



Memorandum

#20-056

TO: WIC Regional Directors
WIC Local Agency Directors

FROM: Amanda Hovis, Director
Nutrition Education/Clinic Services Unit
Nutrition Services Section

DATE: September 17, 2020

SUBJECT: Policy Revision CS 23.0

This memo announces revisions to Texas WIC Policy *CS:23.0 – Notification of Ineligibility, Termination, or Expiration of Eligibility*. The revised policy has been approved by USDA and is effective October 1, 2020. At that time, it will be posted and you may update your *Policy and Procedures Manual* by accessing the *WIC Website* at:

<https://hhs.texas.gov/doing-business-hhs/provider-portals/wic-providers/wic-policy-procedures-manual>

Monitoring will begin on April 1, 2021. A Summary of Changes is below.

Summary of Changes

- Added "Disqualification" to the title.
- Procedure IV – added statement regarding termination due to dual participation.

If you have any questions or require additional information regarding Texas WIC Policy *CS:23.0 – Notification of Ineligibility, Disqualification, Termination, or Expiration of Eligibility* please contact Tiffany Brown, Clinic Services Coordinator, Nutrition Education and Clinic Services Unit, at Tiffany.Brown@hhsc.state.tx.us.

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Effective October 1, 2020

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**Notification of Ineligibility, Disqualification, Termination or
Expiration of Eligibility**

Purpose

To ensure applicants and participants are informed of the reasons for ineligibility or termination and clearly understand their right to a fair hearing to appeal such a determination. To ensure participants are informed of the expiration date of their certification and the ability to reapply to continue receiving benefits if categorically eligible.

Authority

7 CFR Part 246.7

Policy

A person found ineligible for the program shall be notified in writing of the reason(s) for the ineligibility and of the right to a fair hearing. Local agencies (LAs) shall use the MIS WIC Notification of Ineligibility/ Termination to document an applicant's or participant's ineligibility or termination from the program. A participant found ineligible shall keep their Texas WIC card.

A participant who is approaching the end of WIC Program eligibility due to termination or expiration of his/her certification period shall be notified at least 15 days prior to the end of the certification.

Definitions

Ineligible - an individual who does not qualify for WIC at either initial or subsequent certification because:

- there is no documented condition of nutritional need (infants up to three months of age)
- the person's household income exceeds standards,
- the person does not live within Texas,

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- the child is five years or older,
- the person does not meet categorical requirements, or
- the person has not met the physical presence requirement.

Procedures

I. Notification of Ineligibility for Active Participants

A. When ineligibility is determined during the certification visit:

1. The applicant or parent/guardian/caregiver shall be notified of ineligibility and be instructed to read and sign the WIC Notification of Ineligibility/Termination in the MIS at the clinic.
 - a. The notice will include reason(s) for ineligibility and the participant shall be offered a copy after signing.
 - b. The MIS retains a copy of the signed notice.
2. Any active participant, belonging to the household determined income or residency ineligible, shall be issued one final set of benefits (to ensure he/she is receiving a 15 day notification) before termination.

Example: Child's certification period 11/20/xx through 4/30/XX. On January 10th, mom applies as a pregnant woman but is determined income ineligible. In order to provide the parent 15 days of notification before termination, the child is entitled to benefits through January 25th. Since the child's benefits are valid from January 1st to January 31st, this is considered to be the last issuance for which the child is eligible.

To determine if an active participant is entitled to additional benefits, add 15 days to the date income ineligibility was determined for the applicant. If the active participant does not have benefits on the card through the 15th day, issue a single month's benefits before terminating the participant. If the participant has benefits on the 15th day, do not issue

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additional benefits. If the participant has benefits past the 15th day of the notification period, staff shall void the future months' benefits.

- B. When ineligibility is determined after the certification visit, and the applicant or parent/guardian/caregiver is not physically present:
 - 1. The WIC Notification of Ineligibility/Termination shall be emailed or mailed to the participant.
 - a. Staff shall notate in the client record the date the letter was mailed; i.e., write "mailed" in lieu of the applicant's signature.
 - b. The notice will include reason(s) for termination.
 - c. The MIS retains a copy of the notice.
 - 2. Any active participant, belonging to the household and determined income ineligible, shall be issued one final set of benefits to ensure he or she is receiving a 15-day notice before termination (See example under I. A. 2.).
 - 3. In situations where the participant has future month's benefits on the Texas WIC card, the parent shall be informed the card will be inactivated the month following the last set of benefits (15-day rule). LA staff shall place an administrative lock on the card for the future months.

II. Notification of Termination for Active Participants

- A. Notice of Termination –
 - 1. 15-day written notice shall be provided if a participant is terminated within a certification period for the following reasons:
 - a. program abuse (includes dual participation)
 - b. caseload management/funding shortage
 - c. exceeds income guidelines due to a reassessment.

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2. The documented termination date shall be at least 15 days from termination date in the MIS.
 - B. If participant/parent/guardian/caregiver is physically present at the clinic, the applicant or parent/guardian/caregiver shall be notified of termination and be instructed to read and sign the WIC Notification of Ineligibility/Termination using the MIS at the clinic.
 1. The notice will include reason(s) for termination and the participant shall be offered a copy after signing.
 2. The MIS retains a copy of the notice.
 - C. If the participant is not physically present, the notification shall be sent by mail.
 1. Staff shall notate in the client record the date the letter was mailed; i.e., write "mailed" in lieu of the applicant's signature.
 2. The notice will include reason(s) for termination.
 3. The MIS retains a copy of the notice.
 - D. Participants found to exceed the income standard during an active certification, due to a reassessment of their income eligibility, shall be issued one final full set of food benefits, to ensure he or she is receiving a 15-day notification before termination (See example under I.A.2).
- III. Notification of Certification Expiration - Notification of Certification Expiration shall be given verbally during the last contact in person or in written form.
- IV. Any individual terminated for any reason has a right to a fair hearing (See Policy CR:03.0.). An individual who has been terminated due to dual participation in the Women, Infants and Children Program, shall only be given one fair hearing.