded machines based on overall food sales and monthly WIC sales as follows:

Stores with \$2 million or more in annual overall food sales and the following monthly WIC sales:

- \$0 to \$11,000: 1 machine
- \$11,001 to \$22,000: 2 machines
- \$22,001 to \$33,000: 3 machines
- \$33,001 and more: 4 machines

Stores with less than \$2 million in annual overall food sales and the following monthly WIC sales:

- \$0 to \$8,000: 1 machine
- \$8,001 to \$16,000: 2 machines
- \$16,001 to \$24,000: 3 machines
- \$24,001 and more: 4 machines

Vendors who do not possess ICR systems and are determined not necessary for client access may become authorized by IN WIC if choosing to accept financial responsibility for their own POS equipment.

Vendors who would like additional stand-beside machines above the machines allowed based on overall food sales and monthly WIC sales may accept financial responsibility for the additional POS equipment.

Conduent charges a rate of \$75 per vendor-financed stand-beside machine per month with an initial \$50 activation fee per machine.

Vendors using state-funded stand-beside machines may be provided with additional stand-beside machines if monthly WIC sales increase or may have stand-beside machines removed if monthly WIC sales decrease at any time.

Vendors using a Conduent stand-beside machine must enter into a written financial agreement with Conduent prior to accepting WIC EBT transactions.

**2. Vendor must accept Indiana WIC EBT cards and follow redemption procedures.** The EBT card redemption process is different for integrated cash register (ICR) and stand-beside point-of-sale (POS) machines:

#### Integrated Cash Register (ICR) Vendors

- Scan the selected items and ask for form of payment. WIC clients are encouraged to separate their WIC and non-WIC items in a transaction, but clients are not required to separate items.
- The client will swipe a WIC EBT card at the cash register. Depending on the capabilities of the integrated cash register system, the client may need to inform the cashier that he/she is a WIC client using an EBT card.
- The cash register system will identify WIC-approved items assigned to the client.
- Provide a mid-transaction receipt to the client to review. This allows the client to identify if any items were not scanned as expected.

- E. The client will accept charges to the WIC EBT card, and the benefits will be removed. The dollar amount of the WIC transaction will be charged to the Indiana WIC Program. The client can choose to not accept charges and ask the vendor to void items that the client does not wish to purchase. The client remains responsible for any items that are not WIC-approved or have not been assigned to the client's EBT card once the transaction is approved. The client can use any other form of financial tender (e.g., SNAP, TANF, credit card, debit card, cash, etc.) to complete the transaction.
- F. Provide a receipt to the client that includes the client's remaining monthly WIC balance.

Although not required, ICR vendors with self-checkout cash registers may permit WIC clients to use self-checkout for WIC EBT purchases.

### Stand-Beside Vendors

- A. Ask the WIC client to separate WIC purchases from non-WIC items. Stand-beside systems still require the separation of WIC and non-WIC items.
  - B. Ask the WIC client to swipe the WIC EBT card in the stand-beside machine. The EBT card must be swiped prior to scanning WIC items to determine if the client has been assigned the food items that the client is attempting to purchase.
  - C. Scan the WIC items in the stand-beside machine and verify that the WIC items are correct. Although an item may be WIC-approved, the client may not have been assigned the item that is being purchased. For example, a client assigned 1% or skim milk will not be able to purchase 2% or whole milk with a WIC EBT card.
  - D. Once all of the WIC items are scanned in the stand-beside machine, total the transaction and print the client's remaining WIC balance.
  - E. Continue the transaction with the client's remaining non-WIC items. The client can use any other form of financial tender (e.g., SNAP, TANF, credit card, debit card, cash, etc.) to complete the transaction. Vendors may also wish to track the WIC items that have been purchased earlier in the transaction for inventory control.
3. **Vendors will not charge Indiana WIC for any processing fees, interchange fees, or ongoing maintenance and operational costs for WIC EBT transaction processing,** with the exception of vendors needed for client access who require WIC-specific stand-beside machines, accessories, and replacements or repairs associated with such devices.
  4. **Vendors will not accept a WIC EBT card for any purpose other than the redemption of WIC benefits and benefit balance inquiries.** Vendors must perform balance inquiries when requested by WIC clients.
  5. **Vendors will void items in a mixed basket transaction that the WIC client does not wish to purchase.** This may include WIC items that the client chooses not to redeem at the checkout lane, items that the client believed were WIC items but are not, and non-WIC items that the client does not wish to purchase using a tender other than WIC EBT.
  6. **Vendors must allow split tender transactions for Cash Value Benefit (CVB) fruit and/or vegetable purchases.** If the client wishes to purchase fruits and/or vegetables exceeding the dollar amount of the CVB on the WIC EBT card, the vendor must allow the client to purchase the remaining amount using another tender (e.g., SNAP, TANF, credit card, debit card, cash, etc.)

7. **Vendors must update their cash registers with the most current Indiana WIC Approved Product List (APL) on a daily basis.** The APL will be maintained by Indiana WIC and will not allow an unapproved UPC to be processed during an EBT transaction. The APL is updated by Indiana WIC staff on a regular basis.
8. **Vendors must submit the UPCs of new or modified WIC eligible items to the Indiana WIC APL prior to introduction of these items onto store shelves.** Please use the UPC Update Request Form that can be found at [www.wic.in.gov](http://www.wic.in.gov). If a vendor does not alert Indiana WIC to the introduction of new UPCs, the APL will not approve the missing WIC eligible items.
9. **Vendors must utilize Price Look-Up (PLU) codes for fresh produce items with UPCs in one of the following ways:**
  - A. Enter in the corresponding International Federation for Produce Standards (IFPS) Price Look-Up (PLU) code for the product.
  - B. Enter in the general WIC Program PLU code (4469).
  - C. Map the corresponding IFPS PLU code to an item affixed with a UPC.
  - D. Map the general WIC Program PLU code (4469) to an item affixed with a UPC.
10. **Vendors must maintain prices of WIC authorized food within 15% of their peer group average price on each WIC item.** Any item charged to the Indiana WIC Program that is over the 15% threshold will be reduced in price to meet the maximum allowed not-to-exceed (NTE) price by the WIC EBT card. NTE prices on most items are re-calculated on a monthly basis. NTE prices can be adjusted on a weekly basis for egg and dairy items based on fluctuations in the national egg and milk market prices.

The cost of foods purchased with WIC EBT cards must reflect any specials, discounts, or other reduced prices given to non-WIC customers. The vendor must accept all “cents off” coupons and deduct their value before completing a WIC EBT transaction. The vendor must also allow WIC customers to take advantage of “buy one, get one free”, free item with a purchase, specials that specify a larger size for a smaller size price, or any other offer available to non-WIC customers such as customer loyalty programs that offer discounted prices or other benefits to members. The client may receive more than the amounts specified on the WIC EBT card when using “buy one, get one free” coupons or other special offers. No change may be given for WIC EBT purchases.

Not-to-exceed (NTE) prices are based on the “normal” price for WIC items and do not include any specials or discounts. Vendors with normal prices over-NTE may have reimbursement reduced, even if the sale price is reduced below NTE due to a special or discount.

The NTE maximum does not permit vendors to routinely charge the NTE amount. Vendors must charge competitive prices comparable to the average price charged in their peer group and not exceed prices posted on shelf tags or charged to other customers. Vendors will be notified if a requested price is over the NTE amount. Upon notification, vendors can adjust their price or submit proper documentation to have the NTE adjusted. Vendors who overcharge on the same UPC after being notified and fail to correct the problem will be sanctioned by Indiana WIC.

Vendors who charge in excess of 15% of their peer group average price on an item may submit an invoice to Indiana WIC to consider in raising the NTE price to a level that would allow the vendor to receive full or more complete reimbursement for the current shelf price.

Indiana WIC will consider suggested retail prices (SRPs) and a maximum profit margin of 25% in its NTE adjustment consideration.

All invoices must contain the following to be accepted for NTE adjustment consideration:

- Name and address of supplier
- Name and address of purchaser
- Date of purchase
- List of items purchased including size, quantity, and price

**11. Vendors may charge the WIC Program only for the cost of the WIC foods received at the time of redemption.** A rain check, credit, or an IOU cannot be given. Clients may purchase less than the monthly balance given on a WIC EBT card. State sales tax may not be charged on any WIC purchase. Vendors may not charge a fee to the person redeeming WIC EBT cards. Vendors may not seek reimbursement of money or return of food from WIC clients for any WIC item that is above the maximum allowed not-to-exceed (NTE) price. Home delivery of WIC purchases is not allowed.

**12. Vendors may not provide refunds, store credit or permit exchanges for foods purchased with the WIC EBT card except for exchanges for an identical authorized food item when the original food item is defective, spoiled, has exceeded its “sell by,” “best if used by,” or other date limiting the sale or use of the item.** An identical food item means the exact brand and size of the original food item purchased. However, if the same fruit or vegetable is not available when the spoiled item is returned, then an exchange may be made for another fruit or vegetable. Clients may only exchange WIC items with a receipt. Clients requesting impermissible exchanges and refunds should be referred to and reported to the local or state WIC office. Except for defective, spoiled, or recalled items, WIC formula and WIC eligible nutritionals should never be exchanged, even with a doctor’s prescription.

**13. Vendors must comply with nondiscrimination statutes.**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the

form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410.

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

**14. Vendors cannot request additional identification beyond a Personal Identification Number (PIN) from clients, parents, caretakers, or proxies during a WIC purchase.**

**15. WIC customers are entitled to the same service, courtesies, promotional offers, and same general treatment as non-WIC customers, except for return policies.** WIC customers are not to be given any form of preferential treatment. Vendors cannot make offers to WIC customers that are not offered to other customers.

**16. The store manager or authorized representative must attend annual training on WIC procedures offered by the local WIC office.** Training of store personnel will be offered at least once a year by the local WIC office. ALL vendors, including pharmacy-only vendors, are required to attend mandatory annual training in September.

**17. The vendor is responsible for training its store personnel on program requirements and is accountable for the actions of owners, officers, managers, agents, and employees who commit vendor violations.**

**18. The vendor agrees to periodic inspections.** Local, state, and federal officials responsible for WIC Program management and affiliates of those officials will determine compliance with WIC requirements. Inspections may include the following:

- A. Monitoring visits to verify required stock of WIC foods, check WIC shelf prices, and verify compliance with all WIC regulations.
- B. Inventory audits to compare invoices showing source(s) of WIC food and infant formula purchases with WIC redemption.
- C. Compliance investigations where undercover investigative staff carry out WIC purchases and check for non-compliance with WIC regulations.

For inspection type A, a WIC vendor must agree to allow any WIC employee or affiliate to speak with the highest-ranking store manager available at the time of the visit. At a minimum, the WIC employee will review the results of the visit with the manager present at the time. The manager is also free to accompany the WIC employee or affiliate during the visit to ensure that the store is being reviewed.

For inspection type B, a WIC vendor must provide requested inventory records to Indiana WIC for review. Indiana WIC will determine if the vendor has WIC redemption that exceeds inventory records or has obtained infant formula from an unapproved source and will provide sanctions accordingly. Please see the Sanction Schedule on page 15 for more information.



For inspection type C, the WIC vendor will not know that the undercover investigator is checking for non-compliance with WIC regulations. Indiana WIC agrees to notify WIC vendors about any violations resulting from compliance investigations at the closing of any investigation. Vendors may not be notified about violations during ongoing investigations.

**19. Vendors must be open a minimum of eight hours per day, six days per week.**

**20. Food and grocery with pharmacy vendors must maintain a minimum stock of WIC approved foods and all stores must maintain WIC approved foods within their fresh dates.** To assure that WIC clients can redeem their WIC EBT cards for the proper types and quantities of foods, food and grocery with pharmacy vendors are always required to have the following minimum stock in the store:

- A. 100% Dairy Milk — 4 gallons of whole, 1 gallon of 2% reduced fat, and 10 gallons of 1% low fat or skim milk for a total of 15 gallons.
- B. Cheese — 5 pounds and 2 kinds of 8 ounce or 16 ounce domestic pre-packaged, block, sliced, shredded, cubed, sting, stick, or crumbled cheese.
- C. Eggs — 5 dozen large or extra-large white eggs in 1 dozen containers.
- D. Dry Beans, Peas, or Lentils — 3 pounds and 2 kinds of dry beans, peas or lentils in 1-pound bags.
- E. Canned Beans — 128 ounces of canned beans in 15 - 64-ounce size.
- F. Peanut Butter — 5 jars in 16 to 18-ounce size.
- G. Cereal — 6 kinds of dry for a total of 25 boxes. At least one variety must be whole grain cereal.
- H. 64 oz. Juice — 15 containers of 64 ounces and 2 kinds.
- I. Juice Concentrate – 5 cans of 11.5 or 12-ounce frozen juice and/or shelf stable concentrate or of 46 – 48-ounce shelf stable or refrigerated juice and 2 kinds.
- J. Formula:
  - 6 - 8.1 fluid ounce containers Gerber Good Start Gentle concentrate
  - 20 - 12.7-ounce containers Gerber Good Start Gentle powder
  - 10 - 12.4-ounce containers Gerber Good Start Soothe powder
  - 5 - 12.9-ounce containers Gerber Good Start Soy powder
- K. Infant Cereal — 80 ounces and 2 kinds in 8 or 16 oz. containers
- L. Infant Fruits and Vegetables– 200 ounces of infant food fruits or vegetables in 4-ounce or 8-ounce containers.
- M. Bread: 10 loaves of WIC-approved whole grain bread in 16-ounce packages.
- N. Fruits and Vegetables: \$50 total of fresh or frozen fruits and vegetables, 2 kinds of fruits and 2 kinds of vegetables.

Stocking requirements are based on the “Indiana WIC Program Approved Foods Card (AFC)” in effect at the time. This list is updated and provided to vendors each year. Vendors must comply with any changes in the AFC and changes in stocking requirements. Not all WIC approved foods are listed under the minimum stocking requirements and not all approved foods must be stocked by the vendor.

Waivers are permitted for the following food categories in the following amounts:

- J. Formula: 0 – 8.1 fluid oz. containers Gerber Good Start Gentle concentrate but provide item upon WIC client request within 4 business days.
- M. Bread: 5 loaves of WIC-approved whole grain bread in 16-ounce packages.

Waivers are also permitted for ethnic or religious stores who serve clientele that do not purchase certain types of WIC items for cultural or religious reasons.

Vendors who would like to request waivers must contact Indiana WIC at 800-522-0874 or [WICVendorMail@isdh.in.gov](mailto:WICVendorMail@isdh.in.gov) and describe the reason for the requested waiver. Indiana WIC will review all waiver requests by querying redemption data. All granted waivers must be documented in writing by Indiana WIC and on the Vendor Agreement between WIC vendors and their WIC local agencies.

**21. All pharmacy-only vendors must maintain the following minimum stock of contract formulas within their fresh dates.**

- 6 - 8.1fluid oz. container Gerber Good Start Gentle concentrate
- 10 - 12.7-ounce container Gerber Good Start Gentle powder
- 5 - 12.4-ounce container Gerber Good Start Soothe powder
- 5 - 12.9-ounce container Gerber Good Start Soy powder

**22. Vendors are required to retain inventory records for a minimum of three years for state and federal purposes and other records as noted in the Vendor Agreement. All infant formula and WIC eligible nutritionals must be purchased from an approved source. A list of approved sources is available at [www.wic.in.gov](http://www.wic.in.gov) on the Vendor Information webpage under “Formula Wholesalers.”**

All inventory records must contain the following to be accepted during inventory audits:

- Name and address of supplier
- Name and address of purchaser
- Date of purchase
- List of items purchased including size, quantity, and price

WIC vendors may request the addition of new formula wholesalers to the approved sources list by emailing [WICVendorMail@isdh.in.gov](mailto:WICVendorMail@isdh.in.gov).

**23. Contracted pharmacies and grocery vendors with a pharmacy must provide any prescribed formula and WIC eligible nutritionals to WIC clients within two (2) business days of notification. Pharmacies may redeem WIC EBT cards for formula and WIC eligible nutritionals only. All formulas and WIC eligible nutritionals that could be used by WIC clients must be within their fresh dates. For a full list of WIC eligible infant formulas and nutritionals, please see “Indiana WIC Formulary” at [www.wic.in.gov](http://www.wic.in.gov).**

**24. Vendors must accurately present the price of all WIC approved foods on an item, shelf, or sign. Prices must accurately reflect what the client will be charged at checkout. Failure to do so will result in a sanction by Indiana WIC.**

**25. Appropriate WIC vendor materials are provided at no charge and must be maintained at a vendor’s store location. Contact Indiana WIC at 1-800-522-0874 or [WICVendorMail@isdh.in.gov](mailto:WICVendorMail@isdh.in.gov) when additional materials are needed.**

- A. Shelf Tags. Shelf tags are provided for foods specified on the current Approved Foods Card (AFC) to help clients find the correct items. Current tags must be used on the shelf near the item. The WIC logo and the acronym “WIC” are registered with the U.S. Patent and Trademark Office. Vendors may implement their own printed shelf tags after notifying and receiving the expressed written consent of Indiana WIC. Pharmacy-only vendors are not required to display WIC shelf tags.
- B. Door Decal. A current WIC provided door decal must be displayed at one of the store’s entrances.
- C. Approved Foods Card (AFC). The card notes allowed and not allowed foods. AFCs no longer need to be placed at vendor cash registers. The most current version is available at [www.wic.in.gov](http://www.wic.in.gov). The AFC can also be accessed via the INWIC Mobile App in the Resource Links section.
- D. Vendor Manual. Available at [www.wic.in.gov](http://www.wic.in.gov).

**26. Vendors will not designate special checkout lanes restricted to use by WIC clients.**

Vendors may limit the lanes where WIC transactions may occur as long as the general public also has access to such lanes. Vendors may not establish a minimum dollar limit per transaction or a maximum limit on the number of transactions. Vendors may not impose a fee to clients for processing a transaction.

**27. Vendors will provide banking information to Indiana WIC and the WIC EBT financial processor (Conduent).**

New applicants will provide banking information during the vendor application process. Existing vendors will provide Indiana WIC and Conduent with updated banking information prior to the bank account change taking place. Alerting Indiana WIC and Conduent about banking changes ensures that direct deposits are sent to the correct banking accounts.

**28. Vendors must notify Indiana WIC about any permanent or temporary store closures, changes in ownership, or changes in location at least 15 days in advance.**

Indiana WIC authorization is NON-TRANSFERABLE. When a vendor changes ownership, the new owner(s) must cease accepting WIC transactions and apply for WIC authorization if desired. Vendors who continue to accept unauthorized WIC transactions after a transfer of ownership will be required to reimburse Indiana WIC for the unauthorized transactions. When moving a store to a new location, Indiana WIC requires a new WIC Vendor Application if the store moves beyond a 5-mile radius from the original location.

**29. Vendors will alert the Indiana WIC Program in writing about any WIC EBT payment adjustment requests within 30 calendar days of the original transaction date.**

The vendor should include a detailed explanation of the issue as well as the corrective action taken to prevent future occurrences if applicable.

**PROGRAM REQUIREMENTS FOR ABOVE – 50% (A50) VENDORS**

Indiana WIC permits vendors to achieve 50% or greater of their food sales from WIC EBT redemption. In addition to the program requirements listed above, above-50 percent (A50) vendors must adhere to the following additional requirements:

- 1. **New A50 vendors must note that they intend to receive 50% or more food sales from WIC on their Vendor Applications.** This must be noted on both initial Vendor Applications and triennial applications.

2. **New applicant A50 vendors and existing vendors who become A50 vendors must comply with Indiana WIC requests for additional financial information.** This includes but is not limited to state sales tax records, food sales records, and SNAP information.
3. **A50 vendors must maintain competitive prices that are less than the average food costs for Indiana WIC vendors in general.** Per CFR 246.12 (g), A50 vendors must charge prices that are less than the average prices charged by Indiana WIC vendors in general. A50 vendors who do not charge prices under average prices for Indiana WIC vendors in general may have vendor agreements terminated for failure to meet competitive price selection criteria (CPSC). A50 vendors will be placed in a separate vendor peer group to ensure compliance with CPSC.
4. **A50 vendors cannot provide incentive items to attract WIC customers to their stores.** Some state WIC programs allow A50 vendors to promote WIC business at their locations through giveaways of items worth less than \$2. Indiana WIC does not allow any incentive items not made available to the general public to be distributed to WIC clients by A50 vendors or other WIC vendors. Discounts, services, and special offers available to the general public must also be made available to WIC clients.

A list of prohibited A50 incentive items includes but is not limited to:

- Services which result in a conflict of interest or the appearance of such a conflict for the A50 vendor, such as assistance with applying for WIC benefits.
- Lottery tickets provided at no or reduced cost.
- Any cash gift.
- Anything made available in a public area as a complimentary gift which may be consumed or taken without charge.
- Providing an otherwise allowable incentive item more than once per customer per shopping visit.
- Items sold to customers below cost.
- Services provided to customers at below fair market value.
- Any kind of incentive item which incurs a liability for Indiana WIC.
- Any kind of incentive item which violates any Federal, State, or local law or regulations.

#### **PEER GROUP ASSIGNMENT AND COMPETITIVE PRICE SELECTION CRITERIA (CPSC)**

Indiana WIC assigns vendors into one of six different peer groups for not-to-exceed (NTE) price calculation. Vendors can request information on which peer group they are assigned to. Vendors are not permitted to know about the status of other vendors in their peer group.

The peer groups are listed as follows:

1. **Pharmacy-Only Vendors** (These vendors do not transact WIC food items.)
2. **Independent Vendors and Local Grocery Chains** (Owners or franchise have 5 or less stores in 2 states or less.)
3. **Regional Grocery Chains** (Owners or franchise have 6 or more stores in 1 state or more.)
4. **National Grocery Chains** (Owners or franchise have 20 or more stores in 5 or more states.)
5. **Mass Merchandisers** (Retail stores carrying large quantities of a variety of products beyond grocery and pharmacy items.)

6. **Above-50% Stores** (Stores that obtain more than 50% of their food revenue from WIC transactions.)

Indiana WIC may change a vendor's peer group whenever it determines that placement in an alternate peer group is warranted. Vendors will be notified when their peer group assignment changes.

Indiana WIC also uses competitive price selection criteria (CPSC) to ensure that vendors authorized to accept WIC EBT transactions do not increase prices to levels that would make the vendor ineligible for authorization. Vendors who increase prices beyond the acceptable CPSC for their peer group may be terminated or disqualified.

The CPSC for each peer group that redeems WIC foods and formulas is as follows:

2. Independent Vendors and Local Grocery Chains: 3.25 standard deviations (SDs) from the average market basket price
3. Regional Grocery Chains: 1.5 SDs
4. National Grocery Chains: 1.25 SDs
5. Mass Merchandisers: 1 SD
6. Above-50% Stores: 1 SD

The WIC market basket considered for CPSC contains:

1. One pound of cheese
2. One dozen eggs
3. One ounce of breakfast cereal
4. One container of beans or peanut butter
5. One ounce of infant cereal
6. One ounce of infant fruits and vegetables
7. One can of Gerber Gentle powder
8. One gallon of 1% or skim milk
9. One bottle of 64-ounce juice

Above – 50% (A50) vendors are subject to separate CPSC per CFR 246.12 (g). A50 vendors who charge in excess of the average prices charged by Indiana WIC vendors in general may be terminated.

## **CLIENT ACCESS CRITERIA**

Client access determinations are required before:

- Denying a vendor applicant, except for failure to maintain minimum stock or meet competitive price selection criteria (CPSC).
- Terminating a vendor for vendor violations, except for failure to maintain minimum stock or meet competitive price selection criteria (CPSC).
- Disqualifying a vendor as required by federal law, except for third or subsequent violations or permanent SNAP disqualifications.

Inadequate WIC client access to WIC foods or formula will be determined at Indiana WIC's sole discretion when:

1. In an urban area, there is no WIC-authorized vendor that provides food items located within 5 miles driving distance of the food vendor being assessed.
2. In a rural area, there is no WIC-authorized vendor that provides food items located within 10 miles driving distance of the food vendor being assessed.

3. In any area, there is no WIC-authorized grocery with pharmacy or pharmacy-only vendor within 10 miles driving distance of the grocery with pharmacy or pharmacy-only vendor being assessed.

In order to make a client access determination, Indiana WIC will:

1. Identify whether the vendor being assessed is in an urban or rural zip code by rural-urban commuting area (RUCA) code. Zip codes with a RUCA code of 1-3 are considered urban. Zip codes with a RUCA code of 4-10 are considered rural.
2. Identify all vendors within a maximum 10 miles driving distance of the vendor being assessed using Google Maps or geographic information systems (GIS).
3. Identify if the vendors within a maximum 10 miles driving distance are food, grocery with pharmacy, or pharmacy-only vendors.
4. Determine the assessed vendor is needed for client access if and only if
  - a. There are no other vendors that provide food items located within 5 miles driving distance of a vendor that provides food items in an urban zip code.
  - b. There are no other vendors that provides food items located within 10 miles driving distance of a vendor that provides food items in a rural zip code.
  - c. There is no other grocery with pharmacy or pharmacy-only vendors located within 10 miles driving distance of a grocery with pharmacy or pharmacy-only vendor.
5. The result of the client access determination will be shared with the assessed vendor and will be stored in the vendor's record with Indiana WIC.
6. If a vendor is determined necessary for client access, the vendor will not be denied, terminated, or disqualified, with the exceptions noted above. Vendors needed for client access may still be fined or given a civil money penalty (CMP).

## **WIC CLIENTS**

Clients are given a list of WIC-approved foods, a list of authorized vendors in their area, and instructions on how to use WIC EBT cards. Clients with WIC-related problems should be referred to the local or state WIC office. WIC clients or proxies are in violation of program requirements and may be sanctioned if they:

1. Return or attempt to return non-defective, spoiled, or expired items purchased with WIC EBT cards.
2. Physically or verbally abuse vendor personnel.
3. Sell or attempt to sell WIC EBT cards.
4. Sell or attempt to sell WIC provided foods, formula, or WIC eligible nutritionals.

Your cooperation in reporting violations is appreciated. Forms for written complaints about client abuse are available online on the Vendor Information webpage at [www.wic.in.gov](http://www.wic.in.gov). Client abuse may also be reported by contacting the local or state WIC office.

When submitting complaints against WIC clients, please obtain the last four digits of the client's WIC EBT card. This information is often found on WIC EBT transaction receipts.

Please maintain an area of the store, like a customer service desk, where lost WIC EBT cards can be collected and maintained. Please contact the local WIC clinic and provide the WIC EBT card number to the clinic. The WIC clinic will inform the WIC client to come into the clinic to receive a new card. The lost WIC EBT card can then be destroyed.

Alternatively, vendors may send the WIC EBT card to the local WIC clinic or to Indiana WIC. WIC staff will contact WIC clients as necessary concerning lost WIC EBT cards.

Do not return lost WIC EBT cards to store customers. Since the WIC EBT card does not contain identifying information, vendors cannot verify that the person receiving the WIC EBT card is the true cardholder.

## VENDOR SANCTION SCHEDULE

Vendors have several responsibilities pursuant to their Vendor Agreements. It is essential that responsibilities are met. Vendors who fail to meet WIC requirements may lose their authorization to participate in the Program. The following is in accordance with the US Code of Federal Regulations (CFR) 7.B.II.A § 246.12.

	<u>Violation</u>	<u>Offense</u>	<u>Sanction</u>	<u>Term</u>
1.	Disqualification from other Food and Nutrition Service programs (FSPs).	All	Disqualification	Same as FSP ****
2.	Vendors convicted of selling WIC EBT cards for cash or other forms of direct payment (trafficking).	1 <sup>st</sup>	Disqualification	Permanent ****
3.	Vendors convicted of selling firearms, explosives, ammunitions, or controlled substances in exchange for WIC EBT cards.	1 <sup>st</sup>	Disqualification	Permanent ****
4.	Incidence of buying or selling WIC EBT cards for cash or other forms of direct payment (trafficking).	1 <sup>st</sup>	Disqualification	6 years ****
5.	Incidence of selling firearms, ammunition, explosives, or controlled substances for WIC EBT cards.	1 <sup>st</sup>	Disqualification	6 years ****
6.	Incidence of selling alcoholic beverages or tobacco products in exchange for WIC EBT cards.	1 <sup>st</sup>	Disqualification	3 years ****
7.	Claiming reimbursement in excess of documented inventory.	Period of less than 2 calendar months	Fine	Equivalent to reimbursement claimed in excess of documented inventory
		Period of 2 or more calendar months	Fine, if needed for client access.	Equivalent to reimbursement claimed in excess of documented inventory
			Disqualification	3 years ****

	<u>Violation</u>	<u>Offense</u>	<u>Sanction</u>	<u>Term</u>
8.	Charging WIC clients over the shelf price and/or the not to exceed (NTE) price, intentionally or unintentionally.	Pattern of abuse (2 or more incidents)	Disqualification	3 years ****
9.	Receiving, transacting, and/or redeeming WIC EBT cards outside authorized channels including unauthorized vendors or persons.	Pattern of abuse (2 or more incidents)	Disqualification	3 years ****
10.	Charging for foods not received by the client.	Pattern of abuse (2 or more incidents)	Disqualification	3 years ****
11.	Providing credit or non-food items in exchange for WIC EBT cards (other than alcohol, tobacco, firearms, ammunition, explosives, or controlled substances).	Pattern of abuse (2 or more incidents)	Disqualification	3 years ****
12.	Failure to provide inventory records.	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup>	Fine	\$1,000
		3 <sup>rd</sup>	Disqualification	3 years ****
13.	Failure to provide authorized WIC Program access to the business premises.	1 <sup>st</sup>	Disqualification	1 year ****
14.	Submission of false information on Vendor Application, Price List, or during inspection of the vendor.	1 <sup>st</sup>	Disqualification	1 year ****
15.	Circumventing disqualification or civil money penalty (CMP) through a purported transfer of ownership.	1 <sup>st</sup>	Disqualification or CMP	Equivalent to original assessment ****
16.	Failure to provide authorized WIC Program access to any records other than inventory records.	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup>	Disqualification	1 year ****
17.	Providing prohibited incentive items to WIC clients to attract WIC business.	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup>	Disqualification	1 year ****
18.	Stocking or purchasing formula or WIC eligible nutritionals from supplier not authorized by WIC.	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup>	Disqualification	1 year ****
19.	Failing to pay civil money penalty (CMP) as scheduled.	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup>	Disqualification	1 year ****
20.	Failing to reimburse Indiana WIC within 30 days of written request for fines or amounts paid by Indiana WIC for improperly redeemed WIC transactions.	1 <sup>st</sup>	Warning and 10% fine	
		Repeat	Fine or disqualified	See Additional Sanction Information **



	<b><u>Violation</u></b>	<b><u>Offense</u></b>	<b><u>Sanction</u></b>	<b><u>Term</u></b>
21.	Redeeming benefits for foods which are not WIC food categories.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
22.	Selling expired infant formula or WIC eligible nutritionals to clients.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
23.	Accepting returned items purchased with WIC EBT cards for cash or credit.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
24.	Failure to attend annual mandatory September WIC training by a store representative.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
25.	Threatening or verbally abusing WIC clients or program personnel.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
26.	Outstanding sanitation report issues from county health department during WIC authorization.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
27.	Failure to honor a coupon or any other special offer available to the general public.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
28.	Failure to accept a valid WIC EBT card.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
29.	Recovery or attempted recovery of funds or food from WIC clients in relation to a WIC EBT card.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
30.	Failure to provide formula or WIC eligible nutritionals within 2 business days or as stated on Vendor Agreement waiver as required.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **
31.	Failure to allow the purchase of an authorized food or issuing rain checks or IOU.	1 <sup>st</sup>	Warning	
		Repeat	Fine or disqualified	See Additional Sanction Information **

	<u>Violation</u>	<u>Offense</u>	<u>Sanction</u>	<u>Term</u>
32.	Failure to maintain the minimum stock of WIC foods on hand. *	1 <sup>st</sup>	Warning	
		2 <sup>nd</sup> & 3 <sup>rd</sup>		See Additional Sanction Information ***
		4 <sup>th</sup>	Disqualification	1 year ****
33.	Failure to cease accepting WIC transactions after a transfer of ownership.	1 <sup>st</sup>	Termination	
			Fine	Equivalent to reimbursement claimed after transfer of ownership
34.	Failure to remove any out-of-date WIC food from customer areas. See item G under Additional Sanction Information. *	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
35.	Failure to place refrigerated or frozen WIC items in functioning refrigerators or freezers that meet ISDH standards. See item G under Additional Sanction Information. *	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
36.	Failure to show the price of WIC foods on the food package, container, shelf, or on a sign accurately. *	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
37.	Failure to offer WIC clients the same courtesies and services offered to the general public.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
38.	Requiring clients to show ID other than the WIC EBT card and PIN.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
39.	The possession, attempted sale, or sale of food products from the Commodity Supplemental Food Program (CSFP).	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
40.	Retaining information that identifies a WIC client or proxy or disclosing information regarding a WIC client.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
41.	Failure to maintain store business hours as specified on the Vendor Application.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***

	<b><u>Violation</u></b>	<b><u>Offense</u></b>	<b><u>Sanction</u></b>	<b><u>Term</u></b>
42.	Preventing a WIC client from leaving the store with items already redeemed on the WIC EBT card.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
43.	Failure to train store personnel in WIC procedures.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
44.	Failure to provide a WIC client with a cash register receipt for the foods purchased.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
45.	Failure to correct price look-up (PLU) code mapping or entry errors with written evidence within a one-week timeframe from original complaint. (Written evidence can include local agency forms with attached receipts or information from corporate offices.)	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
46.	Refusing to void non-WIC items in a mixed basket transaction or refusing to allow a split tender transaction.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
47.	Requiring a client to select a specific type or brand of WIC foods when the shopping list does not require purchase of that specific type or brand.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
48.	Failure to display WIC Program supplied or store-printed shelf tags near WIC authorized foods accurately. *	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
49.	Failure to update the Indiana WIC Approved Products List (APL) daily.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
50.	Failure to provide balance inquiries to WIC clients when requested.	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***
51.	Failure to provide mid-transaction receipts or digital review to WIC clients during transaction (only applicable to ICR vendors).	1 <sup>st</sup>	Warning	
		Repeat		See Additional Sanction Information ***

<u>Violation</u>		<u>Offense</u>	<u>Sanction</u>	<u>Term</u>
52.	Failure to allow WIC representative to speak with manager at vendor location during a store visit.	1 <sup>st</sup>	Education	
		Repeat		See Additional Sanction Information ***
53.	Failure to display the WIC door decal at the front of the store.	1 <sup>st</sup>	Education	
		Repeat		See Additional Sanction Information ***

\* Requires a follow-up visit in 3 months.

\*\* For the second and any subsequent violations within a twenty-four (24) month period, a vendor may be sanctioned as follows:

- (A) Up to the lesser of one thousand dollars (\$1,000) or ten percent (10%) of the vendor's monthly average redemptions for:
  - (i) the twelve (12) months preceding the date of the sanction notice, or
  - (ii) a lesser number of months the vendor has been authorized.
- (B) Disqualification from the WIC program for up to one (1) year.
- (C) CMP in lieu of disqualification (see \*\*\*\* below).

\*\*\* For a vendor's second violation within a twenty-four (24) month period, a vendor shall either:

- (A) Receive a second warning letter; or
- (B) Be required to participate in a conference with the department and local agency about the violation, either in person or by telephone.
- (C) Both.

After the letter or conference, the vendor shall submit written documentation of the corrective action that will be taken.

For a vendor's third violation within a twenty-four (24) month period, a vendor may be fined the greater of \$100.00 or three percent (3%) of the vendor's monthly average redemptions for either:

- (A) The twelve (12) months preceding the date of the imposition of the sanction.
- (B) A lesser number of months the vendor has been authorized.

For any subsequent violations within a twenty-four (24) month period, a vendor may be fined the greater of \$200.00 or five percent (5%) of the vendor's monthly average redemptions for either:

- (A) The twelve (12) months preceding the date of the sanction notice.
- (B) A lesser number of months the vendor has been authorized.

\*\*\*\* If Indiana WIC permits a vendor to continue to participate with Indiana WIC in lieu of disqualification based on a client access determination, Indiana WIC shall assess the vendor a civil money penalty (CMP) in an amount as follows:

- (A) For a permanent disqualification, the CMP shall be the maximum allowed as described in E and F below.

- (B) For a non-permanent disqualification, the first CMP shall be 10% of the vendor's average monthly redemptions for the preceding 12 months multiplied by the number of months for which the store would have been disqualified.
- (C) A second occurrence of a non-permanent mandatory sanction without disqualification shall trigger a CMP double the amount for the first CMP.
- (D) A third and any subsequent occurrence of a non-permanent mandatory sanction without disqualification shall trigger a CMP double the amount for the second CMP.
- (E) The amount of any CMP shall not exceed \$11,000 for each violation.
- (F) The amount of CMP imposed for violations from a single investigation shall not exceed \$49,000.
- (G) If more than one violation is detected during a single investigation, a CMP must be imposed for each violation.

### **ADDITIONAL SANCTION INFORMATION**

- A. WIC is required to disqualify a vendor who has been disqualified from the Food Stamp Program (SNAP). If the vendor is disqualified from WIC as a result of SNAP disqualification, such disqualification is not subject to administrative or judicial review by the WIC state agency. WIC may also disqualify a WIC vendor who has received a Civil Money Penalty (CMP) from SNAP in lieu of disqualification from that program.
- B. Vendors who have been disqualified from WIC may also be disqualified from SNAP. In accordance with current laws governing both WIC and SNAP, such SNAP disqualification may not be subject to administrative or judicial review under SNAP.
- C. A vendor who has been disqualified from the WIC Program is eligible to reapply 30 days before the period of disqualification has ended. In all cases, the vendor's new application will be subject to the agency's vendor selection criteria in effect at the time of re-application.
- D. A violation that carries a warning sanction will not be considered for purposes of the progression of sanctioning after 24 months from the date of the occurrence except in the event of an appeal. If the state prevails in the appeal process, the 24-month period will be extended by the number of days the appeal process takes from beginning until final resolution. In addition, routine and follow-up monitoring activities may continue during the appeal process. Any additional violations will follow the progressive Sanction Schedule.
- E. The WIC Program reserves the right to deny payment for part or all EBT card purchases and/or demand a refund for EBT card purchases involving program abuse in addition to any other sanction which may be applied.
- F. Commission of any violation not specifically listed on the Sanction Schedule, but which is contrary to any rule, regulation, policy, or procedure of the WIC Program, shall be dealt with in accordance with the severity of the violation. The Sanction Schedule will be used as a guideline for determining sanctions.
- G. Local health departments will be notified when out-of-date foods remain on the shelf during a monitoring visit and outstanding sanitation report issues have not been rectified prior to or during WIC vendor authorization.

- H. USDA rules do not allow vendors to withdraw from the program as an alternative to disqualification.
- I. The state agency does not have to provide the vendor with warning that violations were occurring before imposing a sanction listed in the Sanction Schedule or taking action against a vendor for monitoring visits, inventory audits, and compliance investigations.
- J. Vendors may be terminated without warning when they fail to meet vendor selection criteria.
- K. Per CFR 246.12, a vendor who commits fraud or abuse in the WIC Program is liable to prosecution under applicable Federal, State or local laws. Those who have willfully misapplied, stolen or fraudulently obtained program funds will be subject to a fine of not more than \$25,000 or imprisonment for not more than five years or both if the value of the funds is \$100 or more. If the value is less than \$100, the penalties are a fine of not more than \$1,000 or imprisonment for not more than one year or both.

## **VENDOR RIGHTS/APPEAL PROCEDURE**

The WIC Program provides vendors certain rights, which include:

1. The right to voluntarily withdraw from the WIC Program except if it is to avoid disqualification resulting from violations of the Sanction Schedule or to avoid paying a civil money penalty (CMP) or fine.
2. The right to file a complaint against a WIC client or other WIC vendor.
3. The right to receive advance notice of a suspension, termination, or non-approval.
4. The right to request a hearing on an adverse action allowable under CFR 246.18.
5. The right to be represented by counsel.

A written request for appeal must be sent within 15 days of your receipt of notice of an adverse action to:

Indiana State Department of Health  
Attn: Court Administrator  
Office of Legal Affairs  
2 North Meridian Street, Section 3H  
Indianapolis, Indiana 46204

Hearings will take place in Indianapolis before an Administrative Law Judge (ALJ). Hearings will be conducted in an informal manner during which the vendor and the WIC Program can present. The ALJ decision will be based on the oral and documentary evidence presented and the statutory and regulatory provisions governing the WIC Program.

## **VENDOR AUTHORIZATION AND APPLICATION**

Stores interested in being authorized as a WIC vendor must submit vendor application materials to the state WIC office. Stores are selected for authorization based on selection criteria as required by the United States Department of Agriculture (USDA) under 7 CFR Part 246 of the Federal Register. WIC authorization is selective to aid in effectively managing the food delivery component of the Program. Submission of an application does not guarantee authorization to accept WIC EBT cards.

The authorization process involves comparing the application to program requirements and will involve an on-site pre-authorization visit to verify prices, variety of formula, WIC food stock, other information on the application, and store operations. The authorization process is as follows:

1. Application by an unauthorized vendor
  - a. Apply at any time.
  - b. Separate applications have been developed for grocery stores and for pharmacies.
  - c. Submit both a Vendor Application and Food or Pharmacy Price List.
  - d. Follow directions for completing the Vendor Application found on the Vendor Information webpage at [www.wic.in.gov](http://www.wic.in.gov).
  - e. Submission of a Vendor Application does not guarantee authorization.
  - f. If Indiana WIC determines there is adequate client access and the store is not as qualified as authorized vendors serving the same area, the application may be denied.
  - g. If the program determines that all selection criteria are met, the store will be authorized for the remainder of the current contracting cycle.
2. Application by a currently authorized vendor
  - a. Currently authorized Indiana WIC vendors must reapply every three years between May 1 and September 1 during re-contracting as directed by the state WIC office.
  - b. Current vendors are not required to submit a Food or Pharmacy Price List.
  - c. Current vendors will be terminated if not compliant with the Indiana WIC Vendor Agreement or if the vendor fails to continue to meet the current vendor selection criteria. Selection criteria may be re-evaluated at any time.
3. The selection criteria ensure adequate service for WIC clients and keeps the number of authorized vendors to a manageable level.
4. Authorization is NON-TRANSFERABLE; if a vendor changes ownership, location, format, or ceases operation, its authorization to redeem WIC EBT cards ends. The Indiana WIC Program must be notified at least 15 days in advance if any of these changes occur. Vendors who continue to accept unauthorized WIC transactions after a transfer of ownership will be required to repay Indiana WIC. Vendors moving less than 5 miles in distance from the original location can retain WIC authorization.
5. Authorization can be terminated by the store or the state WIC Program by giving at least 15 days written notice to the other party.

## **VENDOR SELECTION CRITERIA**

1. Evaluate Vendor Application and Food or Pharmacy Price List
  - a. The Vendor Application and Food or Pharmacy Price List from new vendors must be accurate and complete. There is no deadline for new vendors to submit these materials.
  - b. During re-contracting, the Vendor Application must be accurate, complete, and received between May 1 and September 1 in order to be considered. A Food or Pharmacy Price List is not necessary for re-contracting.
2. Applicant must be the best qualified based on the following selection criteria
  - a. There may be no conflict of interest between the vendor and local or state WIC staff.
  - b. Food vendors must participate in the SNAP Program and provide a SNAP number. Pharmacy-only vendors may participate in WIC without a SNAP number.

- c. None of the store's current owners, officers, or managers have been convicted of or had a civil judgment entered against them in the past 6 years for the following conduct demonstrating a lack of business integrity:
    - i. Fraud
    - ii. Antitrust violation
    - iii. Embezzlement
    - iv. Theft
    - v. Receiving stolen property
    - vi. Forgery
    - vii. Bribery
    - viii. Falsification or destruction of records
    - ix. Making false statements or claims
    - x. Obstruction of justice
  - d. Letter "c" can be waived if it is determined that denying or terminating the WIC vendor would result in inadequate client access to WIC foods, formulas, or WIC eligible nutritionals.
  - e. The previous owner must have a satisfactory compliance record with all USDA programs, if related in any way to the applicant.
  - f. Food prices must fall within the competitive price selection criteria (CPSC) for the peer group as described on page 13 and fall under not-to-exceed (NTE) prices as described on page 6.
  - g. The vendor must be open a minimum of eight hours per day, six days per week for a total of 48 hours per week.
  - h. Both A50 and non-A50 vendors may not make offers of any kind or any value as an incentive to attract WIC customers unless the offers are also available to the general public.
  - i. The vendor must meet minimum WIC stocking requirements except when granted by waivers.
  - j. All WIC food prices are marked on or near the foods.
  - k. WIC foods on the shelves available for sale must be within their fresh date.
  - l. Refrigeration and freezers are compliant with ISDH standards.
  - m. Satisfactory past WIC and SNAP compliance record must be achieved.
  - n. Grocery with pharmacy and pharmacy-only vendors must provide special order infant formula and WIC eligible nutritionals within 2 business days of notice. All vendors must provide contract infant formulas.
  - o. Infant formula and WIC eligible nutritionals must be purchased by vendor from an approved source. A list of approved sources is available at [www.wic.in.gov](http://www.wic.in.gov).
  - p. Satisfactory county health department sanitation report and history is maintained.
  - q. False information was not submitted on the application.
  - r. Store management desires WIC authorization and cooperates during a pre-authorization visit.
3. Pre-authorization store visit
- a. Stores meeting selection criteria will be visited by state or local WIC personnel to check all application, price list, and selection criteria information that is verifiable at the store.
  - b. The WIC staff inspecting the store will review the most recent formula invoice on-hand at the store to ensure that the store is acquiring formula from a source approved by Indiana WIC.
  - c. If the store fails the pre-authorization visit, the applicant will be notified via written letter from Indiana WIC.



- d. A second visit will be made upon receipt of written notice that deficiencies have been corrected.
  - e. Stores that fail a second visit must wait at least one year to reapply.
4. Vendor Authorization
- a. Stores who pass the pre-authorization visit will be authorized as a WIC vendor.
  - b. Store ownership or their designated person will sign a WIC Vendor Agreement for the remainder of the current contracting cycle with the store's WIC local agency.
  - c. If the store is an integrated vendor, state WIC staff will verify that the store's cash registers can process WIC EBT successfully.
  - d. If the store is a stand-beside vendor, store ownership will also sign a financial processing agreement with Conduent for WIC EBT transactions. Conduent will provide the stand-beside device(s) and install and train store staff on how to use the device(s).
5. Vendors must continue to meet all selection criteria throughout the authorization period. The WIC Program may modify the selection criteria and may evaluate an authorized vendor's compliance with the selection criteria in effect at any time. Failure to meet selection criteria may result in termination.

Existing vendors are required to submit a new application during each contracting season from May 1 to September 1 every three years. New stores may also apply during this period and, if authorized, will be issued a vendor agreement for the remainder of the current contracting cycle.

A vendor is authorized for a specific time period and must reapply prior to the Vendor Application deadline date of September 1 to continue in the WIC program. The WIC program is not obligated to renew any vendor's authorization. Authorization to participate can be terminated by the vendor or Indiana WIC by giving at least 15 days written notice to the other party. Authorized vendors must notify Indiana WIC at least 15 days in advance of change of ownership, location, format, or store closure, and within 48 hours of a flood, fire, and any interruption of service.

## DEFINITIONS

**Above – 50% (A50) vendor:** A vendor who receives more than 50% of overall food sales from WIC business. A50 vendors have additional regulations that must be followed compared to non-A50 vendors.

**Administrative Law Judge (ALJ):** A judge who presides over trials involving administrative law.

**Adverse action:** Any vendor sanction that is being appealed by a vendor or reviewed by an Administrative Law Judge.

**Approved Foods Card (AFC):** A listing of WIC eligible food categories and the associated criteria determining which items can be approved and are not allowed. Hard copies of the AFC will no longer be provided to vendors and are no longer required to be placed at cash registers at vendor locations. An online version is available at [www.wic.in.gov](http://www.wic.in.gov).

**Approved Products List (APL):** Indiana's master UPC list that the WIC EBT card is programmed to follow. Once a UPC is added to the APL and categorized to a specific category, that UPC is eligible for purchase via the WIC EBT card. Vendors who introduce new or modified items for sale with new UPCs should inform Indiana WIC through the UPC Update

Request Form available at [www.wic.in.gov](http://www.wic.in.gov). The APL is updated on a regular basis by Indiana WIC, and vendors are required to update their versions of the APL daily.

**Approved source:** A wholesaler listed by Indiana WIC as trustworthy for providing infant formulas and WIC eligible nutritionals to WIC vendors. A list of approved sources is maintained under “Formula Wholesalers” at [www.wic.in.gov](http://www.wic.in.gov). Vendors can request that additional approved sources are added by emailing [WICVendorMail@isdh.in.gov](mailto:WICVendorMail@isdh.in.gov).

**Balance inquiry:** A type of transaction that allows WIC EBT cardholders to identify the remaining benefits left on their card. Balance inquiries requested by WIC clients at checkout must be performed by WIC vendors. Balance inquiries can also be conducted on the INWIC Mobile App, phone, online, or at WIC clinics.

**Benefits:** The food, formula, and WIC eligible nutritional item quantities that are loaded onto WIC clients’ EBT cards.

**Brand:** Trademark name for a product.

**Business day:** Any day between Monday and Friday.

**Cash Value Benefit (CVB):** A fixed-dollar benefit on an electronic benefit transfer (EBT) card which is used by a client to obtain authorized fresh or frozen fruits and vegetables.

**Chain vendor:** An individual or group of stores that are owned by the same entity.

**Cheese food, product, substitute, spread, etc.:** Non-approved food item that is less than 100% cheese.

**Civil money penalty (CMP):** A monetary fine that is imposed upon non-compliant vendors in lieu of disqualification when the vendor is necessary for adequate client access. This differs from a fine because CMPs are only imposed as a substitute for disqualification.

**Client:** A recipient of benefits from the Indiana WIC Program. Clients can also be called “participants.”

**Client access criteria:** Guiding criteria that determine if a vendor is needed for adequate access to WIC eligible foods, formula, and nutritionals based on proximity to other vendors of the same type.

**Client access determination:** A decision made using client access criteria to determine if a vendor is needed for client access prior to the denial, termination, or disqualification of a vendor.

**Client violation:** Any action of a client or proxy that violates federal or state statutes, regulations, policies, or procedures governing the program. Client violations include intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging WIC EBT cards or supplemental foods for cash, credit, non-food items, or unauthorized food items including supplemental foods in excess of those listed on the client’s EBT card; threatening to harm or physically harming any clinic, farmer, or vendor staff; and dual participation.

**Clinic:** The location where WIC clients are assessed for nutritional need and are given WIC EBT benefits.

**Commodity Supplemental Food Program (CSFP):** A program sponsored by the United States Department of Agriculture (USDA) that aims to improve the health of low-income elderly people through diet supplementation. In Indiana, CSFP is administered through the Indiana State Department of Health (ISDH).

**Competitive price:** A standard retail price that the vendor charges at market value in comparison with other vendors within its peer group.

**Competitive price selection criteria (CPSC):** The criteria used to ensure that new vendors have competitive prices relative to other vendors in their assigned peer groups and that existing vendors cannot raise prices above competitive price relative to other vendors in their assigned peer groups.

**Compliance investigation:** A covert, on-site investigation in which a representative of the program poses as a client, parent, proxy, or caretaker of an infant or child client and transacts one or more food instruments (FIs) or CVBs and does not reveal during the visit that he or she is a program representative.

**Conduent:** The state's contractor that handles WIC EBT processing. Conduent is able to provide stand-beside point-of-sale (POS) machines for processing WIC EBT transactions to vendors who do not have integrated cash register systems. Conduent was formerly known as Xerox.

**Conflict of interest:** Any relational or financial interest between a WIC employee, any member of her immediate family, or a business partner with an applicant or current WIC vendor.

**Contract infant formula:** A listing of common formulas from a formula manufacturer which has entered into a rebate contract with Indiana WIC to provide formulas at a discounted rate to Indiana WIC.

**Denial (of authorization):** The notification from Indiana WIC that an applicant vendor cannot become WIC-authorized as a result of failing to meet selection criteria.

**Door decal:** A door sticker that identifies a store as a WIC vendor. At a minimum, a WIC vendor should clearly display at least one decal at one entrance of the store.

**Disqualification:** A mandatory term of removal from Indiana WIC authorization for a vendor who has committed an incidence, or a pattern of severe vendor violations listed in the Sanction Schedule. Vendors who are disqualified may re-apply for WIC authorization 30 days prior to the end of the term of disqualification.

**Electronic Benefits Transfer (EBT) card:** A card that acts as a food instrument (FI) for WIC clients to obtain WIC-allowed foods and formulas. Vendors must process WIC EBT cards through a third-party processor (TPP) or Conduent to be eligible to accept WIC business.

**Fine:** A monetary amount imposed on a vendor for vendor violations not requiring disqualification. This differs from a civil money penalty (CMP) because a CMP is only imposed as a substitute for disqualification.

**Food instrument (FI):** A food instrument is the mechanism by which WIC clients make purchases. Indiana WIC now only issues WIC EBT cards as food instruments. Indiana WIC issued paper vouchers as food instruments in the past.

**Food Nutrition Service (FNS):** The division within the United States Department of Agriculture (USDA) that oversees the Women, Infants, and Children (WIC) Program.

**Food Price List (FPL):** A document that food and grocery with pharmacy vendors use to list food, formula, and WIC eligible nutritional prices during the authorization of new vendors.

**Food vendor:** A WIC-authorized vendor who does not have a full-service pharmacy on-site. Food vendors must still provide contract infant formulas as listed in the minimum inventory / stocking requirements.

**Fruit drinks, juice drinks, juice beverages:** Indicates a non-approved item that is less than 100% juice.

**Geographic information systems (GIS):** A system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data.

**Grocery with pharmacy vendor:** A WIC-authorized vendor who maintains minimum inventory / stocking requirements and sells WIC food while also providing special-order infant formula and WIC-eligible nutritionals through a full-service pharmacy.

**Local agency:** The local WIC entity that performs clinic and vendor management operations in a given area and works on behalf of Indiana WIC.

**Local grocery chain:** Ownership or franchise of a chain vendor has 5 or less stores in 2 states or less.

**Local health department permit:** The license granted by a local health department for stores that meet public health and sanitation guidelines.

**Incentive item:** An item provided by an A50 or non-A50 vendor to attract WIC business that is not available to the general public. All incentive items are prohibited by Indiana WIC.

**Independent vendor:** A vendor whose ownership only owns one location.

**Indiana State Department of Health (ISDH):** The state health agency in Indiana that administers the Women, Infants, and Children (WIC) Program and Commodity Supplemental Food Program (CSFP) for Indiana residents.

**Integrated cash register (ICR) system:** A network of cash registers in a store that is capable of processing WIC EBT transactions through a third-party processor (TPP). Integrated cash registers must be able to provide a benefit balance prior to WIC purchase and a receipt including the remaining monthly benefit balance to WIC clients. Vendors that do not own integrated cash register systems and are necessary for client access must use stand-beside point-of-sale (POS) machines to process WIC EBT transactions through Conduent.

**International Federation for Produce Standards (IFPS):** An organization that maintains an international standard for Price Look-Up (PLU) codes.

**Inventory audit:** A visit by WIC staff to compare current store inventory and documented inventory shown through food, formula, and WIC eligible nutritional invoices and with documented WIC sales through EBT transaction records. Vendors who sell WIC items in excess of documented inventory will be sanctioned according to the Sanction Schedule.

**Invoice:** A document providing record of the quantity of food, formula, and WIC eligible nutritional items received from a wholesaler. To be counted for inventory audits, invoices must contain the following information:

- Name and address of supplier
- Name and address of purchaser
- Date of purchase
- List of items purchased including size, quantity, and price

**INWIC:** A management information system (MIS) developed and maintained by 3 Sigma Software to manage WIC EBT information. INWIC is capable of maintaining Indiana's approved products list (APL) and vendor records.

**INWIC Mobile App:** A mobile application developed by 3 Sigma Software and Indiana WIC for WIC clients to provide information on upcoming clinic appointments, available benefits, nearby WIC clinics and vendors, and the WIC eligibility of items using a UPC scan feature.

**Mass merchandiser:** A retail store carrying large quantities of a variety of products beyond grocery and pharmacy items.

**Mid-transaction receipt:** A receipt that can be used to verify that the correct WIC items are purchased in a WIC transaction prior to a WIC client's acceptance of the transaction.

**Minimum inventory / stock:** A listing of minimum quantities of items required for food and grocery with pharmacy vendors to carry in-store. Minimum inventory / stock includes items located in the store but not available on store shelves.

**Mixed basket transaction:** A transaction conducted by a WIC client that contains both WIC eligible and non-WIC items. The WIC client will use the WIC EBT card as the first form of tender, and WIC items will be removed from the client's benefit balance. The WIC client will then use other forms of tender (SNAP, TANF, credit card, debit card, cash, etc.) to complete the purchase of non-WIC items.

**Monitoring visit:** A store visit performed by an authorized WIC agent. This visit includes, but may not be limited to, interviews with store personnel, verification of stock on hand (including quantities, use dates, and selection), general store cleanliness, and review of the store's WIC records.

**National grocery chain:** Ownership or franchise of a chain vendor has 20 or more stores in 5 states or more.

**New vendor training visit:** The comprehensive WIC orientation that is presented to applicant vendor staff at some time following a successful pre-authorization visit.

**Non-transferable:** Not able to be transferred. WIC vendor authorization is not able to be transferred to new store ownership when ownership changes.

**Not-to-exceed (NTE) price:** The calculated maximum price for an item in a peer group based on the average price among a WIC vendor and its peers in a peer group with an additional 15% added. For example, an item with a \$1 average price would have an NTE price of \$1.15.

**Overcharge:** Charging in excess of the posted shelf price and/or over the NTE for assigned peer group.

**Pattern (of abuse):** Two or more incidences of a severe vendor violation as listed in the Sanction Schedule within a three-year period.

**Peanut butter spread or peanut spread:** Non-approved food item similar to peanut butter but consisting of a soy and peanut blend.

**Peer group:** A group of WIC vendors compared together to determine NTE prices.

**Personal Identification Number (PIN):** The unique 4-digit number selected by WIC clients to authorize transactions on their WIC EBT cards. WIC clients may share their PINs with trusted individuals. Vendors may not ask for additional identification from a WIC client beyond their PIN.

**Pharmacy-only vendor:** A pharmacy vendor that is only authorized to conduct WIC transactions for infant formula and WIC eligible nutritionals. Pharmacy-only vendors must fill out a Pharmacy Price List (PPL) for consideration during the new vendor application process.

**Pharmacy Price List (PPL):** A document that pharmacy-only vendors use to list formula and WIC eligible nutritional prices during the authorization of new vendors.

**PLU mapping:** The process of mapping or linking Price Look-Up (PLU) codes for fresh produce items affixed with Universal Product Codes (UPCs) to the relevant PLU code. When the UPC is scanned by a cashier, the PLU code should also be read by the cash register. Fresh produce can be mapped to either the product-specific PLU listed by the International Federation for Produce Standards (IFPS) or the generic WIC PLU 4469.

**Pre-authorization visit:** A visit to a prospective WIC vendor prior to authorization to ensure that the WIC vendor will meet minimum inventory / stock requirements and plans to comply with WIC vendor policies.

**Price Look-Up (PLU) code:** A 4, 5, or 6-digit code used to identify and price fresh produce items. Indiana WIC uses the International Federation for Produce Standards (IFPS) PLU code classification. The PLU code 4469 is a generic PLU code available for fresh produce purchased through WIC EBT cards.

**Proxy:** Any person designated by a woman client, or by a parent or caretaker of an infant or child client, to obtain and transact WIC EBT cards or to obtain supplemental foods on behalf of a client. The proxy must be designated consistent with the state agency's procedures established pursuant to Section 246.12(r)(1). Parents or caretakers applying on behalf of child and infant clients are not proxies.

**Re-contracting:** The period between May 1 and September 1 every three (3) years when existing WIC vendors must reapply for WIC authorization with Indiana WIC. Vendors who are reauthorized during this period will receive contracts valid from October 1 of the current contracting year through September 30 of three years in the future.

**Regional grocery chain:** Ownership or franchise has 6 or more stores in 1 state or more.

**Requested price:** The monetary amount that a vendor requests from Conduent or the vendor's third-party processor (TPP) in reimbursement for each individual WIC item.

**Rural-urban commuting area (RUCA) code:** A code given by the Economic Research Service (ERS) of the United States Department of Agriculture (USDA) to determine the rural or urban status of a postal zip code.

**Sanction:** A consequence given to a vendor for being assessed a vendor violation.

**Sanction Schedule:** The listing and schedule of sanctions resulting from Indiana WIC vendor violations.

**Sanitation report:** A report from a local health department that describes the cleanliness of a vendor's store.

**Selection criteria:** The criteria used by Indiana WIC to ensure that vendors will provide adequate service to WIC clients and adequately comply with WIC policies.

**Settled price:** The monetary amount that the vendor receives from Indiana WIC via Conduent or the vendor's third-party processor (TPP). The settled price is the lesser of the requested price and the not-to-exceed (NTE) price per WIC item.

**Shelf tag:** An Indiana WIC-provided or approved label that is affixed on a vendor's store shelves to distinguish WIC eligible items from non-WIC items. Vendors who print and maintain their own WIC shelf tags must gain approval from Indiana WIC before implementation.

**Split tender transaction:** A transaction type allowing a WIC client, authorized representative, or proxy to pay the difference when a fruit or vegetable purchase exceeds the value of a Cash Value Benefit (CVB). WIC vendors are required to allow split tender transactions for WIC transactions.

**Stand-beside device / machine:** A point-of-sale (POS) device that can process WIC EBT transactions when a vendor does not have an integrated cash register system. Stand-beside devices are provided only if a non-integrated vendor is required for adequate client access. Stand-beside devices are provided to vendors based on a formula derived from overall food sales and monthly WIC sales.

**Standard deviation:** A value that is calculated to indicate the extent of deviation within a group. For Indiana WIC, standard deviation is used as part of the competitive price selection criteria (CPSC) to determine if a vendor's prices deviate too much above other similar vendors for WIC vendor authorization.

**Suggested retail price (SRP):** The price given by a food, formula, or WIC eligible nutritional manufacturer or wholesaler as the recommended retail price for an item. This may be listed on an invoice, order form, or manufacturer price list.

**Supplemental Nutrition Assistance Program (SNAP):** A program funded by the Food Nutrition Service (FNS) of the United States Department of Agriculture (USDA) to provide nutrition assistance to low-income individuals and families. In Indiana, SNAP is administered by the Indiana Family and Social Services Administration (FSSA). SNAP has a lower income eligibility and less nutritional restrictions than WIC. SNAP also does not have gender or age limits.

**Suspension:** A defined amount of time that the vendor is unable to accept WIC transactions as a result of vendor sanction(s). Suspensions only result as reduced disqualification periods from negotiations between Indiana WIC and vendors on vendor appeals or the ruling of an Administrative Law Judge.

**Temporary Assistance for Needy Families (TANF):** A program funded by the Office of Family Assistance in the United States Department of Health & Human Services (HHS) to provide temporary cash assistance and supportive services to low-income families with children under the age of 18. In Indiana, TANF is administered by the Indiana Family and Social Services Administration (FSSA).

**Termination:** Removal of the vendor from WIC authorization. There is no defined waiting period for vendors to reapply for WIC authorization after termination occurs.

**Third party processor (TPP):** A financial institution that processes WIC EBT transactions for a vendor or vendor chain and submits transactions for payment to Indiana WIC.

**Trafficking (of WIC EBT cards):** The process of exchanging WIC EBT cards for cash or other forms of direct payment. Vendors who are caught trafficking once will be disqualified from WIC for six (6) years. Vendors who are convicted of a pattern of trafficking will be disqualified from WIC permanently.

**United States Department of Agriculture (USDA):** The federal agency that oversees the Women, Infants, and Children (WIC) Program, the Supplemental Nutrition Assistance Program (SNAP), and other food, nutrition, and agricultural programs that benefit residents of the United States.

**Universal Product Code (UPC):** A 12 or 13-digit code affixed to food, formula, and WIC eligible nutritional items with a barcode. The Indiana Approved Products List (APL) contains a comprehensive listing of all WIC eligible UPCs and permits WIC EBT transactions.

**UPC Update Request Form:** A Word document to request that UPCs are added to the Indiana Approved Products List (APL) that can be found on the Vendor Information webpage at [www.wic.in.gov](http://www.wic.in.gov).

**Vendor:** A sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one or more stores authorized by Indiana WIC to provide authorized supplemental foods to clients under a retail food delivery system.



**Vendor Agreement:** The contract between a vendor and its WIC local agency permitting WIC transactions to occur at the vendor location.

**Vendor Application:** A form to provide location, economic, permit, wholesaler, ownership, compliance, and cash register information for all new WIC vendor applicants and for existing WIC vendors during re-contracting.

**Vendor authorization:** The process of authorizing a vendor to accept WIC transactions after review of vendor application materials, pre-authorization and new vendor training site visits, completion of a Vendor Agreement, configuration of devices that accept WIC EBT, and other administrative tasks.

**Vendor education letter:** A letter educating the vendor that a violation is occurring. Education letters are only sent for minor violations that do not result in serious sanction. Education letters are meant to improve vendor processes. Education letters are worded less strongly than warning letters.

**Vendor Manual:** The current document that provides comprehensive WIC vendor policy information for WIC vendors.

**Vendor Monitoring Form:** A form used by WIC staff to check WIC policy compliance by vendors while visiting stores. These forms include sections concerning minimum stock, shelf tags, shelf prices, door decals, and other vendor policies.

**Vendor training:** A presentation given by WIC local agencies to vendors to provide updates on WIC policy changes and to provide comprehensive information on the WIC Program. New vendors must be trained prior to authorization. All vendors must receive mandatory vendor training in September each year. Local agencies also must offer optional vendor training in March each year.

**Vendor violation:** A category assigned to a vendor who violates WIC vendor policy.

**Waiver (of minimum inventory / stock):** An exception granted to a WIC vendor on carrying minimum inventory / stock as a result of historical WIC sales information, the desires of WIC customer bases, or ethnic or religious cultural considerations.

**Warning letter:** A letter that warns vendors about a documented occurrence of violation of WIC policies. Warning letters state that future occurrences of vendor violations can result in more serious consequences.

**Wholesaler:** A supplier of food, formula, or WIC eligible nutritionals. WIC vendors must use wholesalers that are approved sources for infant formula and WIC eligible nutritionals. A list of approved sources is available at [www.wic.in.gov](http://www.wic.in.gov).

**WIC eligible nutritionals:** A term for WIC-approved foods formerly known as medical foods.

**Withdraw (from authorization):** A vendor's voluntary act of removing itself from Indiana WIC authorization. Vendor decisions to withdraw from WIC authorization require 15 days advance notice to Indiana WIC. Vendors may not withdraw from authorization to avoid facing vendor sanctions.

**Women, Infants, and Children (WIC) Program:** A program administered by individual states and funded by the United States Department of Agriculture (USDA) to provide targeted supplemental nutrition assistance to pregnant women, recent mothers, and children under the age of 5. In Indiana, WIC is administered by the Indiana State Department of Health (ISDH).



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