

# Maine Center for Disease Control and Prevention

## WIC Nutrition Program

Effective: October 1, 2012

Policy No. OM-10

Revised: October 1, 2017

### Participant Rights and Responsibilities

#### Authority

7 CFR §246.4(a)(11)(i), (17-18)

22 MRSA §255 and §1951

10-144 CMR Chapter 286, §V

#### Policy

1. WIC program regulations and guidelines shall be available to the public on request. These documents include the WIC Federal Register and the Maine CDC WIC Program Policy and Procedure Manual.
2. The State Agency shall have uniform notification procedures that shall be used by all Local Agencies statewide to notify participants of their rights and responsibilities.
3. Applicants/participants shall be notified of their rights and responsibilities in the following situations:
  - 3.1 At each certification of eligibility
  - 3.2 At initial finding of ineligibility
  - 3.3 Upon mid-certification disqualification
4. Participants shall be notified of Program responsibilities regarding return of unused formula and/or infant foods in the following situations:
  - 4.1 At time of formula prescription changes
  - 4.2 At 8-10 month old appointment prior to child recertification
  - 4.3 Review of Program responsibilities shall be documented in the participant's electronic record.
5. All Local Agencies shall inform all applicants/participants of their rights and responsibilities in written form. Special notification policies and procedures shall be in place for the applicant/participant who speaks a language other than English and for persons with disabilities.

6. Maine CDC WIC Nutrition Program participant rights and responsibilities shall be outlined in the WIC Participant Booklet (Appendix CE-1-A).
7. It is the WIC staff member's responsibility to ensure participants are aware of their rights as program participants.
8. Participant rights include:
  - 8.1 All participants/applicants must be informed of their right to protection against discrimination and the procedure for filing a complaint.
  - 8.2 All participants/applicants or his/her guardian shall be guaranteed the right to appeal a decision or action by the State or Local Agency which results in the individual's denial of eligibility or disqualification from the Maine CDC WIC Nutrition Program.
  - 8.3 The right to a fair administrative hearing when benefits are denied.
  - 8.4 Persons with disabilities must be treated the same as all other applicants/participants. WIC Program services must be accessible without hardship to disabled applicants and participants.
9. Participant responsibilities include but are not limited to:
  - 9.1 WIC applicants/participants shall be obligated to provide true information and follow program requirements.
  - 9.2 Individuals must be physically present at the initial WIC certification and subsequent recertifications, except in certain limited circumstances as defined in ME WIC Policy CE-1, Eligibility Application Process, Identification Requirements and Documentation.
  - 9.3 Participants/authorized representatives must bring the Participant Booklet to all WIC appointments and to the store when redeeming food instruments, and report a lost or stolen Participant Booklet to the Local Agency immediately.
  - 9.4 At each certification, the participant or parent/guardian must sign the electronic signature pad, acknowledging their understanding of WIC rights and responsibilities. Prior to signing, the applicant must read (or have read to her/him) the participant rights and responsibilities statement. Interpreters shall be used to read the Participant Rights and Responsibilities as needed (See Policy CR-6, Language Access).

## **Procedure**

1. To inform applicants and participants or their parents or caretakers of their rights and responsibilities as a Program participant, staff shall review the rights and responsibilities page in the Participant Booklet with all applicants and Program participants at certification or anytime participant fraud and/or abuse is suspected

2. The rights and responsibilities pages must be read by or to the applicant, parent, or caretaker.
3. The applicant, parent, or caretaker must sign the electronic signature pad indicating acknowledgement and understanding of participant rights and responsibilities at initial and subsequent certifications.
4. The applicant, parent or caretaker must sign the rights and responsibilities page in the Participant Booklet indicating acknowledgement and understanding of participant rights and responsibilities.
5. All WIC applicants/participants shall be notified of the USDA's Nondiscrimination Policy at certification. The Nondiscrimination Policy statement must be included on all publications, outreach materials, handouts, leaflets and brochures that identify or describe the WIC Program as outlined in Policy No. CR-1, Public Notification Requirements and Non-Discrimination Notice.
6. An applicant or participant found ineligible for the Program during a certification visit must receive a Notification of Appeal Procedure form (Appendix OM-16-A). The reason for ineligibility must be documented and scanned into the participant record.
7. An applicant or participant who is about to be suspended or disqualified from program participation at any time during the certification must receive a Notification of Appeal Procedure form not less than fifteen (15) days before the suspension or disqualification.
8. The Notification of Appeal Procedure form does not have to be provided to participants who become inactive for failure to keep a scheduled WIC appointment, at the expiration of a certification period, or when they become categorically ineligible for WIC benefits.