

<p style="text-align: center;"><b>Texas WIC</b> <b>Health and Human Services Commission</b></p>
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Effective May 1, 2023

Policy No. FD:16.1

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## **Issuance of Formula Food Packages and Transfer Scenarios**

### **Purpose**

To ensure that Texas WIC participants receive the infant formula, therapeutic formula, WIC-eligible nutritionals and supplemental foods that meet their nutritional needs.

### **Authority**

7 CFR 246.10; State Policy

### **Policy**

When issuing approved exempt formula to women, infants, and children for valid medical conditions, in compliance with policy FD 16.0, authorized WIC staff must:

1. Issue appropriate quantities of formula within maximum monthly allowances (MMA) as indicated by federal regulation. Quantities issued cannot be increased to offset reduced final volume that results from concentration.
2. Issue supplemental foods that are tailored to closely meet the medical need of the participant, as indicated by the Healthcare professional (HCP), in a manner consistent with federal regulation.

Local agency (LA) Certifying Authorities (CAs), Registered Dietitians (RDs), and Formula Certified WIC Certification Specialists (FC-WCS) are authorized to determine therapeutic formula quantities and supplemental foods. The FC-WCS should defer supplemental food decisions to the CA or RD when not indicated on the Medical Request.

Infants six months of age or older, whose medical condition prevents them from consuming supplemental infant foods are eligible to receive formula at the same monthly allowance as provided to infants ages 4 through 5 months.

# Texas WIC Health and Human Services Commission

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## Definitions

Formula – the term “formula” used throughout this policy refers to all types of formula. These include:

- Infant Formula – also defined as a “non-exempt formula” – a routine formula labeled for use by full term, generally healthy infants or toddlers. Such formulas include milk-based, soy-based, low-lactose, and added rice starch products. Infant formula may be contract or non-contract.
- Metabolic Formula - Products prescribed for inborn errors of metabolism.
- Therapeutic formula – Formerly defined as “exempt formula”- formula intended and labeled for use by individuals with specific medical and/or dietary conditions, also referred to as exempt formula in federal regulations.
- WIC-Eligible Nutritionals – certain enteral products that are specifically formulated to provide nutritional support for individuals with a qualifying condition, when the use of conventional foods is precluded, restricted or inadequate. Such WIC-eligible nutritionals must serve the purpose of a food, meal or diet (may be nutritionally complete or incomplete) and provide a source of calories.

Health Care Professional (HCP) – for the purposes of this policy, a health care professional who is authorized to write medical prescriptions in the State of Texas. This includes medical doctors (M.D.), doctors of osteopathy (D.O.), physician assistants (P.A.), and nurse practitioners (N.P.).

Maximum Monthly Allowance (MMA) – the federal maximum quantity of formula available to a participant monthly, based on age and assigned food package.

## Procedures

- I. Determine the quantity of formula to issue
  - A. After approving a medical request for formula, MIS will calculate maximum monthly formula quantity available for issuance based on age and food package.

<p style="text-align: center;"><b>Texas WIC</b> <b>Health and Human Services Commission</b></p>
---

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---

1. Infants
  - a. If the infant is not receiving breastmilk and is assigned the fully formula fed food package, issue maximum amount allowed.
  - b. If infant receives breastmilk and is assigned the partially breastfeeding (PBF) or some breastfeeding (SBF) food package, follow guidance in FD:10.0 to determine formula quantity, not to exceed MMA for corresponding food package.
2. Children and Women
  - a. If HCP indicates a specific quantity of formula provide the number of containers requested per day.
  - b. If number of containers is left blank, coordinate with parent/guardian to determine quantity needed, up to the maximum allowed.
  - c. Manually adjust the quantity needed for the approved length of issuance in the formula line-item section of the participant's food package.
  - d. When issuing less than the MMA, round up to the nearest full packaging unit (e.g., round up to the nearest 6 pack).
3. If client receives therapeutic formula from an assistance program or provider other than WIC:
  - a. Determine quantity needed in coordination with the parent/guardian based on extent that needs are met by the other program.
  - b. Manually adjust the formula quantity in the formula line-item section of the participant's food package.
  - c. Document the name of the assistance program and the quantity of formula received in the Notes section of the medical prescription page of the MIS.
4. If client has prescriptions for multiple formulas:
  - a. The HCP may include all required formulas on one or multiple Medical Request Forms. If not clearly indicated, staff should contact the HCP for clarification on quantities needed of each formula.
  - b. Determine whether the combined requested quantity of formula exceeds the MMA using the formula line-item section of

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---

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---

the food package or the *Maximum Quantity tables for Infants, Women and Children*.

- c. Issue the quantity of each formula requested on the medical request form if MMA is not exceeded.
- d. If the MMA is exceeded:
  - i. Adjust the quantity of each formula to most closely meet the amount requested in coordination with the parent/guardian.
  - ii. Refer client to Medicaid or other local services.

II. Issuance of Food Packages for Infants receiving Therapeutic Formulas

A. RX More Formula Package

- 1. Only issue for infants 6-11 months of age. This food package may be assigned between 4-5 months of age to allow for advance issuance beginning at 6 months of age.
- 2. Ensure the HCP has indicated "formula only" or has marked to omit both infant cereal and infant fruits/vegetables on the Medical Request.
- 3. If clinic staff determine that a client has a medical need for this food package but does not have documentation:
  - a. Contact the HCP to obtain written or verbal approval to issue the RX More Formula Only food package and document in the notes section of the Medical Prescription page.
  - b. If supplemental food authorization cannot be obtained from the HCP, issue the standard 6-11 months' formula food package, and do not issue the supplemental foods.

III. Select Appropriate Supplemental Foods for Children and Women

A. The HCP can defer supplemental foods selection to the CA and/or RD when utilizing a version of the Texas Medical Request Form with the statement: *The RD/Nutritionist will determine food unless denoted otherwise below.*

- 1. When accepting a form without the above or a similar statement, contact the HCP for verbal or written authorization if supplemental foods are not prescribed or indicated.

<p style="text-align: center;"><b>Texas WIC</b> <b>Health and Human Services Commission</b></p>
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Policy No. FD:16.1

2. Unless otherwise noted by the HCP, the CA and/or RD can choose the appropriate supplemental foods, amounts and the length of issuance for the participant's diagnosis age, preferences, developmental readiness, and food allergies.
3. Tailor the food package to closely reflect the medical and nutritional needs of the child or woman.
  - a. Formula Only–All foods are to be omitted due to the medical condition. Additional formula cannot be provided in place of supplemental food.
  - b. Formula with Infant Cereal and Baby Food- Children and women whose special dietary needs require the use of pureed foods may receive baby foods and infant cereal in lieu of cash value benefit for fruits and vegetables or standard cereal.
  - c. If a participant is receiving a therapeutic formula from another assistance program and not from WIC, staff should tailor the food package in coordination with the parent/guardian. Consult the HCP to determine the appropriate supplemental foods for the medical condition. This may be obtained verbally and documented in the participant's record. If HCP cannot be reached, contact SA for assistance.

#### IV. Issuance of Therapeutic Formulas for In State and Out of State Transfers

- A. Attempt to obtain the original medical request medical request from the MIS or from the losing clinic.
  1. If able to access original request, honor the length of approval, as appropriate.
  2. If unable to access original request, attempt to obtain proof of current or previous issuance (such as VOC, shopping list, etc). Issue one month and request a new request for subsequent approvals.
  3. If unable to obtain original request or proof of current or previous issuance, obtain a verbal or written request from the HCP. Follow procedures in FD:16.0 for verbal requests.

<p style="text-align: center;"><b>Texas WIC</b> <b>Health and Human Services Commission</b></p>
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- V. Prescriptions written outside of Texas:
  - A. Staff can accept a medical request written by a prescriptive authority located outside the state of Texas if the request contains all required information outlined in policy FD 16.0
    - 1. If medical request form is incomplete refer to the procedures outlined in policy FD 16.0.
  - B. Complete prescriptions from any foreign countries for therapeutic formulas may be approved for one month only. Thereafter, a current prescription from a local U.S. HCP must be obtained. For incomplete prescriptions, contact the SA. If client has difficulty establishing medical care in Texas, refer to Medicaid if appropriate.
- VI. Foster care
  - A. If there is no current Medical Request available and no documentation from the previous caregiver, issue one month of the requested therapeutic formula or a comparable contract formula until a new HCP can provide an updated prescription. Contact LA RD or SA if assistance is needed.