

Texas WIC Health and Human Services Commission

Effective September 1, 2023

Policy No. CS:04.0

Physical Presence

Purpose

The physical presence of an individual at certification is standard to WIC Program efficacy. The physical presence requirement not only improves program efficacy, program accountability and integrity, it also facilitates the referral process to other needed health and social services.

Authority

7 CFR Part 246.7 (o); 25 TAC §31.22

Policy

Individuals seeking participation in the WIC Program must be physically present at the initial WIC certification and subsequent certifications, except in certain limited circumstances.

Definitions

Applicant: A pregnant, breastfeeding or postpartum woman; infant; or child who is applying to receive WIC Program benefits and includes individuals who are subsequently applying after the expiration of a certification period.

Individuals with Disabilities: Individuals who have a physical and/or mental condition that causes substantial and ongoing functional limitations in one or more of the following areas: mobility, self-care, communication/social interaction, learning, self-direction, vision, hearing, capacity for independent living, or capacity for economic self-sufficiency.

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- A person with severe disabilities requires or has the potential to require the individual and/or his family/caregivers (in relationship to the individual's care) to access a complex array of services from public/private service providers in order to achieve optimal care for the individual and the access/coordination of these services may exceed the immediate capabilities of the family/caregivers. The services are anticipated to be lifelong or of extended duration and require individualized planning and coordination. Refer to Policy [CR:07.0 \(T\) Provision of Services to Families with Special Health Care Needs](#).

Procedures

- I. All applicants/clients must be physically present at initial and subsequent certifications. LA staff must document the physical presence of an applicant/client in the Proofs of Identity section of the Management Information System (MIS).
- II. When an infant under eight weeks of age is not physically present and the anthropometric documentation is available, the LA may defer physical presence requirement if the following criteria is met (refer to Policy CS:17.0):
 - A. For an infant less than 2 weeks old, birth weight and length may be used for certification purposes
 - B. For infants from 2-8 weeks, weight and length must be accepted if it is within the most recent 30 days from certification.
 - C. Infants older than 8 weeks, without a physical presence waiver (described below), must be physically present for certification.

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- III. A Physical Presence Waiver may be issued to provide reasonable accommodations for applicants/clients with disabilities or medical conditions at initial and subsequent certifications
- A. A verbal declaration by the applicant/client of waiver status is acceptable and must be documented in the MIS.
 - B. An applicant or parent/caretaker of an applicant who is a qualified individual with disabilities and is unable to be physically present at the WIC clinic because of his/her disabilities may be certified and subsequently certified without being physically present. Conditions which meet this standard are:
 - 1. A medical condition that necessitates the use of medical equipment that is not easily transportable;
 - 2. A medical condition that requires confinement to bed rest;
or
 - 3. A serious illness that is contagious or may be exacerbated by coming into the clinic. For example, the participant may have an infectious disease such as chickenpox or a medical condition that would prevent the participant from being physically present.
 - C. Staff must document one of the above three reasons in the MIS.
 - D. A reassessment of the applicant's Physical Presence Waiver is required at each certification.
 - E. The anthropometrics and blood iron levels must be obtained from the health care provider if available (refer to Policy CS:17.0)
 - F. Individuals or Families with Special Health Care Needs (FSHCN) refer to [CR:07.0\(T\) Provision of Services to Families with Special Health Care Needs](#).

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- IV. Temporary USDA physical presence waiver (expires September 30, 2026) allows local agencies (LAs) to defer the anthropometric and bloodwork measurements for up to 60 days.
- A. When the applicant/client is not able to be physically present for reasons outside of Procedure III. B., the LA may defer anthropometrics and blood iron levels and proceed with three months benefits issuance.
 - B. LAs must make every effort to ensure current anthropometrics and blood iron levels (according to Policy CS: 17.0) are collected within the 60-day timeframe by:
 - 1. Obtaining in advance of the appointment, or
 - 2. Obtain in-clinic at scheduled appointment, or
 - 3. Schedule an appointment within 60 days, or
 - 4. Inquire if applicant/client has an appointment with their healthcare provider or a well-child check.
 - C. Staff must document "USDA Waiver (ARPA)" in the MIS.
 - D. A reassessment of the applicant's Physical Presence Waiver is required at each certification.