

Maine Center for Disease Control and Prevention

WIC Nutrition Program

Effective: October 1, 2011

Policy No. FMNP-5

Revised: October 1, 2018

Farmer Sanction System

Authority

7 CFR §246.12(v) and §248.4(a)(10)(iv);

22 MRSA §255 and §1951

Policy

1. The Maine CDC WIC Nutrition Program (Maine CDC) may initiate administrative action to disqualify a farmer for non-compliance based on violations of the Farmer Agreement.
2. The following are considered violations of the Farmer Agreement:
 - 2.1. Providing cash in exchange for a FMNP Coupon/CVV.
 - 2.2. Contacting a WIC customer in an attempt to recover funds for an FMNP Coupon/CVV not reimbursed or for which repayment was requested.
 - 2.3. Selling anything that is not fresh produce in exchange for an FMNP Coupon/CVV.
 - 2.4. Charging sales tax on a WIC purchase.
 - 2.5. Providing cash change during an FMNP Coupon/CVV transaction.
 - 2.6. Failure to allow monitoring of the farm stand, farmers' market booth, or farm by WIC staff.
 - 2.7. Failure to provide FMNP Coupon/CVV records for review when requested.
 - 2.8. Refusing to accept a valid FMNP Coupon/CVV from a WIC customer.
 - 2.9. Providing an eligible FMNP/WIC food that would present a clear health problem in exchange for an FMNP Coupon/CVV.
 - 2.10. Accepting or requiring a signature before the actual amount of sale is entered on the CVV by the customer.
 - 2.11. Failure to enter the purchase price on the CVV at the time of the transaction.
 - 2.12. Failing to train all employees who handle WIC transactions and ensuring their knowledge regarding WIC Program procedures set forth in training materials and manuals provided by the State Agency.
 - 2.13. Failure to request the WIC ID Folder and to verify the participant's signature.
3. The following are consequences of violations listed above:

- 3.1. First violation – The farmer will be given a written warning letter that includes a notice of violation and a requirement to attend training.
- 3.2. Second violation– (within one year of first violation) Farmer will receive a written notice of violation that includes a requirement to establish a corrective action plan to be approved by the State Agency. Failure to submit a corrective action plan will result in disqualification for the next season.
- 3.3. Third violation– (within one year of the first violation) Farmer will be disqualified for the next season.
4. Other disqualifications include:
 - 4.1. The State Agency shall disqualify a farmer who has been disqualified from SNAP. The WIC disqualification shall be for the same length of time as the SNAP disqualification, and the WIC disqualification may begin at a later date than the SNAP disqualification. This disqualification shall not be subject to appeal.
 - 4.2. The State Agency shall disqualify a farmer who has been assessed a civil money penalty for hardship in SNAP under 7 CFR 278.6. The length of disqualification shall correspond to the period for which the farmer would otherwise have been disqualified in SNAP.
5. A farmer committing fraud or abuse of the WIC Program shall be liable to prosecution under applicable federal, state or local laws.

Procedures

1. For all violations for which action shall be taken by the State Agency, written notices of violation shall be issued that include a description of the violation, the action to be taken, and the right to appeal.
2. When an investigation reveals an initial incidence of a violation for which a pattern of incidences must be established in order to impose a sanction, the State Agency shall notify the vendor in writing before another such incidence is documented, unless it determines, in its discretion, on a case-by-case basis, that notifying the vendor would compromise an investigation. Such a determination shall be documented in the vendor's file.