

## Section 1.11: Potential Participant Violations

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**References:** 7 CFR 246.7 (j) and (l); 7 CFR 246.12(u); 7 CFR 246.23(c)

**Policy:** Local Agencies have a critical role in preventing fraud and abuse by WIC participants. Local Agency staff members must look for and report any possible program violations to the State Agency and follow State Agency direction in the investigation and resolution of the issues/cases.

Examples of the most serious participant/applicant violations of the WIC Program include:

- Intentionally making a false or misleading statement, or intentionally misrepresenting, concealing, or withholding facts to obtain benefits.
- Applying for and/or receiving WIC benefits for the same person in separate households and/or in more than one WIC clinic or agency at the same time.
- Selling, or offering to sell, WIC Cards and benefits or supplemental foods through any means, including online sales.
- Physically harming or threatening to harm clinic or store staff.

Participants are informed of WIC rules and about what they can expect from the program at certifications. See Exhibit 1-K: [Rights and Responsibilities](#).

**Purpose:** To preserve program integrity, all instances of potential violations, fraud and abuse must be investigated and resolved appropriately.

### Procedures

#### Cases involving individuals providing false information to receive benefits

- Individuals will occasionally provide false information to the WIC Program to be deemed eligible and receive benefits. Examples include misrepresenting household income and falsely claiming to be pregnant.
- If you suspect someone has provided false information or receive a complaint alleging that someone has done so, gather all relevant information and report the situation to the State WIC Program Integrity Analyst. The State Agency will investigate the case and coordinate how it is to be handled.

## Potential Duplicate Participant cases

- Local Agency staff members must follow the certification procedures located in the Minnesota Operation Manual, [Chapter 5: Certification](#), to ensure certification of only eligible persons, and to avoid creating duplicate participants.
- Creation of duplicate participants can be prevented when CPAs utilize the WIC Information System Statewide search feature for all new or returning participants.
- Local Agencies must review and resolve potential duplicate participant cases weekly or monthly, depending on agency size and frequency of duplicates. See Guidance for instructions on how to review and resolve potential duplicates.
- Every local agency must have a staff member with “Role-10 LSA” access. Refer to [WIC Information System User Roles & Definitions](#) for details. This person has access to review and resolve cases of potential duplicate participants under the direction of the Coordinator.
- If it is difficult to determine whether a case represents a true duplicate, the Local Agency can request assistance from the State WIC Program Integrity Analyst.
- When a duplicate chart is found, Local Agency staff must review certification periods and issuance dates to determine whether excess/overlapping issuance has occurred. If it has, the Local Agency should contact the State WIC Program Integrity Analyst for guidance on how to proceed.

## Cases involving selling or offering to sell benefits

- Local Agency staff members must carefully explain all Rights and Responsibilities to participants and guardians, emphasizing that it is a participant violation to sell (or offer to sell) WIC benefits.
- Participants may be more likely to list formula for sale near their infant’s first birthday, once the need for it wanes. Remind parents/proxies at the 9 month appointment to only purchase the WIC formula and infant foods that their child will use.
- All suspected sales or postings of infant formula should be reported to the State WIC Program Integrity Analyst.

## Cases involving violence or threats toward clinic or store staff

- Violence or threats by participants or proxies should never be tolerated. See Exhibit 1-D: [Sample Letter for Violation Threatening Harm](#).
- Coordinate with your State Consultant as necessary.

## Other cases

Any other potential program integrity issue should be discussed with the State WIC Program Integrity Analyst. These include (but are not limited to) cases such as:

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- An individual potentially participating in WIC in two different states at the same time.
- Improper benefit redemption (using a WIC Card to purchase anything other than the foods listed on it).
- Presenting a WIC Card that belongs to another family.

### Case follow-up

- After a case is referred to the State Agency, Program Integrity members conduct investigations and data analysis to determine whether a participant violation has occurred. A Violations Committee reviews any case for which adverse action is recommended.
- If State Agency staff determine that a violation was **unintentional** on the part of the participant/proxy, they will advise the Local Agency on what actions must be taken, if any.
  - In an unintentional case of duplicate participation resulting in excess issuance, Local Agency staff may need to let a proxy know that a WIC Card is being deactivated. For instance, if duplicate participation occurs in a dual-custody situation in which both parents enroll a child in WIC, the Local Agency may need to let one of the parents know their WIC Card is being deactivated.
  - In an unintentional case in which a participant needs information to avoid further issues, the Local Agency may be asked to communicate the program requirements to the participant/guardian.
- If State Agency staff determine that a participant/proxy has **intentionally** committed a program violation, they will take action and/or enlist the Local Agency to do so based on requirements in federal regulations governing the WIC Program.
  - If a participant/proxy commits a violation resulting in \$100 or more in excess benefits, the State Agency is required to disqualify the participant, unless within 30 days of the WIC Program's letter to the participant, the claim is paid in full, or a payment plan is agreed to. In the case of a child participant, the State Agency may make an exception to disqualification if a suitable alternate proxy can be assigned. The Local Agency may need to assist in finding and assigning a suitable proxy for such a case. The State Agency generally handles all correspondence related to participant claims, disqualifications, and potential appeals.
  - If a violation involves less than \$100 in excess benefits, the State Agency may ask the Local Agency to communicate with the participant/guardian about the issue. Per federal regulations, the State Agency may determine that it would not be cost-effective to seek repayment in such a case.

### Guidance

- Instructions on how to review and resolve potential duplicates can be found in the [2.19 Software Release Document Addendum](#).

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- See Exhibit 1-D: [Sample Letter for Violation Threatening Harm](#) as an example.
- The State Agency role in participant violations is further detailed in Exhibit 1-L: [Participant Violations - State Agency Role](#).
- If a participant violation warrants disqualification of an infant or child, at the State Agency direction, the Local Agency will work with the parent or guardian to identify an alternate proxy to avoid disqualification.
- Local Agency staff can request State Agency assistance in assessing whether cases involve violations. Contact the State WIC Program Integrity Analyst and/or your State Consultant to begin the review process.

## Reference – Complete Listing of Hyperlinks

Exhibit 1-K: [Rights and Responsibilities](#)

(<https://www.health.state.mn.us/people/wic/rights.html>)

[Chapter 5: Certification](#)

(<https://www.health.state.mn.us/people/wic/localagency/mom.html#certification>)

[WIC Information System User Roles & Definitions](#)

(<https://www.health.state.mn.us/docs/people/wic/localagency/infosystem/rolesdefined.pdf>)

Exhibit 1-D: [Sample Letter for Violation Threatening Harm](#)

(<https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/exhbts/ex1/1d3.docx>)

[2.19 Software Release Document Addendum](#)

([https://www.health.state.mn.us/docs/people/wic/localagency/infosystem/hubert/releasedocs/2\\_19\\_Isa.pdf](https://www.health.state.mn.us/docs/people/wic/localagency/infosystem/hubert/releasedocs/2_19_Isa.pdf))

Exhibit 1-L: [Participant Violations - State Agency Role](#)

(<https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/exhbts/ex1/1l.pdf>)

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