

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

Effective August 9, 2022

Policy No. FD:19.0

Managing Returned Formula

Purpose

To establish policy and procedures for managing formula returned to the WIC clinic.

Authority

United States Department of Agriculture, Food and Nutrition Service: *Food Package Policy and Guidance* (March 2018); Federal Law - Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. section 1791); State Law - Good Faith Donation Act (Civil Practice and Remedies Code Chapter 76)

Policy

Staff will encourage participants to purchase minimal quantities of formula (1-2 containers) at a time until tolerance is established. When a participant requests a different formula than what was originally redeemed, staff must use the following guidelines:

1. Staff may accept all unopened formula containers that were originally purchased with WIC funds. Staff must store returned containers in a secure, locked location until donating or discarding.
2. Staff may only replace returned formula for the current benefit month. For returned containers that were purchased within the current benefit month, staff must use the management information system (MIS) to process the exchange. Staff must not issue more formula than the maximum allowed by federal regulations, as calculated by reconstituted ounces.
3. For returned containers purchased with previous month's benefits, staff must document the return on a State Agency (SA) or local agency (LA) developed paper inventory and not in the MIS.

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4. Staff must not reissue containers of returned formula to another WIC participant for any reason, except as provided under #7 below.
5. Staff must determine if returned containers are to be donated or disposed.
 - a. Local agencies may donate unopened containers that are not expired and in an acceptable condition to local non-profit organizations.
 - b. Staff must dispose of formula containers that are dented, swollen, damaged, expired or that the LA is unable to find a donation site to accept.
6. LA Staff will coordinate with the SA regarding unreconciled inventory.
7. During events that impact access to formula in the LA's specific region or the entire state, such as in weather disasters or supply chain disruptions, LAs may temporarily and at their discretion reissue unopened cans of returned formula that have not been impacted by a recall to participants who are unable to find formula and are willing to accept the reissued formula. LAs should consult with their local health department and legal counsel regarding local health laws and policies.

Procedures

- I. Exchanging formula for current month benefits:
 - A. Use the MIS to provide credit for unopened returned formula containers purchased during the current benefit month.
 1. The MIS calculates the reconstituted ounce amount of unopened returned formula containers and the reconstituted ounce amount of the unpurchased formula remaining on the EBT card to determine the quantity of formula.

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2. Due to differences in reconstituted ounce amounts, the MIS may not replace an equal quantity of formula benefits as what was originally issued.
 - B. When tailored amounts of formula are needed, use the MIS to increase or decrease the quantity of formula up to the maximum amount allowed.
 - C. During or after the exchange process, inactivate or remove returned formula from the MIS inventory.
 1. If formula remains in the MIS inventory after exchange, the MIS may automatically issue formula out of stock to another participant.
 2. Staff should manually reject the "from stock" issuance by changing the quantity to be issued to zero.
 - D. Maintain a paper inventory of returned formula using the SA or LA developed Returned Formula Log for all returned formula containers. The log should track if the formula was donated or discarded and include at a minimum:
 1. Date
 2. Participant identifier (FID, PAN, name)
 3. Formula name and description – powder (PWD), liquid concentrate (CON), ready-to-use (RTU)
 4. Amount returned
 5. Staff signature
 6. Date donated to non-profit or discarded
- II. Process for previous month benefit:
- A. Accept unopened containers of formula that were redeemed in previous months if a client returns them to the clinic. It is not necessary to require a client to return formula that will not be part of the current month's exchange, however, staff should encourage clients to return all unopened containers of the formula that were originally issued.

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- B. Do not enter returned formula that was purchased in a previous month into the MIS.
- C. Maintain a paper inventory using the SA or LA developed Returned Formula Log for all returned formula containers that tracks if containers are subsequently donated or discarded.

III. Donation

- A. Local agencies, in conjunction with their parent organizations will determine if they choose to donate formula to a non-profit organization. They may also determine if they will donate to one or to multiple organizations.
- B. Prior to donating formula:
 - 1. Inspect the powder cans to ensure they are unopened and the inner seal is intact when the lid is removed.
 - 2. Inspect the liquid containers to ensure the original wrap or cap is in place and unopened.
- C. Check the expiration dates and the condition of each formula container. If the formula has expired or the container is in an unacceptable condition, the formula must be discarded.
- D. Complete the SA or LA developed Returned Formula Log. Be specific about the number of formula containers that are designated to be donated and the number of containers that were discarded.
- E. At the time that the formula containers are being donated to the designated nonprofit agency, complete the SA or LA developed Formula Donation Form. Keep the original signed copy. The non-profit agency may retain a copy of the original signed copy if desired.
- F. File the completed and signed Formula Donation Form in its designated location within the LA clinic.

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- IV. Record Keeping - Retain all records for a minimal of three (3) years as described in **Policy GA:03.0** Records Retention.
- V. Disposal
 - A. Use the following procedures to dispose of returned formula that is dented, swollen, damaged, expired, apparently tampered with or that the LA is unable to find a donation site to accept.
 - 1. A witness must be present to verify that the proper procedure was followed.
 - 2. Powdered formula - open and empty the contents of the formula containers into trash bags out of public view.
 - 3. Liquid formula – open and pour the contents of the formula containers into a sink or toilet out of public view.
 - 4. After the disposal process is completed, staff will complete the Returned Formula Log including the date of disposal and the staff and witness signatures.