

# Administration

## Illinois WIC Policy Manual

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## Section 1: Illinois WIC Program

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### 1. *Illinois WIC Program (Effective: July 2022)*

- A. The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is funded by the United States Department of Agriculture's Food and Nutrition Section (USDA FNS) and administered through the Illinois Department of Human Services, Bureau of Family Nutrition (BFN) (hereinafter referred to as the Department).
- B. The Program operates through two elements:
  - 1. The Nutrition Services Section oversees direct services provided through contracted agencies who are required to follow obligations as outlined in the Department contract and this Illinois WIC Policy Manual (IL WIC PM).
    - a) Local agency procedures must not be more stringent than the policies outlined in the IL WIC PM.
    - b) The Breastfeeding Peer Counselor Program (BFPC) and the WIC Farmer's Market Nutrition Program (FMNP) are also administered by the BFN in select counties. Agencies receiving funding for these programs must follow administrative policies of the WIC Program in addition to those functions outlined specific to the BFPC and FMNP.
  - 2. The Vendor Section is comprised of two units to monitor and direct the activities of authorized WIC vendors.
    - a) The Vendor Relations Unit is responsible for reviewing all vendor applications for approval; performing initial site visits as required for each prospective vendor; providing procedural vendor training; securing contracts between the Department and individual retail vendors; providing problem-solving assistance; and investigating vendor payment problems.
    - b) The Vendor Compliance Unit conducts compliance investigations and has the right to impose sanctions upon those vendors identified as noncompliant with the Vendor Management Act and Code.
    - c) The Illinois WIC Vendor Management Act and Code (Ill. Admin. Code 672) exist to standardize all Vendor Management Activities. Copies are available upon request.
    - d) All local agency questions and concerns regarding vendors and vendor activities are to be referred to the Department as identified on the WIC ID Card, or in written form, using the Vendor Issue Incident Reporting Form (which can be printed from the WIC MIS). Details on the process are provided.

**Addendum- Vendor Issue Incident Reporting Form**

**Addendum- Vendor Issue Reporting Process Details**

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## Section 2: Local Agency Agreement

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### 1. *Local Agency Eligibility (Effective: July 2022)*

- A. In accordance with the basic local agency eligibility criteria provided in 7 CFR 246, to be eligible to provide WIC services, a local agency must, directly or through written agreement with another party:
1. Provide ongoing health services free, or at reduced cost, to Illinois residents of areas, or members of populations, with substantial numbers of women, infants, and children at nutritional risk.
  2. Meet staffing standards (IL WIC PM AD 11).
  3. Have the facilities and equipment necessary for the collection of data and retention of records in the provision of WIC services to women, infants, and children.
  4. Report known or suspected child abuse or neglect to the area office of the Illinois Department of Children and Family Services, in accordance with State and Federal statutes.
  5. Be in compliance with Civil Rights non-discrimination laws and regulations (IL WIC PM AD 7).
  6. Assure confidentiality is maintained with collection, handling, and disclosure of WIC participant information during all aspects of a WIC visit. Local agencies must not scan unnecessary participant information into the WIC MIS (e.g., birth certificates, social security cards, bloodwork consent) without Department approval.
  7. The No Smoking Policy implements the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (PL 103-111) which stipulates that each local WIC agency and/or WIC clinic (if several clinics are operated by a single local agency) must have an announced public policy against smoking in any area where WIC Program functions are performed in order to be eligible to receive WIC administrative funds.
  8. New providers must have a successful pre-award review prior to contract issuance.

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## Section 2: Local Agency Agreement

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### **2. Subcontracting for Services (Effective: July 2022)**

- A. If a local agency must enter into a written agreement with another sub-recipient provider for the provision of WIC services:
  - 1. Both providers shall, in conjunction, meet all the requirements for providing both health and administrative services and are subject to single audit requirements (IL WIC PM AD 3.8).
  - 2. The written agreement must define the program responsibilities of the sub recipient provider and be approved by the Department prior to finalization of the agreement. The responsibilities include receiving training and monitoring by the local agency.
  - 3. A copy of such agreement must be on file at the local agency and with the sub recipient provider.
  - 4. Must be in compliance with Civil Rights non-discrimination laws and regulations.
- B. If the local agency must enter into a written agreement with another party or a private physician for the provision of the broader range of health services:
  - 1. The written agreement must define the responsibilities of each party and must be approved by the Department during the application process.
  - 2. A copy of such agreement must be on file at the Department, the local agency, and with the third party.
  - 3. Must be in compliance with Civil Rights nondiscrimination laws and regulations.

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## Section 2: Local Agency Agreement

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### 3. Allocation of WIC Funds (Effective: February 2021)

- A. The United States Department of Agriculture, Food and Nutrition Section (USDA-FNS) notifies Illinois WIC of the Food Funds and Nutrition Services Administration (NSA) Funds which will be available for the Federal Fiscal Year. Both types of funds are considered in determining the caseload assignments and funding levels for local agencies.
  - 1. Food funds are specifically allocated for food expenditures only and cannot be used for administrative expenses.
  - 2. NSA funds are allocated by use of a formula based on standardized costs per caseload.
  - 3. The Department allocates awards to local agencies through a grant making process in compliance with:
    - a) Grant Accountability and Transparency Act (30 ILCS 708).
    - b) Grant Funds Recovery Act (30 ILCS 705).
    - c) 44 Ill. Admin. Code 7000.210 (Grant Accountability and Transparency - State Agency Implementation).
    - d) 44 Ill. Admin. Code 7040 General Grantmaking (IDHS).
  - 4. The Department-Local Agency Grant Agreement serves as the legal basis for disseminating funds to local programs.
    - a) Grant agreements must be signed and properly obligated through the Department and the Illinois Comptroller.
    - b) Payments are scheduled on a monthly basis (IL WIC PM AD 3.6).
    - c) All payments will be reconciled based on submitted documentation.
    - d) Failure of the local agency to submit documentation may result in a reduction to the total award.

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## Section 2: Local Agency Agreement

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### **4. Local Agency Grant Agreement (Effective: February 2021)**

A. The Local Agency Grant Agreement between the local agency and the Department serves as the legal document obligating both parties to specific roles in the WIC Program.

The Grant Agreement contains conditions that bind the local agency to compliance with:

1. The Federal Regulations (7 CFR 246 and Part 200 Federal Uniform Guidance).

2. The Illinois WIC Policy Manual.

a) Agencies will be held fiscally responsible for benefits issued above USDA allowable limits. The Department will monitor over issuance using the WIC MIS Admin Module Reports: Benefit Over Issuance and Benefit Re-Issuance.

3. The WIC management information system (MIS) user manual.

4. Additional provisions of the Grant Agreement include:

a) Grant award totals

b) Reclamation procedures

c) Termination procedures

B. Any violation of compliance with the requirements of the Grant Agreement may be grounds for termination or suspension of the Grant Agreement.



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## Section 2: Local Agency Agreement

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### 5. *Service Locations (Effective: July 2024)*

- A. WIC agencies provide services from a primary agency and may have more than one clinic.
  - 1. Agencies interested in providing satellite/off site clinics must have the operations approved in advance from the Department.
  - 2. An on-site review by the Department is required for new locations prior to service provision.
  - 3. WIC food benefits should be provided from approved clinic locations. Issuance done through remote mechanisms must follow policy IL WIC PM SFD 8.3.
- B. WIC EBT cards, education materials, supplies etc. will be sent from the Department, or its contractors, to the primary agency location.
- C. WIC agencies must advise the Department prior to the beginning of a new State Fiscal Year (SFY) of any expected clinic moves or additions to allow for adequate planning, funding and budgeting. In the rare case where an agency determines a clinic location change is needed after the start of the SFY they must notify the Department immediately of this need.
- D. Home delivery of WIC services is rarely needed and must have prior approval from the Department.
- E. Hospital-Based WIC Programs
  - 4. Local agencies which operate WIC programs within a hospital or in conjunction with arrangements made with a hospital must ensure that potentially eligible WIC applicants who receive hospital services are informed of the availability of WIC program benefits.
  - 5. To the extent possible, the local agency must also provide an opportunity for individuals who may be eligible to be certified within the hospital. Agencies should develop procedures to address current or proposed hospital-based operations and submit it to the Department for approval. This will be reviewed during the WIC Management Evaluation/Quality Assurance Review.

### **Addendum: New Clinic Information Sheet**

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## Section 2: Local Agency Agreement

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### 6. *Local Agency - Right of Appeal (Effective: February 2021)*

- A. A local agency adversely affected by a Department decision may appeal the decision. The right of appeal must be granted when:
1. The appellant's application to participate is denied.
  2. The participation is terminated.
  3. A Grant Agreement is not renewed by the Department.
  4. Any other adverse action is taken by the Department.
- B. Effective date of adverse actions against local agencies:
1. The state agency must make denials of local agency applications effective immediately.
  2. The state agency must make all other adverse actions effective no earlier than 60 days after the date of the notice of the adverse action and no later than 90 days after the date of the notice of adverse action.
  3. In the case of an adverse action that is subject to administrative review, the effective date shall be no later than the date the local agency receives the review decision.
- C. Local Agency Appeal Procedure:
1. The appellant wishing to appeal a decision of the Department shall, within fifteen (15) days of the effective date of the adverse action, state the basis for the appeal in writing and forward to:  

State WIC Director Bureau of Family Nutrition  
Illinois Department of Human Services 815/823 E. Monroe St.  
Springfield, IL 62701
  2. The State WIC Director of the Bureau of Family Nutrition will review the case and inform the appellant, in writing, of the results of the review.
  3. The appellant may request a formal hearing if the decision is not satisfactory.
  4. The Department will notify the appellant of the time and place of the hearing thirty (30) days in advance of the hearing.
  5. The hearing will be conducted by an impartial hearing officer.
  6. The appellant may be assisted or represented by an attorney or other persons.
  7. Documents and records presented to support the decision under appeal may be examined prior to and during the hearing.
  8. The adverse action affecting a participating local agency shall be postponed until a hearing decision is reached.

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## Section 2: Local Agency Agreement

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### **7. Management Information Systems (Effective: July 2022)**

- A. The management information system (MIS) for the Illinois WIC Program is I-WIC. All WIC staff must follow:
  - 1. The WIC MIS user manual and training expectations for entering and utilizing data to ensure proper service delivery.
  - 2. Comply with contractual IDHS Information System Security and Privacy Requirements, including data sharing.
  - 3. System security requirements.
- B. Management Controls
  - 1. Request WIC MIS access for staff following the Addendum *WIC MIS Access Guidance*.
  - 2. Coordinate with the Department on system access based on staff roles in the WIC Program.
  - 3. Ensure WIC employees receive security training prior to being granted system access and as annual refresher training for all staff (IL WIC PM AD 2.7).
  - 4. Ensure that state-owned equipment and resources are secure, and that equipment is accounted for by conducting an annual inventory. Comply with contractual IDHS Information System Security and Privacy Requirements.
  - 5. Incident Reporting
    - a) All actual or suspected instances of information asset misuse, theft, or abuse, as well as potential threats (e.g., hackers, computer viruses) or obvious weaknesses affecting security, must be reported to your immediate supervisor.
    - b) All serious infractions including, but not limited to, pornography or violence, must be immediately reported to your immediate supervisor.
    - c) Local agencies are responsible for inactivating the responsible individual immediately in the WIC MIS and reporting the security incident within 24 hours by submitting a Local Agency Employee Compliance Report form (IL WIC PM AD 15.4).

### **Addendum – PPS WIC MIS Access Guidance**

- C. Operational Controls
  - 1. All personnel responsible for the management, maintenance, operations, or use of system resources and access to sensitive information must have the appropriate management approval. Personnel security also includes establishing and maintaining procedures for enforcing personnel controls.
  - 2. The Department and local agency must ensure separation of duties as to not compromise system data or undermine technical controls as described in IL WIC PM AD 15.3.
  - 3. The local agency must terminate employees' access to the WIC MIS on the last day of employment and notify the Department; receive Department written approval to access the WIC MIS at off-site locations or outside of normal business hours; and report any actual or suspected security breach within 24 hours to the Department.

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## Section 2: Local Agency Agreement

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### D. Continuity of Operations

1. Changes to local agency information must be communicated to the Department in order to be updated in the WIC MIS including:
  - a) agency/clinic address.
  - b) phone number/fax.
  - c) hours of operation.
  - d) contact name and email.
  - e) services provided.
  - f) site contact information.
2. In the case of a system disruption such as interruption of communication and or connectivity the local agency must notify and advise the Department of plans for services.
  - a) This may include using paper data collection and documentation or rescheduling participants.

### ***Addendum – Illinois WIC Paper Assessment Tools***

### E. Security Awareness, Training, and Education

1. Employees who use the WIC MIS are required to be aware of their security responsibilities.
2. Security training is provided before system users are allowed access to the system.
3. Annual security training is required for continued access to the system.
4. Authorized user access is dependent on acknowledging and agreeing to security responsibilities.
5. Security training is designed to ensure users understand their responsibilities and security procedures for protecting any sensitive information in the WIC MIS. Security training includes:
  - a) The importance of protecting client privacy and data confidentiality.
  - b) How to identify a security incident.
  - c) Secure use of user IDs and passwords

# Administration

## Section 3: Nutrition Services & Administration (NSA) Costs

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### 1. Nutrition Services and Administration (NSA) Costs (Effective: February 2021)

#### A. Cost Reporting by Functional Category

1. Local Agency NSA costs for the WIC Program must be broken down and reported in four functional cost categories. These cost categories, as listed on the Summary Expenditure Documentation form are:
  - a) General Administration
  - b) Client Services
  - c) Nutrition Education
  - d) Breastfeeding Promotion
2. The use of these categories is required for Federal reporting and is essential to accurately reflect the true nature of the WIC local agency expenses. Costs for Nutrition Education and Breastfeeding Promotion must be identified separately to document Federally mandated spending requirements for these cost categories.
3. Federal regulations for the State WIC grant require that a minimum of 1/6 of all NSA expenditures must be in the categories of Nutrition Education and Breastfeeding Promotion. In accordance with this requirement, it is recommended that the local agency allocate a minimum of 1/6 of WIC grant funds to Nutrition Education and Breastfeeding Promotion.
4. A description of each functional cost category, and examples of activities, which, may fall into these categories is provided for reference.

#### ***Addendum - Local Agency WIC Cost Categories***

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## Section 3: Nutrition Services & Administration (NSA) Costs

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### 2. Allowable Costs (Effective: February 2021)

#### A. Allowable Costs

1. The following activities performed in WIC clinics are considered necessary to meet WIC Program objectives. Therefore, provided all other requirements for allowability are satisfied, the direct and indirect costs associated with performing these activities are allowable charges to the WIC NSA grant.
  - a) Participant certification including data collection and assessment for eligibility determination; nutrition care plan development, nutrition education and counseling, breastfeeding promotion and support, food delivery, and referrals.
  - b) Program management activities including accounting, auditing, budgeting, and outreach.
  - c) A list of allowable costs, by line item, is provided.
2. Some costs while allowable require prior approval from the Department and/or the USDA as listed below.

### **Addendum - Allowable Cost by Line Item**

#### B. Unallowable Costs

1. Under no circumstances may the Federal WIC grant be charged in full or in part for the costs of services which are demonstrably outside the scope of the WIC Program's authorizing statute.
  - a) For example, the WIC grant may be charged to screen WIC participants for immunizations and refer and follow-up on WIC participant immunizations, but WIC may not be charged for the cost to administer the shot, the vaccine or vaccine-related equipment.
2. Further, costs which are specifically disallowed by applicable Federal cost principles may not be charged to the WIC grant.

#### C. Approval Requirements

1. Costs allowable with written prior approval from USDA and the Department:
  - a) Purchases of capital assets such as buildings, land and improvements to buildings or land that materially increase their value or useful life and cost more than \$5000.
  - b) Any computer equipment purchases such as personal computers, monitors, printers, modems, scanners, EBT card readers, signature pads and other MIS system requirements.
  - c) An individual item with a cost of \$25,000.
  - d) Approval of the agency's' annual budget or any amendments to the budget does not constitute prior approval from the Department.
2. Costs allowable with prior approval from the Department:
  - a) Rental space costs- new sites/locations.
  - b) Any computer software purchases such as word processing, spreadsheet, database, email, presentation, or anti-virus applications.
  - c) Items costing \$5000 up to \$25,000.

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## Section 3: Nutrition Services & Administration (NSA) Costs

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3. Prior Approval is not needed for:
  - a) Nutritional/Medical certification of participants.
  - b) Clinical costs necessary to provide WIC services, including referrals.
  - c) Outreach to prospective WIC participants.
  - d) Rental or purchase of non-computer equipment (any nonexpendable item costing less than \$5000), including only the medical equipment listed in 7 CFR 246.
  - e) Local agencies should contact their Regional Nutritionist Consultant for up-to-date information on identifying equipment for health screening.

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## Section 3: Nutrition Services & Administration (NSA) Costs

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### ***3. Guidelines for Requesting Prior Approval for Purchases (Effective: February 2021)***

- A. All requests must be in writing on local agency letterhead from the agency to the Department via the designated Regional Nutritionist Consultant. The request must include:
- 1) Item description.
  - 2) Model Number/Serial Number.
  - 3) Unit Cost.
  - 4) Justification for Purchase.
  - 5) Percentage of time the product will be used for WIC.
  - 6) Number of WIC Full Time Equivalents present in the local agency.

***Addendum – PPS Equipment Request Process / Template Letter***



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## Section 3: Nutrition Services & Administration (NSA) Costs

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### **4. Inventory Management (Effective: February 2021)**

- A. Each local agency must maintain full and complete records concerning program operations in compliance with Part 200 Federal Uniform Guidance 200.313. This includes maintaining property records as described below.
  - 1. The local agency must tag all equipment, valued at \$100 or greater at the time of purchase, with a unique identification number.
    - a) Any EBT equipment (scanners, card readers, signature pads, and MIS system requirements) must be added to WIC inventory (regardless of value).
    - b) An inventory must be maintained of all tagged items purchased in full or partially with WIC funds. The inventory must include:
      - 1) Tag number/Inventory number.
      - 2) Item description.
      - 3) Model Number/Serial Number.
      - 4) Date of purchase.
      - 5) Unit Cost.
      - 6) Location.
    - c) Agencies using a blended inventory of all items must have a method to clearly indicate items purchased with WIC funds and include all items listed above.
    - d) A listing of breast pumps purchased partially or fully with WIC funds must be maintained in the WIC MIS System or a hard copy kept on file for review.

### **Addendum - WIC Equipment Inventory Form**

- 2. Guidelines for Disposal of WIC Equipment
  - a) To dispose of equipment purchased with WIC funds:
    - 1) The local agency must submit a request in writing, on agency letterhead, to the Department via the designated Regional Nutritionist Consultant which includes:
      - (a) Item description.
      - (b) Date of purchase.
      - (c) Unit cost (if available).
      - (d) Justification for disposal.
    - b) If the request is approved, a letter will be sent granting approval to dispose of the equipment. The letter must be kept on file with the inventory records.
    - c) Computer equipment approved for disposal must have all participant information erased prior to disposal.

### **Addendum – Request to Dispose/Transfer Template Letters**

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## Section 3: Nutrition Services & Administration (NSA) Costs

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### 5. *Local Agency Accounting Procedures (Effective: February 2021)*

#### A. Accounting System

1. Each local agency participating in the WIC Program must have an established financial management system, which provides complete, separate, and accurate accountability of WIC funds. The accounting system in the local agency must provide original evidence of:
  - a) Transactions.
  - b) A chart of accounts.
  - c) Ledgers for posting.
  - d) Complete accountability of all obligations, payments, and reimbursements.

#### B. Expenditure Documents

1. Source documents for expenditures must be available for audit, and records of payment of such expenses must allow for clear audit trails. To qualify for payment, an expenditure must:
  - a) Be a documented WIC expense.
  - b) Be in compliance with Federal and State regulations (including the Illinois Grant Accountability and Transparency Act (GATA) and Federal Uniform Guidance 2 CFR 200).

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## Section 3: Nutrition Services & Administration (NSA) Costs

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### 6. *Expenditure Documentation (Effective: July 2022)*

- A. Local agencies will receive WIC grant payments from the Department on a monthly basis.
  - 1. All payments are reconciled based on submitted documentation. Failure of the Provider to submit documentation may result in a reduction to the total award.
- B. Detailed instructions are provided on the Department website along with the WIC Expenditure Documentation Form (EDF).
  - 1. Expenditure Documentation forms must report expenditures by line-item category and by all four functional categories.
  - 2. Functional Categories are to be entered under the Reporting Monthly Expenditures section of the EDF and are:
    - a) General Administration
    - b) Client Services
    - c) Nutrition Education
    - d) Breastfeeding Promotion
  - 3. Expenditure documentation must be received by the Department no later than the 15th day of the month following the month of service. Any change in this schedule must be submitted in writing to the Department. Final billings must be received by the 15th day of the month following the end of the agreement period. If the 15<sup>th</sup> day of the month is on a weekend day or state holiday, EDFs can be submitted on the following business day.
  - 4. The local agency must maintain a clear audit trail for expenses reported on the EDF.

# Administration

## Section 3: Nutrition Services & Administration (NSA) Costs

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### **7. Periodic Financial Report (Effective: February 2021)**

- A. The Periodic Financial Report (PFR) is a standard, uniform statewide financial reporting format used by all state agencies to collect financial information from recipients of state grant awards.
  - 1. In addition to the monthly EDFs which are used for payment, agencies are required to complete a PFR form per 2 CFR 200.301, 328, Subpart D.
  - 2. The PFR template must correspond to the current, approved grant budget. All program-specific line items included in the approved budget should be included in the PFR.
    - a) If it is determined that revisions are needed to the budget, staff must submit a request for the budget to be released as soon as possible. Any changes will then need to be submitted and reviewed by DHS Program and fiscal staff.
  - 3. The PFR is due to the Department by the 15<sup>th</sup> of the month following the quarter of service:
    - a) Quarter 1 (July 1-September 30), PFR due January 15.
    - b) Quarter 2 (October 1-December 31), PFR due January 15.
    - c) Quarter 3 (January 1-March 31), PFR due April 15.
    - d) Quarter 4 (April 1-June 30), PFR due July 15.
  - 4. A consolidated Year-end Financial Report (CYFR) is also required.

# Administration

## Section 3: Nutrition Services & Administration (NSA) Costs

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### **8. Program Audit (Effective: February 2021)**

- A. Local Agencies are required to be audited annually, in accordance with:
  - 1. 2 CFR Part 200.501 Audit Requirements.
  - 2. CFR 215 Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations. (OMB Circular A-110).
  - 3. CFR 225 Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87).
  - 4. CFR 230 Cost principles for non-profit organizations (OMB Circular A-122).
- B. The percentage of costs charged to Federal assistance programs for a single audit shall not exceed the percentage that Federal funds expended represent to total funds expended by the local agency during the fiscal year.
- C. The Single Audit Act provides that no cost may be charged to Federal assistance programs for audits required by the Act that are not made in accordance with the Circular. USDA retains the right to conduct audits of all local agency WIC Programs. There is no charge to the local agency for these audits.
- D. No other audits are required in the WIC Program, nor will outside audits be paid for from WIC funds.

# Administration

## Section 3: Nutrition Services & Administration (NSA) Costs

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### **9. Local Agency Sanctions/Recoveries (Effective: February 2021)**

- A. The local agency shall have the right to appeal any sanction or recovery to the State WIC Director of the Bureau of Family Nutrition.
  - 1. The appeal shall indicate the reason the sanction should not be imposed and/or the recovery should not have been made.
  - 2. The appeal shall be made within thirty (30) calendar days of the imposition of the sanction and/or the recovery of monies from the reimbursement voucher.

# Administration

## Section 3: Nutrition Services & Administration (NSA) Costs

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### *10. Closeout Reporting Procedures (Effective: February 2021)*

- A. The State Fiscal Year runs from July 1 through June 30.
- B. The Federal Fiscal Year runs from October 1 through September 30.
  - 1. Costs must be separated so that expenditures are charged to the fiscal year in which the obligation was incurred.
  - 2. The separation of costs must occur between the months of June and July to close out the State fiscal year, and between September and October for the Federal fiscal year.
  - 3. Reporting Requirements - A portion of the funding for this grant agreement is from a Federal award which requires a close out (separation of expenditures) as of September 30.
    - a) This means documentation for expenditures incurred on or prior to September 30 must be submitted separately from documentation for expenditures incurred on or after October 1.
    - b) The final documentation reporting expenditures incurred on or prior to September 30 shall be submitted to the Department by November 15.

# Administration

## Section 4: Records

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### 1. *Retention of Records (Effective: July 2022)*

- A. In accordance with 7 CFR 246, each local agency shall maintain full and complete records of program operations in compliance with Federal and State records retention requirements. All records shall be retained for three (3) years following the close of the fiscal year to which the records pertain.
- B. An agency (e.g., any court and all parts, boards, departments, bureaus, and commissions of any county, municipal corporation, or political subdivision) shall comply with the Local Records Act, which regulates the destruction and preservation of public records within the State of Illinois.
- C. The Federal Agency or Department may require longer retention of records and/or submission of such records to these agencies if the records cover a time period still open to audit.
- D. Records to be retained include records of:
  - 1. All fiscal operations.
  - 2. Expenditures allocated by functional categories (General Administration, Client Services, Nutrition Education and Breastfeeding Promotion).
  - 3. Prior approval for purchases and equipment disposal.
  - 4. WIC (including BFPC) inventory.
  - 5. Source documentation for program reviews and audits.
  - 6. Civil rights documents (training, complaint log, complaint form (if applicable), etc.).
  - 7. Fair hearing forms (if applicable).
  - 8. WIC participant charts (inactive/ineligible/terminated/active).
- E. The following documents are scanned into the WIC MIS:
  - 1. Release of Information Form (IL WIC PM AD 5.2).
  - 2. 30 Day Certification Form (IL WIC PM CS 1.1).
  - 3. Verification of Certification (VOC) from other State Agency (IL WIC PM CS 12.1).
  - 4. Ineligibility/Term Notice (IL WIC PM CS 13.1).
  - 5. Violations and Sanction Form (IL WIC PM CS 15.1).
  - 6. Formula and Medical Nutritional Prescriptions Form (IL WIC PM SFD 6.2).
  - 7. Explanation of WIC Benefits Letter (IL WIC PM SFD 6.4).
  - 8. Electric Breast Pump Loan/Release Form (IL WIC PM AD 10.2).
  - 9. Proofs of Eligibility for Emergency Full Access (IL PM AD 15.1).
  - 10. Photo ID (IL WIC PM CS 5.1)



# Administration

## Section 4: Records

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### **2. Destruction of Records (Effective: February 2021)**

- A. Records retained must be destroyed by incineration or shredding (defined in IL WIC PM AD 4.1).
  - 1. Disposal of records intact to a landfill or through a disposal service is not appropriate.
- B. The Local Records Act regulates the destruction and preservation of public records within the State of Illinois. It mandates the Secretary of State, who is named the local records advisor, to assist local governments in implementation of the Act. This Act defines record material, explains the rights to public access of information and sets standards for record keeping and microfilming. Additionally, the Act provides for the existence of a six-member Local Records Commission which regulates the disposal of local records and specifically forbids local officials from disposing of any public record without first obtaining their written approval.
  - 1. Depending upon the local agency's status as a legal entity, the agency may be required to comply with both State and Federal guidelines for destruction of records.
  - 2. Agencies, which must comply with both State and Federal requirements, are those that fall under the auspices of the Local Records Act. The Act defines an "agency" as "any court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision."

# Administration

## Section 5: Confidentiality

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### 1. **Confidentiality of Applicant and Participant Information (Effective: August 2023)**

In accordance with 7 CFR 246, USDA FNS Instruction 800-1 (re: confidentiality), and FNS policies, the following policy outlines the criteria for disclosure of information and records.

1. **Definition-** Confidential applicant and participant information is any information about an applicant or participant, whether it is obtained from the applicant or participant, another source, or generated as a result of WIC application, certification, or participation, that individually identifies an applicant or participant and/or family member(s). Applicant or participant information is confidential, regardless of the original source and exclusive of previously applicable confidentiality provided in accordance with other Federal, State, or Local law.
2. **Confidential Information Sharing is approved by the Department -** A statement is included in the Addendum *WIC Participant Rights and Responsibilities* form (IL WIC PM CS 1.3) which informs WIC applicants of the sharing of information provided by the applicant or participant to representatives of public organizations designated by the Department which includes:
  - a) The Illinois Department of Human Services.
  - b) The Centers for Disease Control (CDC).
  - c) The USDA for evaluation and auditing purposes.
  - d) Designated Health and Welfare Program representatives.
    - 1) that serve persons categorically eligible for WIC for the purposes of determining eligibility for WIC services and conducting outreach.
    - 2) The Department shall execute a written agreement with each designated organization. This written agreement shall contain assurances that the public organization will not disclose any information received from the Department to any third party.
3. **Dual Certifications-** The release of information necessary to determine dual certification is permissible and applicants should be informed at the time of application of the circumstances under which information provided by the applicant or participant may be shared in order to comply with specific regulatory provisions.
4. **Refusal to Share-** Applicants and participants do not have the option of declining to permit such information sharing to the entities listed below if they wish to participate in the program. The use or disclosure of information and records obtained from program applicants and participants is limited to the following entities:
  - a) Persons directly connected with the administration or enforcement of the program. This includes persons investigating or prosecuting violations in the WIC program under Federal, State, or Local authority.
  - b) This provision does not exclude volunteers from access to participant or applicant information.
    - 1) Volunteers can be considered to be directly connected to the administration of the program. It does, however, obligate the local agency to ensure that volunteers who are given access to client information are well-trained and knowledgeable of the restrictions on disclosure of this information.

# Administration

## Section 5: Confidentiality

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- 2) A local agency volunteer agreement form should be signed by the volunteer agreeing to keep information confidential or forfeit the volunteer assignment.
- 3) The Comptroller General of the United States for audit and examination authorized by law.
5. **Records Requests-** A WIC applicant or participant may ask to see or copy his or her own record or a parent or legal guardian may request access to, or a copy of, a child's or infant's record.
  - a) Assuming that any issues regarding custody or guardianship have been settled, such persons have the right of access to all information provided by the applicant or participant.
  - b) Local agencies need not grant the participant or guardian access to any other information in the file or record, such as documentation of income provided by third parties or any information which serves as a staff assessment of the participant's condition or behavior, unless required by Federal, State or Local law or policy.
6. **Communication with Participants-** Local agencies must ensure that any text messages or emails sent to WIC Participants protect the confidentiality of the WIC participant following:
  - a) The Protected Health Information (PHI)
  - b) Health Insurance Portability & Accountability Act (HIPAA)
  - c) Illinois Personal Information Protection Act
  - d) Contractual IDHS Information System Security and Privacy Requirements

# Administration

## Section 5: Confidentiality

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### **2. Consent to Release Information (Effective: August 2023)**

#### A. Confidential Information Sharing by Local Agencies

1. Before any applicant or participant data may be shared by the local agency with a third party the participant must authorize this activity by signing a release form authorizing the disclosure and specifying the parties to which the information may be disclosed.
  - a) A signed release of information form documents information was released per the applicant or participant's request or with his or her approval (verbal signature is not allowable).
  - b) An agency is not obligated to request that the applicant or participant sign a release of information form in order to attempt to accommodate outside requests for such information but can simply decline to provide it to the requesting organization or individual.
2. Applicants and participants have the right to refuse to sign the release form and must be advised that refusal will have no impact on their application or participation in WIC.
3. Release forms authorizing disclosure to private physicians or other health care providers may be included as part of the WIC application or certification process.
4. All other requests for applicants or participants to sign voluntary release forms must occur after the application and certification process is completed.
5. The signed release of information form must be scanned into the WIC MIS.

#### B. Confidential Communication with WIC Participants

1. WIC Participants must be given the choice of preferred method of communication (phone, email, or text).
  - a) Examples of communication that can be done by email and/or text include appointment reminders, eligibility proofs, and information about WIC's services and benefits to better serve and support the family.
2. Consent to send communication to participants must be obtained at the initial certification and confirmed at recertification appointments.
  - a) When completing the Household screen in the WIC MIS, ask the preferred contact method and document in the WIC MIS is as appropriate.
  - b) Documentation in the WIC MIS indicates participant consent.
3. WIC staff must provide required education on secure messaging with email and text to the participant per PPS Confidential Communication with WIC Participants.
4. WIC staff must be trained on sending secure communication with participants as part of new staff orientation (IL WIC PM AD 11.1), and:
  - a) By signing the Illinois WIC Employee Confidentiality and Compliance Agreement Signature Form (IL WIC PM AD 15.1) WIC staff are documenting their understanding of secure messaging requirements.
  - b) Annually, as part of required Civil Rights training (IL WIC PM AD 7.1).

### **Addendum- PPS Secure and Confidential Communication with WIC Participants**

# Administration

## Section 5: Confidentiality

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### **3. Reporting of Child Abuse and Neglect (Effective: July 2022)**

- A. WIC agencies are required to cooperate with investigations conducted pursuant to the Abused and Neglected Child Reporting Act 325ILCS 5/1 and are conferred immunity by Section 9 of alleged child abuse.
  - 1. The cooperation required extends to DCFS, State Police, and designated local law enforcement agencies.
- B. There may also be instances in which state or local child protection services contact the local agency for information which might substantiate allegations of child abuse made by a third party, e.g., information on a child's appearance, abnormal interaction between a child and parent, information on missed WIC appointments or a child's medical records. Such requests may be separate and distinct from any responsibility that the state or local agency might have under State law to report instance of child abuse. Therefore, the general disclosure policy shall apply to these requests (IL WIC PM AD 5.1).
- C. Local agency staff should refer to state or local agency legal counsel to identify a legal imperative to respond e.g., a subpoena that cannot or should not, in the counsel's opinion be contested, or a perceived need to comply with the request in order to avoid any legal liability for possible consequences to the child or failure to provide the requested information.

# Administration

## Section 5: Confidentiality

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### **4. Responding to Search Warrants (Effective: February 2021)**

- A. State and Local agencies must comply with search warrants.
  - 1. A search warrant differs from a subpoena in which a time frame is established to either comply with the subpoena or attempt to quash the request.
  - 2. Failure to fully comply with a search warrant at the time it is served could result in the immediate incarceration of WIC state or local agency staff.
  - 3. The individual producing a search warrant should be apprised of the confidentiality nature of WIC information.
  - 4. Clinic staff should carefully review the search warrant and provide only the specific information requested in the search warrant and no other information.
  - 5. In general, search warrants must specify exactly what information is being sought. Legal counsel should be alerted to the provision of the information by the agency immediately afterwards.
  - 6. Staff should retain a copy of the search warrant for their files as evidence of why the specific information was released in the event of legal action by the applicant or participant to his or her parents or legal guardian.

# Administration

## Section 5: Confidentiality

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### 5. *Responding to a Subpoena (Effective: February 2021)*

- A. A subpoena is merely a request for information issued by the clerk of a court in response to a request by an attorney representing a party.
  - 1. A subpoena may be directed to an individual or an entity, and a subpoena duces tecum is a request for the production of designated tangible items (i.e., records).
  - 2. A subpoena does not represent a court's ruling that an agency must release the information requested, but certainly cannot be ignored.
    - a) Failure to respond to a subpoena could potentially result in the state or local agency being found in contempt of court which could result in the incarceration of or fines against WIC employees.
  - 3. The subpoena will designate a time within which the agency must respond to the subpoena. It will also identify the individual or organization who is seeking the WIC information.
  - 4. State or local agencies in consultation with their legal counsel must make a determination, based on Federal law and the records and or information sought in the subpoena, of whether to comply with the subpoena and release the information as requested or attempt to quash the subpoena.
  - 5. The determination of how to proceed (either comply with or attempt to quash the subpoena) must be based on the restrictions set forth in 7 CFR 246.
- B. Procedures to Follow in Responding to a Subpoena
  - 1. State or local agencies, in consultation with their legal counsel, must make a determination based on the content of the subpoena and the requested information whether or not to comply with the subpoena and release the information requested or to attempt to quash the subpoena. In making the determination, state or local agencies must determine whether the information is protected under 7 CFR 246.
  - 2. Decisions to release WIC information as requested by subpoena or to attempt to quash a subpoena must be based on the requirements and restrictions set forth in 7 CFR 246, any pertinent State laws and USDA policies, FNS Instruction 800-1, and FNS Policies. Any conflicts identified between Federal and State requirements should be raised with State legal counsel and referred to the Department's Office of the General Counsel, where appropriate.
  - 3. When the state or local agency, in consultation with legal counsel, decides to attempt to quash a subpoena, legal counsel must appear before the court to argue against the release of information as requested by the subpoena. The court must be informed that this decision is based on prohibitions against such disclosures as set forth in 7 CFR 246.
  - 4. If the court denies the motion to quash the subpoena and requires the WIC state or local agency to release the requested information, the state or local agency or legal counsel acting on its behalf shall attempt to:
    - a) Consider the appropriateness of an appeal of the decision;

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## Section 5: Confidentiality

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- b) Ensure information produced is only that which is essential to respond to the subpoena (i.e., provide redacted documents reflecting only the requested WIC information), and;
  - c) Negotiate the extent to which the WIC information produced becomes public information (i.e., reviewed in camera by the court, limited entry into the public record.
5. If the motion to quash the subpoena is denied by the court, it is recommended that legal counsel acting on behalf of the state or local agency request the parties reduce to writing the terms of the release of the subpoenaed information so that all parties are in accord as to the use of such information. Ideally, counsel should seek a warrant of attachment or similar court order. A warrant of attachment is a written order by the court based on State law which orders a law enforcement officer to seize specific documents and deliver them to the court, essentially forcing the state or local agency to comply. In this way, there is a record that WIC state or local officials disregarded Federal law protecting the confidentiality of WIC records only after having been compelled to do so by a court.
  6. State or local agencies should advise and consult legal counsel if any formal complaint from or notice of litigation by a program applicant or participant are received as a result of the state or local agency releasing WIC information in response to a subpoena or search warrant.
  7. In some instances, the state or local agency may be required to release confidential information in response to a subpoena or search warrant. However, if the release of such information is made pursuant to and in keeping with WIC Program regulations, instructions, and policy, that release will not result in FNS or its agency taking adverse action against the state or local agency or any individuals acting on their behalf.
  8. Some cases are unique and require further research into legal issues and must be handled on a case-by-case basis with the involvement of counsel given the specific circumstances involved.



# Administration

## Section 6: Management Evaluation and Monitoring Reviews

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### 1. *Management Evaluation and Monitoring Reviews (Effective: February 2021)*

- A. The local agency will be monitored to encompass evaluation of management, certification, nutrition education, breastfeeding promotion and support, participant services, civil rights compliance, accountability, financial management and food delivery systems. Agencies providing WIC Farmer's Market Nutrition Program and WIC Breastfeeding Peer Counselor Program services will be evaluated on those areas as well.
- 1. The state agency shall conduct an onsite review of the local agency once every two years, per Department protocol, as directed by the evaluation tool including observation of service delivery.
  - a) Reviews shall include a minimum of 20% of the local agency's clinic locations or one clinic whichever is greater.
  - b) The state agency must notify a local agency of any finding in a monitoring review that the local agency did not comply with program requirements.
  - c) The state agency must require the local agency to submit a corrective action plan, including implementation timeframes as indicated in the findings cover letter when the review contains a finding of program noncompliance.
  - d) The state agency must monitor local agency implementation of corrective action plans.
- 2. The local agency must conduct a self-monitoring review of its operations and those of associated clinics or contractors (7 CFR 246) annually to ensure compliance with WIC Federal and State regulations and policies including Civil Rights non-discrimination laws.
  - a) The Department's evaluation tool must be completed including all components.
  - b) Observations of all staff providing direct services must be completed.
  - c) Participant record reviews will be completed as directed by the evaluation tool.
  - d) The local agency must maintain a file of completed self-monitoring evaluation forms and all quality assurance activities for review by the designated Regional Nutritionist Consultant.

# Administration

## Section 6: Management Evaluation and Monitoring Review

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### 2. *Quality Assurance Procedures for Formula and Foods (Effective: July 2022)*

- A. The following must be followed to ensure contract formula and medically prescribed formula and foods products are issued correctly and required documentation is kept on file to achieve the minimum standard for quality assurance procedures at the local agency level.
  - 1. Using the Formula Usage Report in the WIC MIS and the current Department's provided worksheet or other approved worksheet complete quality assurance, reviewing the following:
    - a) Variety of types of ready to feed (RTF) formula, medically prescribed formula, and foods.
    - b) Medically prescribed formula is prescribed and issued for the allowed conditions per policy and specialized training (IL WIC PM SFD 6.1).
    - c) All areas of the WIC Formula and Medical Nutritional Prescriptions Form are completed, and medically prescribed formula and food are issued per Form (IL WIC PM SFD 6.2).
    - d) If medical documentation is provided by the telephone, completed per policy (IL WIC PM SFD 6.2).
    - e) Medically prescribed formula and food issuance is documented in the WIC MIS to ensure continuity of care (IL WIC PM SFD 6.2).
    - f) RTF formula is only issued per policy and rationale documented (IL WIC PM SFD 5.1).
  - 2. Participant record review involves:
    - a) A minimum of bi-annual review, however agencies may choose to review more often based on results of the local agency quality assurance and/or management evaluations results.
    - b) Quantity:
      - 1) For agencies with caseload at or above 500: A minimum of 1% of the participants listed on the Formula Usage Report for the last quarter.
      - 2) For agencies with caseload under 500: 100% of the participants listed on the Formula Usage Report for the quarter.
    - c) Review of all staff who issue medically prescribed formulas/foods from each clinic/site.
    - d) Documentation of follow-up of findings (e.g., retraining, random formula issuance audits and/or other possible corrective actions).
  - 3. Regional Nutrition Consultant staff will review participant records and reports at the time of the WIC Management Evaluation (IL WIC PM AD 6.1).
  - 4. The Department will monitor issuance of contract and medically prescribed formula using the WIC MIS Admin Module Reports: Benefit Over Issuance and Benefit Re-Issuance.

# Administration

## Section 7: Civil Rights

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### 1. **General Information (Effective: July 2022)**

- A. The State of Illinois operates the WIC Program in full compliance with Title VI of the Civil Rights Act of 1964, other applicable Federal civil rights laws, all provisions required by the implementing regulations of the U.S. Department of Agriculture (7 CFR Part 15 et seq); and the Food and Nutrition Services (FNS) directives and guidelines. state and local agencies, vendors and other subcontractors must not discriminate against any applicant or participant of a prohibited basis (race, color, national origin, age, disability, or sex (including gender identity and sexual orientation)).
- B. Local agencies must publicize the availability of WIC benefits and the nondiscriminatory policy through appropriate mechanisms such as mass media, community newspapers, church newsletters and announcements, local agency newsletters, WIC newsletters, letters to all public assistance clients through public assistance offices, notification to other health and welfare agencies, physicians, and other available resources.
- C. WIC Program regulations, policies, and guidelines are considered public information and should be made available to the public if requested.
- D. A Civil Rights Compliance Review will be performed as part of the Management Evaluation Monitoring Review (IL WIC PM AD 6.1) and may also be performed as a stand-alone review by the FNS Civil Rights Division.
  - 1. Utilizing reports, review of the individual agency's performance of the following:
    - a) Whether potentially eligible persons and households have an equal opportunity to participate in the WIC program.
    - b) Whether case records are coded by race or ethnic origin.
    - c) Whether actual applicant and participant racial and ethnic data are being collected and maintained on file for 3 years.
    - d) Whether the local agency or other subrecipient has conducted civil rights training for its staff.
  - 2. Physical observation of the following:
    - a) Appropriate non-discriminating interaction between clinic personnel and participants.
    - b) Desegregated waiting room area and facilities.
    - c) Non-discriminating program access through the preferred appointment system or walk-in system.
    - d) Non-discriminating application of the existing waiting list.
    - e) Posting of required Civil Rights material ("And Justice For All" poster).
    - f) Use of the Nondiscrimination Statement on all local agency printed information per policy.
    - g) Whether civil rights complaints are being handled in accordance with Illinois WIC Policy.
- E. The state agency must develop and utilize a Civil Rights Training module to give mandatory training to state and local agency staff to ensure that all staff and project operations are in full compliance with Title VI of the Civil Rights Act of 1964 and all applicable Federal Regulations concerning Civil Rights.
  - 1. All staff is required to complete Civil Rights Training annually.

# Administration

## Section 7: Civil Rights

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2. New staff is required to complete Civil Rights Training before participating in program activities (within 90 days of hire as part of new employee orientation).
- F. It is the responsibility of the local agency to ensure that discrimination does not occur. The supervisor must train new staff during orientation and all staff annually and monitor procedures so that a discriminatory situation does not develop. To comply with the provisions of the civil rights laws and regulations, certain responsibilities and procedures are necessary. On the local level, these include:
1. Effective public notification systems,
  2. Complaint procedures,
  3. Compliance review techniques,
  4. Resolution of noncompliance,
  5. Requirements for reasonable accommodations of persons with disabilities,
  6. Requirements for language assistance,
  7. Conflict resolution, and customer service,
  8. Civil Rights Complaint processing,
  9. Collection and use of data.

### ***Addendum - Civil Rights Related Definitions***

# Administration

## Section 7: Civil Rights

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### 2. *Civil Rights Complaints (Effective: July 2022)*

- A. Any WIC applicant/participant who feels she/he has been discriminated against because of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA may file a civil rights complaint within 180 days of the alleged discriminatory action.
- B. Civil Rights vs. Program Complaints
  - 1. Civil rights complaints may appear to be the same as a program complaint: slow service, rudeness, and excessive requirements; but as soon as someone alleges it is because they fall under one of the protected bases it becomes a Civil Rights complaint.
- C. Complaints of Discrimination
  - 1. Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action.
  - 2. Complaints can be written, verbal, or anonymous. Details on how to file a complaint are provided within the full USDA non-discrimination statement and the USDA Program Discrimination Complaint Form.
    - a) Completion of the form cannot be a prerequisite for acceptance of a complaint.
    - b) The WIC Program can provide them with the information necessary to file the complaint; or if they wish, WIC can file the complaint for them.
    - c) The complainant must be advised of confidentiality and Privacy Act applications.
      - 1) The local agency must continue courteous treatment to all individuals who have voiced and/or written a civil rights complaint.

### ***Addendum – USDA Program Discrimination Complaint Form Instructions/Form (English and Spanish)***

- 3. A copy of any Civil Rights complaint made verbally or in writing must be kept in the local agency and another copy must be sent to the state agency who will forward it to the FNS Civil Rights Department within 5 calendar days.
- 4. If a person makes a complaint about discrimination verbally or through a telephone conversation and refuses or is not inclined to place the complaint in writing, the person to whom the complaint is made must write up the facts of the complaint for the person and process as above. Every effort should be made to obtain the following information:
  - a) Name, address, and telephone number or other means of contacting the complainant.
  - b) The specific location and name of the state agency, local agency, or other subrecipient delivering the service or benefit.
  - c) The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants.
  - d) The basis on which the complainant believes discrimination exists. The bases for nondiscrimination are race, color, national origin, age, disability, or sex (including sexual orientation and gender identity).
  - e) The names, telephone numbers, titles, and business or personal addresses of

# Administration

## Section 7: Civil Rights

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persons who may have knowledge of the alleged discriminatory action, and

- f) The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

### D. Documenting Civil Rights Complaints

- 1. A separate log of WIC Civil Rights complaints must be kept for tracking and confidentiality. If no complaints are made during the fiscal year, agency staff must document as such on the log at least once annually.

### ***Addendum - WIC Civil Rights Complaint Sample Log***

# Administration

## Section 7: Civil Rights

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### 3. Access to Services (*Effective: July 2022*)

#### Limited English Proficiency (LEP)

- A. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin, have Limited English Proficiency (LEP).
- B. Translation and interpretation services must be provided to LEP potentially eligible persons, applicants, and participants. State agencies, local agencies or other subrecipients that fail to provide these services may be discriminating on the basis of national origin.
- C. Local agencies are required to take reasonable steps to provide meaningful access to the information and services they provide. Among the factors to be considered are:
  - 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the local agency.
    - a) Local agencies should evaluate their prior experience with LEP encounters and then confirm with community demographics, including census data for the area served, data from school systems, community organizations/agencies, religious organizations, legal aid entities and from state and local governments.
    - b) Local agencies should evaluate whether outreach to LEP persons could increase the frequency of contact with LEP language groups.
    - c) The greater the number or proportion of LEP persons, the more likely language services are needed.
  - 2. The frequency with which LEP individual come in contact with the local agency.
    - a) The steps that are reasonable for a local agency that serves an LEP person on a one-time basis will be different than those expected from a recipient that serves LEP persons daily.
  - 3. The resources available to the local agency.
    - a) Local agencies should evaluate the most cost-effective means of delivering language services before limiting services due to resource concerns.
    - b) Technological advances and the sharing of language assistance materials can often reduce resource and cost issues, and services among local agencies and community partners.
    - c) Where appropriate, local agencies can train bilingual staff to act as interpreters and translators.
    - d) If in-person interpreters are not feasible, especially when offices are in remote areas, or for infrequently encountered languages then, local offices may use telephone interpretation services.
  - 4. Agencies may not rely upon an applicant's/participant's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities. In many circumstances, family members (especially children), friends, or others identified by

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## Section 7: Civil Rights

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LEP persons, are not competent to provide accurate interpretation. In addition, issues of confidentiality, privacy, or conflict of interest may also arise.

- D. The Department will evaluate annually agencies with more than 100 single-language minority low-income households that need both bilingual materials, staff, or interpreters.
- E. Local agencies must notify persons with LEP of their right to free language assistance services.
- F. Local agencies using social media (e.g., YouTube, Twitter, Instagram, Facebook) and websites to share program information and content should make these platforms accessible to persons with LEP in frequently encountered languages.
- G. At certification and re-certification visits, applicants must read or have read and explained to them in a language they understand notification of Participant Rights and Responsibilities (IL WIC PM CS 1.3). Other program information, such as how to use benefits, must also be communicated in a manner which can be understood.

### Disabled Persons

- A. Disabilities include:
  - 1. A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
  - 2. Major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
  - 3. Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.
- B. Covered entities must take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
- C. Local agencies must notify persons with disabilities about availability of reasonable modifications and auxiliary aides and services.
- D. Every effort must be made to locate WIC clinics and food distribution centers in sites that are accessible to disabled individuals. However, if a clinic site or food distribution site is inaccessible to persons with disabilities, then alternative arrangements must be made to provide services to those individuals in another location that is accessible.



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## Section 7: Civil Rights

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### 4. *Public Notification (Effective: July 2022)*

#### Non-Discrimination Statement

A. All USDA- FNS assistance programs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination, and the procedure for filing a complaint.

1. The following Non-Discrimination Statement must be included on all publications (print, internet, and social media), outreach materials, handouts, leaflets, and brochures that identify or describe the WIC Program:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**1. mail:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**2. fax:**

(833) 256-1665 or (202) 690-7442; or

**3. email:**

[program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

5/5/2022

- a) The NDS statement can also be found on USDA's website (in a variety of languages): [Nondiscrimination Statement | Food and Nutrition Service \(usda.gov\)](#) ([www.fns-nondiscrimination-statement](http://www.fns-nondiscrimination-statement)).

- 1) There are two versions included for each language, use the statement intended for WIC Programs: "For all other FNS nutrition assistance programs, state or local agencies, and their subrecipients".

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## Section 7: Civil Rights

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- b) Non-English versions of the NDS should be used when agency demographics warrant the use.
  - 1) Local agencies should evaluate the number or proportion of low-income households who speak a language other than English who are eligible to be served or likely to be encountered by the local agency to determine translation needs (IL WIC PM AD 7.3).
- c) The following shortened version of the NDS can be used on a limited basis:

*“This institution is an equal opportunity provider.”*

  - 1) If the material is too small to permit the full statement to be included, the material will at a minimum include the statement below in print size no smaller than the text.
  - 2) Local agencies should contact the State Agency with questions about using the shortened NDS.
- B. In order to avoid waste of current materials, WIC state and local agencies must deplete current supplies up to one year of the effective date of the new statement. However, all new materials must include the current nondiscrimination statement.
- C. A civil rights statement is not required to be imprinted on items identifying the WIC Program, such as cups, buttons, magnets, and pens, when size or configuration make it impractical.
- D. Recognizing that radio and television public service announcements are generally short in duration, the nondiscrimination statement does not have to be read in its entirety. Rather, a statement such as “The (program name) is an equal opportunity provider”.
- E. Nutrition education and breastfeeding promotion and support materials that strictly provide a nutrition message with no mention of the WIC Program, are not required to contain the nondiscrimination statement.
- F. The most current, USDA issued, poster, "And Justice For All," must be prominently displayed, at each clinic site, food distribution center, or any other site utilized by WIC participants and applicants.
- G. Local agency reproduction of the poster is not allowable. Contact the Department for copies.

### **Addendum PPS- WIC Civil Rights Public Notification (Non-Discrimination Statement) & Social Media**

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### 5. *Data Collection and Reporting (Effective: July 2022)*

- A. State and local agencies must provide for and maintain a system to collect the racial and ethnic data for applicants and participants in accordance with USDA-FNS policy.
- B. Racial/Ethnic Data will be used to:
  - 1. Determine how effectively FNS programs are reaching potential eligible persons and beneficiaries.
  - 2. Identify areas where additional outreach is needed.
  - 3. Assist in the selection of locations for compliance reviews.
  - 4. Complete reports as required.
- C. Local agencies must review the Racial/Ethnic Participation by Category report in the WIC MIS at least annually to ensure they are reaching all potentially eligible persons. This information should be used as part outreach efforts per IL WIC PM AD 8.1.
- D. The local agency's annual publicity and outreach plan must include activities, which encourage participation from minorities.
- E. Collection of Racial/Ethnic Data
  - 1. When collecting racial and ethnic participant data, the local agency must ensure the participant's dignity is maintained. Ethnicity must be collected first, then race.
  - 2. The preferred method of collections should be self-identification by the applicant/participant.
    - a) When asking a participant to self-identify their racial group, it must be explained, and the participant must understand that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the WIC Program.
    - b) An example that may be used when asking for characteristic data:

“This information is requested solely for the purpose of determining the state’s compliance with Federal civil rights laws, and your response will not affect consideration of your application and may be protected by the Privacy Act. By providing this information, you will assist us in assuring that this program is administered in a nondiscriminatory manner.”
    - c) Applicants/participants are free to indicate how they wish the type of ethnic/racial data to be recorded. More than one race may be selected. This data must be collected and documented in the WIC MIS for all applicants (even those found ineligible) and participants.
    - d) Children must be classified using the race code(s) specified by the parent or guardian.
  - 3. Observation by the interviewer is made only if the applicant does not provide racial and ethnic information.
    - a) When an applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be recorded in WIC MIS.

# Administration

## Section 8: Outreach

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### 1. *Outreach (Effective: July 2022)*

#### A. General Outreach

1. WIC Outreach consists of activities completed to educate the public on the benefits of the program to ensure eligible women, infants, and children access services. Outreach activities include direct outreach to potential customers as well as activities which strengthen referral networks between WIC and other community services. Outreach must include activities which encourage participation from a variety of racial/ethnic and other minority groups to ensure equity.
2. Information collected in the WIC MIS during pre-certification “How did you hear about WIC” and the WIC MIS Participant Referral reports can be used to assist with outreach efforts.

#### B. Enhanced Outreach

1. Outreach to pregnant women, the migrant community and other special populations is especially critical. Migrants are individuals whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.
2. Increased emphasis should be placed upon the importance of enrolling women in WIC as early as possible in their pregnancy and ensuring migrants are able to obtain services while in a community.

#### C. Outreach Plan

1. To ensure potential eligible participants are aware of the availability of WIC Program benefits agencies must develop both a general and enhanced outreach plan.
  - a) Outreach plans should be developed each fiscal year, that includes both types of outreach (general and enhanced), objectives, evaluation methods, person(s) responsible and projected completion dates.
  - b) Outreach materials in areas of the state in which a substantial number of low-income households speak a language other than English (i.e., Limited English Proficiency (LEP)) must include bi-lingual printed materials (IL WIC PM AD 7.3).
2. Outreach efforts must be documented annually using a paper outreach log or in the WIC MIS.
  - a) Outreach activity logs must include type of activity completed to meet specific goals (general or enhanced outreach) and should include where, who provided, and the date completed.
3. Documentation of the outreach plan and logs must be on file for review.

### ***Addendum- WIC Outreach Plan and Log***

# Administration

## Section 9: WIC Special Projects

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### **1. Requests for WIC Special Projects (Effective: February 2021)**

- A. Requests to use WIC participants' or WIC MIS data in research studies, surveys, grant proposals or other projects must be communicated and approved through the Department. Due to the potential lengthy time involvement of Department staff and/or local agency staff, the following guidelines will be used to determine the feasibility of project requests.
- B. Requests must be made in writing to the Department and include the following information:
  - 1. Project overview.
  - 2. Purpose.
  - 3. Timeline.
  - 4. Location where study project will be conducted.
  - 5. Resources required, both financial and staff time.
  - 6. Data needs must be clearly defined to determine accessibility (existing reports vs. special requests).
  - 7. Human subject internal review board (IRB) approval documentation, if applicable.
- C. Confidentiality
  - 1. Per Federal Regulations, personal identifying information of WIC participants is confidential. The confidentiality rules outlined in Title 7 of CFR 246.26 (d) must be followed regarding privacy issues. In addition, any type of request that connects personal identifying information of a participant to a study may require a signed release of information, a confidentiality clause to be included in the project agreement and/or legal approval by the Department.
- D. Approval
  - 1. Approval will be provided in writing from the Department to the entity with whom the request was received.

# Administration

## Section 10: Administrative Support of Breastfeeding

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### **1. Breastfeeding Promotion and Support - Standards and Guidelines (Effective: July 2022)**

- A. The Department supports breastfeeding as the normal and expected infant feeding method; therefore, the Department endorses USDA's FNS goals and mission for breastfeeding promotion, education and support and the WIC philosophy for achieving success in the WIC Program, including:
  - 1. Priority should be to help WIC moms successfully breastfeed.
  - 2. Assume substantial, rather than minimal, breastfeeding as the norm.
  - 3. Encourage selection of fully breastfeeding package without formula.
  - 4. Provide breastfeeding support to help mom feed only breastmilk to baby.
  - 5. Encourage continued exclusive breastfeeding.
  - 6. Women who provide breastmilk to their infants at least once a day are considered to be breastfeeding.
- B. The Department has established standards for breastfeeding promotion and support and is required to monitor local agencies to assure compliance (7 CFR 246). Each local agency must:
  - 1. Create a positive clinic environment which endorses breastfeeding as the preferred method of infant feeding. The local agency must support the WIC philosophy for achieving breastfeeding success. This includes complying with the following:
    - a) Educational and outreach materials exhibit positive, up-to-date, and culturally appropriate breastfeeding messages and portray breastfeeding as the normal and expected infant feeding.
    - b) Formula and bottle-feeding equipment should be stored away from client view except when being used in education.
    - c) Office supplies such as cups, pens, notepads, mouse pads, name tags, etc. should be free of formula product names.
    - d) Print and audio-visual materials, head circumference tapes and other equipment should be up-to-date, culturally appropriate, and free of formula product names.
    - e) Participants are encouraged to breastfeed in all clinic facilities, provided with comfortable chairs and a space away from the entrance.
    - f) Local agencies are strongly encouraged to provide a private, clean, comfortable breastfeeding friendly space for breastfeeding participants and staff use upon request. Participants should be made aware of availability.
    - g) Clients are informed of the breastfeeding-friendly policies which allow a client to ask for breastfeeding accommodations.
    - h) Positive, up-to-date, and culturally appropriate breastfeeding messages are displayed in all clinic facilities, e.g., non-verbal (posters, materials, other).
    - i) Staff training to assure all staff verbal and non-verbal comments and actions reflect the WIC and agency philosophy for achieving breastfeeding success.
    - j) Ensuring confidentiality of the breastfeeding contact.
  - 2. Have a designate a staff person to coordinate breastfeeding promotion and

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## Section 10: Administrative Support of Breastfeeding

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support activities per IL WIC PM AD 11.3.

3. Incorporate task-appropriate breastfeeding promotion and support training into orientation programs and provide annual breastfeeding training for all staff involved with WIC clients to achieve staff competencies (*Addendum NPS Breastfeeding Competencies*).
4. Each local agency must have a plan to ensure women have access to breastfeeding education, counseling, promotion and support information and activities during the prenatal and postpartum periods, including:
  - a) Local resources, including support groups, community organizations and hospital staff.
  - b) Assigning staff for regular and routine follow-up with all breastfeeding women in the early days/ weeks to answer questions and problem solve.
  - c) Referrals to other programs to provide extended support.
  - d) Ensuring that all breastfeeding women receive all WIC services regardless of their breastfeeding patterns.
  - e) Ensuring that all breastfeeding women and infants receive food packages consistent with their nutritional needs.

### ***Addendum- NPS Breastfeeding***

- C. The Department has established a statewide Breastfeeding Promotion Task Force.
  1. The Task Force is made up of representatives from Regional Breastfeeding Promotion Task Forces and other community partners.
  2. Each local agency is encouraged to participate in their Regional Task Force.

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## Section 10: Administrative Support of Breastfeeding

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### 2. *Breast Pump Issuance (Effective: February 2021)*

- A. The Department allows local agencies to use WIC funds to purchase breast pumps for use by WIC participants with determined need. These pumps must be placed on the agency inventory and locked in a secure area. Breast pumps may not be provided to pregnant or breastfeeding women solely as an inducement to consider or to continue breastfeeding.
- B. Local Agencies that offer WIC breast pumps must establish procedures per USDA-FNS regulations and policies as follows:
  - 1. How a secure inventory of WIC breast pumps and kits purchased with grant funds will be maintained. An inventory of local agency WIC breast pumps may be entered and maintained in the WIC MIS, or a physical copy of inventory must be kept on file.
  - 2. Documentation of issuance of WIC breast pumps.
  - 3. All local Agency staff involved in distributing and providing breast pump services should have breastfeeding training and be trained in local Agency procedures for distributing breast pumps, including:
    - a) Eligibility criteria.
    - b) Proper assessment before issuing a breast pump.
    - c) Operation, cleaning, and assembly of all types of agency breast pumps.
    - d) Assessing participant need for a breast pump, based on:
      - 1) Mother/baby separation.
      - 2) Temporary breastfeeding problems.
      - 3) Difficulty establishing or maintaining an adequate milk supply due to maternal/infant illness.
      - 4) Mothers of multiples.
      - 5) Mothers of premature infants or those with severe feeding problems.
    - e) Refer to NPS Breastfeeding Competencies details on staff responsibilities when issuing breast pumps.
- C. Participant must sign a release form and loan agreement for multi-user electric pumps.
  - 1. The agreement must be scanned into the participant record and participant provided a signed copy of the agreement.
- D. WIC agencies may not terminate participants or withhold food benefits for un-reimbursed loss or damage to loaned pumps.

### ***Addendum – Electric Breast Pump Loan/Release Form***



# Administration

## Section 11: WIC Staffing

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### 1. General Information (Effective: January 2023)

- A. Conducting WIC services involves a multi-disciplinary team approach to ensure the delivery of quality services. WIC agencies vary in size and therefore their staffing needs. Agencies must maintain adequate staffing to ensure operations are conducted effectively and efficiently.
- B. Minimum staffing for WIC includes:
  - 1. WIC Coordinator.
  - 2. Competent Professional Authority (CPA) (2 per 1000 participants).
  - 3. Clerk/Frontline staff (1-2 per agency/clinic).
  - 4. Breastfeeding Coordinator.
  - 5. WIC Designated Breastfeeding Expert (DBE).
- C. For local agencies with an approved WIC Paraprofessional Program (IL WIC PM AD 12), minimum staffing also includes:
  - 1. Nutrition Coordinator.
  - 2. CPA Assistants (may be used to supplement CPA staffing).
- D. For local agencies with a Breastfeeding Peer Counselor Program (ILWIC PM BFPC 3), minimum staffing also includes:
  - 1. Breastfeeding Peer Counselor (BFPC) Supervisor.
  - 2. Breastfeeding Peer Counselors (BFPC).
- E. In many agencies staffing may be combined, and titles will be synonymous depending on credentials. See table below:

Staff Credentials:	Nutrition Coordinator	WIC Coordinator	Breastfeeding Coordinator	BFPC Supervisor	DBE
Registered Dietitian	Yes	Yes	Yes	Yes	Yes
Nutritionist	Yes	Yes	Yes	Yes	Yes
Registered Nurse	No	Yes	Yes	Yes	Yes

- F. A local agency may contract with another WIC agency for eligible staff per policy IL WIC PM AD 2.2. Contracted hours must be adequate for roles and responsibilities.
- G. All staff (full-time, part-time and PRN) must be provided with initial and annual job specific WIC and breastfeeding training.
  - 1. Initial WIC training includes the Department's orientation and WIC MIS training and must be completed within 90 days of hire.
  - 2. Initial Breastfeeding training includes the USDA's Breastfeeding Curriculum and must be completed within six months of hire.

Level 1:	All WIC staff, including support staff (self-study module available on CHTC website)
Level 2:	BFPC, CPA, Level 2 CPA Assistant, DBE, and other WIC staff who provide basic breastfeeding support to participants
Level 3:	CPA, DBE, Breastfeeding Coordinator, BFPC Supervisor
Level 4:	DBE

# Administration

## Section 11: WIC Staffing

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3. Training information can be found on the [Community Health Training Center's website](https://www.springfieldul.org/chtc/training) at <https://www.springfieldul.org/chtc/training>.
  4. Annual training can be provided through a variety of means, which include satellite, video/audio teleconference, regional meetings, workshops, on and offsite experiences, self-directed and web based.
  5. Documentation of training (orientation/training checklists, certificates of completion, attendance logs, etc.) and staff credentials must be kept on file for monitoring and auditing purposes by the Department and USDA FNS staff.
- H. The following sections are general descriptions of responsibilities for the various WIC job duties per the USDA Nutrition Services Standards.
1. All WIC staff must be given adequate time to complete responsibilities and duties.
  2. Staffing roles must ensure separation of duties policies per IL WIC PM AD 15.3.

# Administration

## Section 11: WIC Staffing

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### 2. *WIC Coordinator (Effective: January 2023)*

- A. The WIC Coordinator is responsible for the overall administration of the program to assure compliance with all Illinois WIC policies and Federal regulations. In local agencies with a Nutrition Coordinator, this person may also serve as the WIC Coordinator and the title will be synonymous.
- B. Training requirements:
  - 1. The Department's WIC Coordinator Training, which includes all initial WIC and Breastfeeding training requirements for Frontline and Competent Professional Authority (CPA).
  - 2. Department offered Counseling and Medically Prescribed Formula trainings to ensure knowledge of expectations.
- C. Responsibilities may include:
  - 1. Supervising and evaluating WIC staff by ensuring that staff at all levels are competent to complete job specific duties when providing WIC program services.
  - 2. Coordinating direct WIC services to participants (daily clinic operations).
  - 3. Serving as the local agency liaison to state WIC Staff by:
    - a) Providing communication regarding local agency questions, concerns, and any agency- specific activities impacting the WIC Program.
    - b) Participating in state and regional WIC conference calls and meetings.
    - c) Communicating to staff WIC Program updates and reinforcement of program requirements.
  - 4. Determining staff training needs and coordinate education opportunities.
  - 5. Overseeing the implementation of the Nutrition Education Plan and submitting the required Summary Report by the date specified by the Department (IL WIC PM NE 3.1).
  - 6. Conducting Quality Assurance activities per IL WIC PM AD 6.1, including:
    - a) Monitoring WIC MIS Reports, including resolution of potential dual participation weekly (IL WIC PM CS 1.1) and benefits over issuance.
    - b) Reviewing the WIC budget, monthly Expenditure Documentations, and WIC allowable costs.
    - c) Reviewing medically prescribed foods and formula prescriptions.
  - 7. Identifying and collaborating with local providers and other community partners for outreach efforts and maintaining local referral contacts.
  - 8. Managing assigned caseload per Department Grant Agreement.
  - 9. Maintaining oversight controls and records including EBT card, breast pump inventory and scheduling tasks (e.g., create and generate schedules) in the WIC MIS.
  - 10. Ensuring employee compliance and program integrity (IL WIC PMAD 15).

# Administration

## Section 11: WIC Staffing

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### 3. *Competent Professional Authority (Effective: January 2023)*

- A. The Department and local agency must assure that the staff person responsible for performing WIC certifications, prescribing food packages, and providing nutrition and breastfeeding education for WIC participants meets the qualifications for a Competent Professional Authority (CPA) per Federal Regulations (7 CFR 246).
- B. CPA Qualifications are:
  1. **Registered Dietitian:**
    - a) An individual with a minimum of a bachelor's degree in an accredited nutrition program and valid current registration with the Commission on Dietetic Registration.
  2. **Nutritionist/Dietetic Intern:**
    - a) An individual with a minimum of a baccalaureate degree in an accredited nutrition program (e.g., Nutritional Sciences, Community Nutrition, Clinical Nutrition, Dietetics, Public Health Nutrition).
    - b) A registration-eligible dietitian who has received written approval from the Commission on Dietetic Registration to take the Registration Examination but has not completed it.
  3. **Dietetic Technician Registered (DTR):**
    - a) Graduate of an Academy of Nutrition and Dietetics (AND) approved Dietetic Technician Program with an earned Associate Degree and proof of current registration.
    - b) It is strongly recommended that DTRs have experience or course work in maternal and child health, maternal and child nutrition, lactation, nutrition assessment and nutrition education.
    - c) The DTR may function in the WIC Program under the direct, on-site supervision of a Registered Dietitian or Nutritionist.
    - d) The DTR may function in the role of a CPA Assistant, per IL WIC PM AD 11.7.
    - e) It is recommended that the supervising Registered Dietitian or Nutritionist conduct and document quality assurance activities of each DTR per IL WIC PM AD 11.7.
  4. **Registered Nurse:**
    - a) An individual licensed as a professional nurse under the Illinois Nursing Act who can provide proof of current registration with the Illinois Department of Professional Regulation.
    - b) It is strongly recommended that R.N.s have experience or course work in maternal and child nutrition, lactation, nutrition assessment and nutrition education.
  5. **Bachelor's or Master's Degree in Health or Home Economics field with an emphasis in nutrition:**
    - a) It is strongly recommended that the individual have experience or course work in maternal and child nutrition, lactation, nutrition assessment and nutrition education.
    - b) Prior approval from the Department is required.

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## Section 11: WIC Staffing

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- C. Training requirements:
  - 1. The Department's CPA Training, which includes all initial WIC and Breastfeeding training requirements.
  - 2. Training includes but is not limited to:
    - a) Completing nutrition and health assessments following Value Enhanced Nutrition Assessment (VENA) guidance.
    - b) Positive counseling approaches and providing participant centered services.
    - c) Nutrition risk determination (including food safety).
    - d) Food package prescriptions and individual nutrition tailoring.
    - e) Required referrals and documentation (including immunization and lead screening).
    - f) Breastfeeding promotion and support.
    - g) The need for developing care plans for low-risk and high-risk participants.
    - h) Documentation requirements.
  - 3. Department offered Counseling, Risk Factor and Medically Prescribed Formula trainings depending on job duties.
    - a) Any CPA issuing medically prescribed formula must attend specialized training on expected competencies related to the issuance of medically prescribed formula offered by the Department. A record of those trained for each agency must be on file at the local agency, to be reviewed during the WIC Management Evaluation. Staff not trained must be assigned role "CPA no MPF" in WIC.
- D. Only a CPA may implement individual care plans for high-risk participants (a Registered Dietitian or Nutritionist is preferred).
  - 1. Refer to the I-WIC Nutrition Risk Criteria for a list of risk factors considered high-risk.
    - a) CPA may manually add "high-risk" to a participant's record and must document the reason in the WIC MIS note and follow up plan.
  - 2. The CPA roles and responsibilities include developing and documenting individual care plans for high-risk participants, as follows:
    - a) Refer to other health and social services, as necessary (IL WIC PM CS 13).
    - b) Prescribe specialized food packages or offer nutrition tailoring, as appropriate.
      - 1) Less than the maximum monthly allowances or substitutions due to a food allergy or medical condition (IL WIC PM SFD 7.4).
      - 2) Medically Prescribed Formula (IL WIC PM SFD 6.1).
    - c) Develop individual care plans.
    - d) Coordinate nutrition education, including breastfeeding promotion and support that is responsive to the identified needs/interests of high-risk participants.
    - e) Document referrals and conduct appropriate follow-up on referrals to high-risk participants.

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## Section 11: WIC Staffing

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### 4. Clerk/Frontline (*Effective: January 2023*)

- A. Frontline staff is responsible for the clerical functions related to WIC program services. It is recommended to have 1-2 staff to ensure compliance with separation of duties requirements (IL WIC PM AD 15.3).
- B. Training requirements:
  - 1. The Department's Frontline Training, which includes all initial WIC and Breastfeeding training requirements.
- C. Responsibilities may include:
  - 1. Maintenance of clinic schedule (depending on role assigned in the WIC MIS).
  - 2. Pre-screening applicants to obtain basic demographic data such as name, address, and contact information, resolving any potential dual enrollment on the Precertification screen, if applicable.
  - 3. Scheduling appointments and follow-up on missed/upcoming appointments.
  - 4. Verifying identity, residency, and income eligibility by reviewing proofs presented to confirm eligibility; and documenting in the WIC MIS.
  - 5. Documenting in the WIC MIS those found ineligible and providing the Ineligibility Notice & Rights to Fair Hearing.
  - 6. Providing notification and obtaining consent for other services per policy.
  - 7. Reviewing participant rights and responsibilities and documenting participant signature.
  - 8. Ensure that NVRA requirements are met per IL WIC PM AD 13.
  - 9. Appropriate issuance of remote benefits for secondary education per IL WIC PM SFD 8.3.
    - a) Food packages are assigned only by the Competent Professional Authority (CPA) on the Food Prescription screen.
- D. Frontline staff should also be trained with the knowledge to perform their duties using participant centered skills and while promoting and supporting breastfeeding.

# Administration

## Section 11: WIC Staffing

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### 5. *Breastfeeding Coordinator (Effective: January 2023)*

- A. The Breastfeeding Coordinator is responsible for the coordination of the local agency's breastfeeding promotion and support activities. In many agencies this person may also have the role of the Designated Breastfeeding Expert (IL WIC PM AD 11.6).
- B. The Breastfeeding Coordinator must meet the USDA Nutrition Services Standards, including:
  - 1. The qualifications for a CPA (IL WIC PM AD 11.3),
  - 2. Experience in program management,
  - 3. At minimum, 1 year of experience in counseling breastfeeding women, and
  - 4. Successful completion of specialized training in lactation management and care.
    - a) International Board-Certified Lactation Consultant (IBCLC) is preferred, OR
    - b) Individual may successfully complete other Department-approved training, including Certified Lactation Counselor (CLC) or Certified Lactation Specialist (CLS), OR
    - c) Level 3 USDA Breastfeeding Curriculum Training.
- C. Responsibilities may include:
  - 1. Overseeing the planning, implementation, and evaluation of local agency breastfeeding activities.
  - 2. Ensuring that all WIC staff is properly trained on breastfeeding education and support.
    - a) Assessing staff knowledge of breastfeeding and assist with coordinating breastfeeding specific educational opportunities. Ensure breastfeeding activities are coordinated between clerical, professional, peer counseling and other program staff.

### ***Addendum – NPS Breastfeeding Competencies***

- 3. Providing ongoing supervision and support of local agency breastfeeding staff.
- 4. Keeping current with breastfeeding science/practices and disseminating to other local agency staff and community partners. This could be done by:
  - a) Attending professional conferences, seminars, workshops to update staff on current breastfeeding practices.
  - b) Participating in Department offered Breastfeeding Coordinator conference calls.
  - c) Coordinating services, including sharing health-related policies, and maintaining cooperative relations with other community groups, physicians, and hospitals.
- 5. Participating in local and regional Breastfeeding Promotion Task Forces or other breastfeeding community support groups (or designating other local agency staff).
- 6. Monitoring local agency exclusively or partially breastfeeding rates.
  - a) Evaluating effectiveness of local agency breastfeeding promotion and support activities by reviewing Department provided breastfeeding reports.
  - b) Conducting quality assurance activities, completing Department reports, and making recommendations for improved breastfeeding support services.
- 7. Ensuring breast pump issuance, inventory, and maintenance are logged and monitored.
- 8. Supervision of the Peer Counselor Program (IL WIC PM BFPC 3).

# Administration

## Section 11: WIC Staffing

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### **6. WIC Designated Breastfeeding Expert (Effective: January 2023)**

- A. The WIC Designated Breastfeeding Expert (DBE) is an individual with specialized training or experience who assists WIC participants with complex breastfeeding problems that are outside the scope of practice of peer counselors and other WIC staff.
- B. Each WIC agency is required to have access to a breastfeeding expert that meets USDA Nutrition Service Standards, including:
  - 1. Meeting the qualifications for a Competent Professional Authority (CPA) (IL WIC PM AD 11.3),
    - a) CPA must have successfully completed specialized training in lactation management and care. International Board-Certified Lactation Consultant (IBCLC) is preferred, but individual may have successfully completed other Department-approved training including Certified Lactation Counselor (CLC) or Certified Lactation Specialist (CLS) training.
    - b) If not CPA eligible, DBE may be an IBCLC or has completed minimum 8 college courses from an accredited institution in Health Sciences (suggested coursework includes but not limited to the following areas: Human Anatomy, Human Physiology, Biology, Infant Growth and Development, Nutrition, Counseling Skills, Sociology etc.).
  - 2. Has, at minimum, 1 year of experience in counseling breastfeeding mother/infant dyads, and
  - 3. Completed Level 4 USDA Breastfeeding Curriculum Training.
- C. In most local agencies, the Breastfeeding Coordinator (and/or Peer Counselor Supervisor) will also be known as the DBE and the title will be synonymous. In some settings, a local agency may choose to have the DBE assigned to another staff member that may fall into the IBCLC category and will focus on receiving breastfeeding referrals, instead of managing the breastfeeding program.
- D. The DBE operates within the policies and procedures of the WIC program and within the context of WIC's role for breastfeeding support.
- E. Responsibilities may include:
  - 1. Serving as a breastfeeding resource and mentor for WIC agency staff, including providing breastfeeding training.
  - 2. Promoting breastfeeding within the community.
  - 3. Assisting WIC mother/infant dyads with complex breastfeeding challenges and providing follow up and support.
  - 4. Following up on referrals from peer counselors and other WIC staff regarding complex breastfeeding challenges beyond their scope of practice. Reviewing and assisting with care plans to include tips/solutions to resolve complex breastfeeding problems.
  - 5. Working with WIC staff to recommend or tailor appropriate WIC food packages to minimize the use of infant formula.
  - 6. Overseeing the issuance of breast pumps, breastfeeding aids and provide instruction on use.
  - 7. Referring to appropriate health care providers for further assessment of situations outside DBE scope or WIC's role for breastfeeding support.



# Administration

## Section 12: WIC Paraprofessional Program

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### 1. *General Guidelines (Effective: January 2023)*

- A. A WIC Paraprofessional Program offers staffing benefits (e.g., cost-effective, more flexible roles), peer support, bi-lingual capabilities, cultural competence and provides specialized nutrition education by a Nutritionist or Registered Dietitian. These benefits may also help agency's meet staffing standards and manage assigned caseload per Department Grant Agreement.
- B. Local agencies choosing to integrate paraprofessionals into their WIC program must meet minimum staffing and training requirements (IL WIC PM AD 11.1).
  - 1. Staffing must include a Nutrition Coordinator to manage the Paraprofessional Program and provide the supervision, training, and on-going monitoring of CPA Assistants.
  - 2. Staffing requirements are described in IL WIC PM AD 12.2 and 12.3.
  - 3. CPA Assistants can be trained to work in WIC with Level 1 and/or Level 2 roles, details are described in IL WIC PM AD 12.3.
    - a) CPA Assistants must be compensated for all job duties, training, travel and provided fringe benefits when possible. Roles outside of their job description must be compensated as appropriate.
  - 4. Both initial and ongoing training for both the CPA Assistant and the Nutrition Coordinator must be planned and implemented.
  - 5. All WIC staff must receive training in the purpose, function, and integration of the approved WIC Paraprofessional Program.
- C. A written procedure must be developed and approved using the Department template before beginning a WIC Paraprofessional Program per IL WIC AD 12.4.
  - 1. WIC Paraprofessional Program policies and local agency specific procedures must be accessible to all WIC staff.
  - 2. The Nutrition Coordinator must communicate program status information changes (e.g., terminations, hires) to the Regional Nutritionist Consultant or Program.
- D. The WIC Paraprofessional Program will be reviewed as part of the Management Evaluation Monitoring Review (IL WIC PM AD 6.1) and periodically as determined by the Department.

# Administration

## Section 12: WIC Paraprofessional Program

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### 2. Nutrition Coordinator (Effective: January 2023)

- A. A Nutrition Coordinator will manage the WIC Paraprofessional Program and provide the supervision, training, and on-going monitoring of CPA Assistants.
- B. The Nutrition Coordinator must meet the USDA Nutrition Service Standards, including:
  - 1. Meeting the qualification of a Registered Dietitian or Nutritionist (IL WIC PM AD 11.1), and
    - a) Holds a Master's or Doctoral degree in nutrition from an accredited college or university and prefer 1 year of job-related experience, OR
    - b) Holds a Bachelor's degree in the field of nutrition from an accredited college or university and prefer 2 years of job-related experience.
- C. Training requirements include:
  - 1. The Department's CPA Training which includes all initial WIC and Breastfeeding training requirements.
  - 2. Department offered Counseling, Risk Factor and Medically Prescribed Formula trainings.
  - 3. Training on Illinois WIC policy and specifically for each task for which they are responsible, including quality assurance training.
  - 4. Nutrition Coordinators are expected to participant in statewide Coordinator networking conference calls.
- D. Responsibilities include:
  - 1. Supervising and evaluating CPA Assistant to ensure they are competent to complete job specific duties when providing WIC program services.
  - 2. Assuring CPA Assistant adheres to all Federal and State regulations and guidelines, and the local agency's approved procedure for a WIC Paraprofessional Program.
  - 3. Providing daily supervision and support to CPA Assistant. When unavailable, a fully trained CPA or WIC Coordinator may be temporarily designated.
  - 4. Holding regular meetings with CPA Assistant. These may be daily or weekly as needed to keep current with participant issues, WIC Program updates or supervisory concerns.
  - 5. Ensuring CPA Assistant follows separation of duties policies per IL WIC PM AD 15.3.
    - a) Level 2 CPA Assistant roles should be the WIC staff's primary job duty in WIC.
    - b) A BFPC must maintain their qualification as a peer, per IL WIC PM BFPC 2.1. If a Breastfeeding Peer Counselor (BFPC) is trained as a CPA Assistant, a replacement BFPC must be hired within six months (after the CPA Assistant training period is completed).
    - c) Frontline staff may be trained to work as both Frontline and a Level 1 CPA Assistant.

Staff Roles:	Level 1 CPA Assistant	Level 2 CPA Assistant
BFPC	No	No
Frontline	Yes	No

- 6. Developing a training schedule and ensuring CPA Assistant completes the Department's competency-based training (IL WIC PM AD 12.3 D).
  - a) CPA Assistant must be trained on pertinent Illinois WIC policy and specifically for each task for which they are responsible.

# Administration

## Section 12: WIC Paraprofessional Program

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- b) During the training period, the Nutrition Coordinator provides support, mentoring and reviews competence.
7. Conducting and documenting quality assurance activities, including:
    - a) Observations of CPA Assistant. More frequent observations should be completed during the first six months of the training period. When CPA Assistant demonstrates the skills and competencies necessary to meet Illinois WIC policy, observations must be completed at least quarterly.
    - b) Monthly review of IWIC reports to monitor CPA Assistant contacts to ensure compliance with roles and responsibilities.
      - 1) For agencies with caseload at or above 500: A minimum of 10% of the participants listed on the report.
      - 2) For agencies with caseload under 500: 100% of the participants listed on the report.
    - c) Using the Department approved quality assurance forms. Keep documentation on file for review by the Department.
  8. Keeping current with nutrition science and sharing with other local agency staff and community partners. This could be done by:
    - a) Attending professional conferences, seminars, workshops to update staff on current nutrition practices.
    - b) Participating in WIC conference calls, workgroups, and meetings to improve nutrition services.
  9. Providing technical assistance and consultation to other local agency staff and other health professionals in nutrition services areas.
  10. Assisting with WIC Coordinator responsibilities as determined by the local agency (IL WIC PM AD 11.2).

# Administration

## Section 12: WIC Paraprofessional Program

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### 3. CPA Assistant (Effective: January 2023)

- A. A CPA Assistant is an individual who is authorized to assist with WIC visits who does not have the qualifications of a Competent Professional Authority (CPA) per IL WIC PM AD 11.3. They may function under the supervision of the Nutrition Coordinator.
- B. CPA Assistant qualifications are:
  - 1. Licensed Practical Nurse (LPN)- has a postsecondary diploma or certificate in the Field of Nursing, or
  - 2. Dietetic Student- an individual who has not yet completed a bachelor's degree in an accredited nutrition program, and/or hours of supervised practice and/or passed the national exam, or
  - 3. Individuals holding a high school diploma or equivalent.
- C. It is preferred that CPA Assistants be of the community with similar characteristics (i.e., age, race, cultural ethnicity, education, and socioeconomic level) of WIC participants.
- D. Training requirements:
  - 1. Upon hire CPA Assistants must complete all the Department's competency-based training over a period of up to six months.
  - 2. Initial WIC and Breastfeeding training requirements include but is not limited to:
    - a) Training on specific tasks and roles in WIC.
      - 1) Level 1 Training- After successful completion, CPA Assistants can complete anthropometric measurements, bloodwork, secondary education (not including Mid-Certification visits) and provide program explanation (related to core food packages, use of EBT card and WIC ID card explanation).
      - 2) Level 2 Training- After successful completion, CPA Assistants can complete low risk WIC Certifications/Recertifications and Mid-Certification visits.
      - 3) Completion Forms for each chapter of training must be completed by the CPA Assistant, reviewed by the Nutrition Coordinator, and kept on file for review.
    - b) Successful completion of the [National Nutrition Certification Program \(NNCP\)](#) or other Department approved specialized nutrition training.
      - 1) Must complete the post-assessment with a passing score (80%).
      - 2) Completed initially and every three years.
    - c) The [USDA Breastfeeding Curriculum Training](#) for basic breastfeeding counseling and support skills.
    - d) Department trainings as appropriate for roles and responsibilities (e.g., counseling, risk factor, and life cycle nutrition trainings).
    - e) Making appropriate referrals per the Addendum *Guidelines for Referrals for CPA Assistants*.
      - 1) CPA Assistants must refer to the Nutrition Coordinator or designated CPA for high risk and complex nutrition and breastfeeding problems.

# Administration

## Section 12: WIC Paraprofessional Program

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- E. CPA Assistants may function in the following roles:
1. Collecting and documenting participant anthropometric data, bloodwork, breastfeeding information, and health and nutrition information in WIC MIS. Role in WIC visits depends on level of training:
    - a) Level 1 CPA Assistants can complete the Lab screen in the WIC MIS including, anthropometric measurements and bloodwork.
    - b) Level 2 CPA Assistants can also complete the Breastfeeding, Health and Nutrition screens in the WIC MIS.
  2. Offering basic, low risk nutrition education and breastfeeding counseling and support.
  3. Providing an explanation of Program's purpose and key operational features per Addendum *Welcome to WIC* (IL WIC PM NE 4.2).
    - a) Level 1 CPA Assistants can provide information related to core food packages, use of EBT Card and WIC ID card explanation.
    - b) Level 2 CPA Assistants can complete all required components of the program explanation.
  4. Making appropriate referrals.
    - a) For high-risk care plans and follow up or for complex nutrition problems refer to the Nutrition Coordinator or designated CPA per Addendum *Guidelines for Referrals for CPA Assistants*.
    - b) Communicate abnormal values and health concerns to the Nutrition Coordinator or designated CPA per the local agency's procedure for communicating abnormal values and health concerns (IL WIC PM CS 6.1).
    - c) For more complicated breastfeeding concerns refer to the Designated Breastfeeding Expert (DBE).
    - d) When participants are screened for WIC, they must be referred to other health-related and public assistance programs per IL WIC PM CS 13.1.
      - 1) Referral may include Medicaid, SNAP, TANF, or other food assistance programs (e.g., food banks, food pantries).
      - 2) When the CPA Assistant identifies any other problems or situations consult with the Nutrition Coordinator or designated CPA.
  5. Document the participant assessment, nutrition education and/or referrals per the Addendum *NPS Documenting in WIC MIS* (IL WIC PM CS 11.2).
  6. Selecting a core food package to be issued (IL WIC PM SFD 7.2).
  7. Completing secondary education.
    - a) Level 2 CPA Assistants can complete Mid-Certification visits.
    - b) If completing a Certification or Re-Certification schedule secondary education with the Nutrition Coordinator or a CPA.

### ***Addendum – Guidelines for Referrals for CPA Assistants***

# Administration

## Section 12: WIC Paraprofessional Program

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### **4. WIC Paraprofessional Program Procedure (Effective: January 2023)**

- A. A written procedure must be developed and approved using the Department template before beginning a WIC Paraprofessional Program. local agencies must work with their Regional Nutritionist Consultant (RNC) and Program from the beginning of the process.

### **Addendum – PPS WIC Paraprofessional Program Procedure**

- B. The procedure must include:
  - 1. Plans for meeting minimal staffing requirements (IL WIC PM AD 11.1).
  - 2. Strategies to maintain the program with staff turnover. (e.g., hiring CPA staff who are qualified to follow up on high-risk participants (IL WIC PM AD 11.3) and who meet the qualifications of a Nutrition Coordinator).
  - 3. CPA Assistant and Nutrition Coordinator job descriptions, including responsibilities and roles in WIC.
  - 4. Timeline for completing CPA Assistant training (local agency and Department required).
  - 5. Process for making referrals and follow up appointments for high-risk participants.
- C. Approval of a WIC Paraprofessional Program is provisional and may be revoked or suspended for the following reasons:
  - 1. The local agency is not adequately training and/or supervising CPA Assistants.
  - 2. If after the six-month training period, quality assurance indicates that the CPA Assistant has not adequately attained skills and competencies necessary to meet Program requirements.
  - 3. The WIC Paraprofessional Program is not adequately staffed. The local agency must notify their RNC when the Nutrition Coordinator is no longer employed at the agency or appropriate staff are not temporarily available to supervise the CPA Assistants.

# Administration

## Section 13: National Voter Registration Act

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### 1. NVRA Requirements (Effective: July 2022)

#### A. Registration Requirements

1. Under the provisions of the National Voter Registration Act (NVRA)<sup>1</sup>, the following voter registration services must be provided by local agencies to WIC Program applicants and participants (hereinafter referred to as applicant):
  - a) Distribution of mail voter registration application forms at the time of each program application, recertification, or change of address, unless the applicant, in writing, declines to register to vote.
  - b) Assistance in completing the form unless the applicant refuses assistance.
  - c) Acceptance of completed voter registration forms for transmittal to state election officials.
  - d) Documentation of voter registration services offered.
2. All applicants must complete at least one form, those choosing to apply to register to vote will complete two forms (found in the WIC MIS).
  - a) Voter Registration Information form (SBE R-24)- This form is available in both English and Spanish.
  - b) Voter Registration Application form (SBE R-19)- This form is available in both English and Spanish.
3. Complete privacy must be provided, and all information discussed during the voter registration process must be confidential.

#### B. Required Assistance/ Eligibility Criteria

1. Provide each applicant who does not decline to register to vote with the same degree of assistance in completing the voter registration form as is provided in completing program forms unless the applicant refuses such assistance.
2. It is important to clarify to the applicant that refusal to apply to register to vote will not have any bearing on the availability of WIC Program services or benefits to them.
3. If the applicant is found to be ineligible for the WIC Program, she must still be provided an opportunity to apply to register to vote and documented in the WIC MIS.
4. At a minimum, local agency staff must provide an explanation of the Voter Registration Application and read the Voter Affidavit section to the applicants who request assistance before signing the Voter Registration Application form.
5. Election laws allow women under age 18 to apply to register to vote if they will be 18 years of age by the next election date. Applicants 17 years and older should be asked if they would like to register.
6. In-state and out of state women transfer participants are also to be offered the opportunity to apply to register to vote at the time WIC services are initially provided by the receiving local agency.

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<sup>1</sup> 1 USDA WIC Policy Memo 1994-4

# Administration

## Section 13: National Voter Registration Act

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### C. Voter Registration Information Form (VRI)

1. During the application process, the WIC staff is to present the applicant with the “Voter Registration Information” form and ask the question “If you are not registered to vote where you live now, would you like to register to vote here today?”
  - a) This form should be printed from the WIC MIS and must be dated and signed.
  - b) If the applicant states she is already registered to vote at their current address, declines the offer or prefers to apply to register to vote online, check the “no” box.
    - 1) No information related to declining to register to vote may be used for any purpose other than to show compliance with the NVRA.
  - c) If the applicant declines to complete the VRI form, local agency staff must check the “no” box.
  - d) If the applicant would like to register to vote, check the “yes” box and offer assistance in completing the Voter Registration Application.
  - e) If the applicant is unable to provide a signature, a mark can be affixed on the signature line. In this case, the WIC staff should sign his/her name, address, and phone number (clinic information is acceptable).

### D. Voter Registration Application

1. In cases where the applicant wishes to apply to register to vote, the application form should be printed from the WIC MIS and completed with applicant or provide information for applicant to apply online.
2. Local agency staff must provide assistance in completing the voter registration application.
  - a) The last four digits of the applicant’s social security number are required to complete the application. However, if the applicant refuses to provide her social security number, continue to process the application and follow transmittal policies.
  - b) The completed Voter Registration must be accepted for transmittal to state election officials.
3. If the applicant does not wish for assistance or prefers to complete on their own, provide the following URL for online registration.
  - a) [Illinois Online Voter Registration Application: Home Page](https://ova.elections.il.gov/default.aspx?ID=440)  
<https://ova.elections.il.gov/default.aspx?ID=440>
4. If an election is scheduled less than 30 days from the date of application, agencies should still proceed with the voter registration application process because the National Voter Registration Act does not close voter registration application services to persons who want to apply to register to vote. It is not required that the WIC local agency inform the applicant that she would not be able to vote in the next scheduled election if she applies to register to vote less than 30 days from the next scheduled election. If the applicant wishes to participate in the next election, she must register to vote 30 days prior to the date of election. For your information, voter registration in Illinois is closed 28 days before the scheduled date of an election.
5. Upon completion of the voter registration application process, the applicant will receive a letter of notification of approval or denial from the State Board of Elections. This will usually be within three to four weeks from the date of application.



# Administration

## Section 13: National Voter Registration Act

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### E. Homeless Applicants

1. In the case of homeless WIC applicants, the address on the Voter Registration Information form must be an address where mail is received. This can be a friend or relative, shelter, or a location where the applicant frequently stays. The WIC agency address may be used as the mailing address if appropriate. The determination of the voter registration address is up to the applicant to decide.
2. The applicant cannot use a rural route or P.O. box number. Homeless WIC clients must have a mailing address although that address does not determine the congressional district that she resides in, the location where she most frequents determines the congressional district that she resides in. If it is necessary, have the applicant draw a map and attach it to the voter registration application. It is allowable for the applicant to use a different address for voter registration purposes than that provided for WIC certification.

### F. Transmittal of Completed Forms

1. It is advisable that the local agency transmit the completed voter registration applications weekly based on the Federal NVRA law requirement which includes the following provision:
  - a) All completed forms must be transmitted no later than ten (10) calendar days after the date of acceptance (date in box #8 of the voter registration application form). The date of the application is considered the date applicant signed the form. If the date of acceptance is within five (5) calendar days of the last day to register to vote in an election, the form must be transmitted to the Local election official within 24 hours of its execution.
2. Local agencies must transmit the completed applications to the proper Local election jurisdiction by mail or hand delivery using the Transmittal Form (SBE-25). Completed applications are to be transmitted to the address of the applicable election jurisdiction based on the applicants' addresses. They should not be sent to the State Board of Elections.
3. Before delivery, the Voter Registration Application forms must be sorted by the appropriate election jurisdiction based on applicant addresses. Addresses for the County Clerk and Board of Election Commissioner locations can be found on the Illinois State Board of Elections web site at <https://elections.il.gov/electionoperations/electionauthorities.aspx>.
4. If an agency chooses to transmit the completed applications by hand delivery, the delivery must be done in a way that maintains the confidentiality of the applicant, i.e., so that Election Authority staff does not know that the applications are being submitted by the WIC clinic. For instance, hand delivery to the election jurisdiction could be done after the office has closed, in the case where the Clerk's office provides a "drop box" for delivery.

### **Addendum - NVRA Transmittal Form**

#### G. Local Agency Filing Procedure

1. Document in the WIC MIS on the Participant Info screen if the Voter Registration Form was completed or indicate reason it was not completed.
2. VRI and copies of transmittal forms should be filed by month of service and kept on file by the local WIC agency for two years between reviews.
  - a) Forms do not need to be kept in a locked cabinet. However, due to confidentiality, keep separate from WIC participant records. Do not scan into participant records.

# Administration

## Section 13: National Voter Registration Act

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### H. Prohibitions of NVRA

1. Any person who provides voter registration service is prohibited from the following:
  - a) Influencing an applicant's political preference or party registration.
  - b) Displaying any such political preference or party allegiance.
  - c) Making any statement to an applicant or taking any action to discourage the applicant from registering to vote.
  - d) Making any statement or taking any action which leaves the applicant with the impression that a decision to register or not to register to vote has any bearing on the availability of WIC Program services or benefits.
  - e) Criminal penalties for a noncompliance with the above mandates are set forth in the Act and may include a fine, or imprisonment, not less than five years or both.

### I. Compliance Requirements

1. The Department will monitor compliance with the requirements of the National Voter Registration Act through routine Management Evaluations/Quality Reviews and site visits made to local agency WIC clinics. Officials of the State Board of Elections or Department of Justice may visit WIC clinic sites at any time for review of voter registration activities and records.
2. The Voter Registration Information Form is a two-part form that has a tear off sheet on the bottom for applicants to use in sending complaints to the State Board of Elections.

- J. Complaints from WIC applicants in regard to registration activities, are to be directed to the State Board of Elections, all other questions to the Department.

Executive Director

State Board of Elections

2329 S. MacArthur Blvd.

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***Addendum – PPS NVRA Flow Chart***

# Administration

## Section 14: Disaster Plan

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### 1. *Disaster Plan (Effective: February 2021)*

- A. As defined by USDA, the WIC program is not a disaster assistance program and is not considered a first responder. However, WIC policies allow state agencies flexibility in program design and administration to support continuation of benefits to participants during times of pandemic, natural, or other disasters. This section outlines assumptions, limitations, communication, operating principles, and allowance for suspension of some certification policies and procedures that can be applied to disaster circumstances.
- B. Illinois WIC Disaster Plan of Action
  - 1. The Department will provide guidance based on the nature of the disaster by issuing the Illinois WIC Disaster Plan of Action to all Local WIC agencies. The action plan provides for a statement of disaster, which agencies are affected, covered time frame, persons affected, and a checklist of actions being put in place.

### **Addendum - Illinois WIC Disaster Plan of Action**

- C. Assumptions- Key assumptions that the Illinois WIC program will be operating under during a pandemic, natural, or other disaster are:
  - 1. The workforce and population may be homebound, displaced, or hospitalized.
  - 2. There may be a critical need for people to remain in their homes to help contain the spread of disease.
  - 3. A disaster or pandemic may arrive and spread in several waves over the course of a lengthy period: for example, 1-2 years.
  - 4. The Illinois Department of Public Health (IDPH) is the lead agency for providing information on the arrival of a pandemic disaster and its spread across the state.
  - 5. Local WIC agencies need to become familiar with specific disaster preparedness plans in their communities via local health departments and the Emergency Management Agencies.
  - 6. During an emergency, there may be a local agency need for WIC program staff to be deployed temporarily to other job assignments to ensure the health and safety of all community members.
  - 7. The cost of protective gloves, masks, etc. is allowable. These items should be used to help prevent the spread of illness and disease in the clinic on an as needed basis, for example, during regular cold and flu season.
  - 8. Local WIC agencies will assist in helping people remain in their homes during peak disaster waves.
  - 9. The WIC program will maintain or reestablish program services during an emergency. WIC will continue to provide EBT cards to purchase supplemental food for those eligible as is feasible.
- D. Limitations- The following are limitations of the WIC program in any type of disaster-related emergency.
  - 1. The WIC program is not a first responder in an emergency. It is not a provider of emergency food. It does not distribute food or infant formula to emergency group facilities or evacuation centers.
  - 2. The issuance of WIC EBT cards to participants is reasonable only when food delivery

# Administration

## Section 14: Disaster Plan

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systems are in place. For example, if there are no retail food stores open or if there is no food on the shelf to purchase, the family may be better served when referred to a food distribution site than given WIC benefits, they cannot use.

# Administration

## Section 14: Disaster Plan

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### 2. *Communication (Effective: February 2021)*

#### A. Disaster Contact Phone Tree

1. To ensure continuity of WIC business in a disaster that closes the Department or a local WIC clinic, a Disaster Contact Phone Tree is established to share information with state and local WIC staff as quickly as possible within available communication systems and current knowledge about the disaster.
2. "Disaster" is used in a broad sense that includes closure due to power outages, computer viruses, tornadoes, blizzards and other inclement weather, systems destruction, fire, building collapse, and pandemic disease outbreak.

#### B. State Level Business Interruption

1. When information is received that the business of the Department is interrupted due to a disaster, the Department Disaster Contact Phone Tree is activated, and the following steps will be taken.
2. The Department staff will contact Regional Nutritionist Consultants (RNC), other staff and USDA Midwest Region office.
3. Supervisors will contact their respective staff. If communication systems allow, all staff should update daily voice mail messages with closure status information.
4. The RNC will contact the WIC Coordinators in the counties/agencies assigned to them.

#### C. Local Level Business Interruption

1. When a disaster occurs locally that interrupts WIC business in the community, the WIC Coordinator calls the assigned RNC to report the incident. If the RNC is not available, the WIC Coordinator should call the Department.
2. In some cases, depending on the time and nature of the disaster, the state WIC office may initiate contact to local agencies, using the local WIC agency emergency contact telephone listing, to determine impact on local clinics and services.
3. Based on information provided, the RNC will assess the problem and project needs and report to the Department.
4. The Department staff will call in other needed supervisors and staff to assist in bringing the clinic into operation. Depending on the severity, there may be a temporary suspension of policies and procedures as outlined in this WIC Disaster Plan.

# Administration

## Section 14: Disaster Plan

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### 3. *Operating Principles (Effective: February 2021)*

A. Key operating principles in disaster circumstances include the following:

1. A refugee is a person who has been forced to leave his or her home country and seek refuge elsewhere. In establishing eligibility, refugee status is not considered, and it is not necessary to determine whether an applicant is a refugee. Legal residency and United States citizenship are not requirements for participation in WIC.
2. An evacuee is a person from an area in the United States where a weather-related or other type of disaster has occurred or is about to occur and has been asked or required to leave home with very little advance notice.
  - a) Evacuees have been designated as being at special nutrition risk and considered high-risk for certification.
  - b) Evacuees do not have to present proof of identity, residency or income that is normally required (that is, if you had to leave home in such a hurry that you were unable to bring the necessary documents with you, or if those documents were destroyed).
3. Infants and children are among the most vulnerable victims of natural or human- induced emergencies.
  - a) Breastmilk is the safest food for infants during emergencies.
  - b) Interrupted breastfeeding and inappropriate complementary feeding heighten the risk for malnutrition, illness, and death.
  - c) Uncontrolled distribution of breastmilk substitutes can lead to early and unnecessary cessation of breastfeeding.

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## Section 14: Disaster Plan

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### 4. *Temporary Suspension of Policies and Procedures (Effective: February 2021)*

- A. For the vast majority of infants, emphasis should be on protecting, promoting, and supporting breastfeeding and ensuring timely, safe, and appropriate complementary feeding.
- B. During a disaster, there may be a temporary suspension of specific policies and procedures to help participants to continue to receive WIC benefits while meeting overall public health needs that could include remaining at home to minimize the spread of disease. The Department will notify local agencies when the temporary suspension begins and will provide a second notification when the temporary suspensions end. These temporary suspensions may be on an agency-by-agency basis depending on the disaster location, and they may be on-again, off-again depending on the number of waves of disaster.
- C. Certification
  - 1. Upon instruction from the Department, the following certification policies and procedures may be implemented:
    - a) Certification Periods for Breastfeeding Women, Infants, and Children: Within the parameters of section 7CFR 246.7(g) (3) of the WIC Federal Regulations, the certification period may be extended by a period not to exceed 30 days.
    - b) Physical Presence: Exceptions to Physical Presence – Disability will be assumed and applied due to “a serious illness that may be exacerbated by coming into clinic.” There may be barriers to physically accessing the clinic in severe weather circumstances.
    - c) Certification can be completed via mailing/emailing of paperwork and documentation and/or telephone interview and completing the WIC flow in the WIC MIS.
    - d) The documentation requirements for income, residence, identity, height, weight, and hemoglobin may be temporarily suspended when the Department staff determines the documentation requirement during the disaster presents an unreasonable barrier to participation or is needed to help families stay in their homes as an illness prevention measure. Reassess certification to extent possible; blood test, height or length, and weight measurements can be deferred for 90 days.
  - 2. Food Package Assignment- Ready-to-Use formula may need to be issued in circumstances where the water supply may be contaminated or is unavailable for mixing.
  - 3. Medical Documentation for Medically Prescribed Formulas
    - a) Participants presenting another state’s food benefits specifying a medically prescribed formula may be issued Illinois WIC benefits for the specified item up to the end of their certification period.
    - b) Participants without food benefits, but who can provide the name of the medically prescribed formula the individual was receiving before relocating, may be issued a one- month food benefits for that specific item.
    - c) Applicants who were not participants prior to the disaster must obtain medical documentation prior to issuing medically prescribed formula. The documentation may be provided as an original written, electronic, or facsimile document. Medical documentation may be accepted by telephone by a health professional, who documents the information in the WIC MIS. Telephone documentation may be used until written confirmation is received and only when necessary. The local clinic must obtain the written documentation within two weeks’ time after accepting the medical documentation by telephone. The written documentation is scanned into the WIC MIS with the telephone documentation.

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- d) Refer individuals with serious medical conditions that require use of a medically prescribed formula to local medical providers to ensure that the participant is linked to the health care system.
- 4. Nutrition Education can be by telephone, internet, or mail. If the telephone, internet, or mail systems are disrupted, then nutrition education is deferred until the next on-site appointment with participants.
- 5. Benefits Issuance
  - a) EBT Cards may be mailed to participants if approved by the Department in advance.
  - b) EBT Cards may also be distributed to participants by curbside pick up and re-issuance of benefits done remotely if approved by the Department in advance.
  - c) During a pandemic, illness is presumed and prevention of further spread of illness by remaining home is critical. Local agencies need to pay close attention to community business circumstances caused by the disaster where the mail, stores, and pharmacies may be slowed or shut down.
  - d) Local agencies should inform the Department of these circumstances as soon as possible.
- 6. Replacement of EBT Cards
  - a) EBT cards lost or destroyed in a disaster may be reissued when approved by the Department.



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## Section 15: WIC Employee Compliance

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### **1. General Information (Effective: February 2021)**

- A. To preserve program integrity and prevent program abuse and fraud from occurring, the WIC Coordinator must ensure that all local agency WIC employees adhere to the policies and procedures in this manual; maintain oversight controls and records; and contact the Department upon suspicion, detection, verbal or written report of any WIC employee fraud and abuse.
- B. The local agency is responsible for educating WIC employees hired by their local agency about the WIC Program rules, policies and procedures.
- C. All employees must sign the Illinois WIC Employee Confidentiality and Compliance Agreement Signature Form in the presence of the local agency Coordinator, Clinic Supervisor, or local agency designee.
  - 1. A Copy of the signed agreement must be retained and available for review by the Department.

***Addendum - Illinois WIC Employee Confidentiality and Compliance Agreement Signature Form***

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### 2. *Conflict of Interest (Effective: February 2021)*

- A. Local agencies must implement conflict of interest controls to prevent and detect employee fraud and abuse. WIC employees must report to the local agency Coordinator or designee any known conflicts of interest or if the WIC employee suspects program violations or fraudulent activities by any WIC employee. If it is not appropriate to report to the WIC Coordinator, report to the Department or designee.
- B. Local Agency WIC Employee as Participant or Parent/Guardian/Caretaker/Foster Parent
  - 1. WIC employees must be allowed to participate in the Illinois WIC Program if all eligibility requirements are met.
  - 2. However, WIC employees who are WIC participants or who have an infant/child participating must not complete any portion of the certification nor issue benefits to oneself.
- C. Local Agency WIC Employee as Proxy
  - 1. If the WIC employee is identified to serve as a proxy, the WIC employee must not complete any portion of the certification procedure for the participant for whom the employee is serving as a proxy nor issue the participant benefits.
  - 2. Agency employees may not serve as proxy for the purpose of home delivery.
- D. Local Agency WIC Employee Certification of Relatives and Close Friends
  - 1. WIC employees are strongly discouraged from conducting any component of the certification process for relatives and close friends.
  - 2. When arrangements cannot be made for alternate WIC employees to certify and issue food benefits to these participants, the local agency Coordinator, Supervisor or designee shall review these participants' records for eligibility and appropriateness of benefits issued once the certification has been completed.
  - 3. In cases when a WIC employee certifies a relative or close friend, WIC staff must obtain copies of documentation supporting eligibility and scan into the WIC MIS.
  - 4. Nutrition education may be provided by WIC employees to relatives and close friends.

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### 3. *Separation of Duties (Effective: July 2022)*

- A. Separation of Duties<sup>2</sup> is required to ensure the same employee does not determine eligibility for all certification criteria to minimize the potential for fraud and abuse.
  - 1. Staff roles will be assigned based on employee's title and WIC responsibilities per Addendum *WIC MIS New User System Access Request* (IL WIC PM AD 2.7).
  - 2. The WIC Coordinator must notify the Regional Nutritionist Consultant (RNC) to request approval for temporary changes to staff roles.
  - 3. For permanent changes to staff roles, the local agency must re-submit the IL 444-2022 Community Provider/External User I.D. and System Access Request form (per Addendum *WIC MIS New User System Access Request* (IL WIC PM AD 2.7).
- B. Emergency Full Access (FA) to all the WIC MIS screens can be permitted only with Department approval.
  - 1. The WIC Coordinator must notify the RNC to request approval for Emergency FA, for temporary status.
  - 2. The RNC will approve or suggest other role changes as appropriate.
  - 3. The Department will monitor Emergency FA for approval and required documentation.
- C. A clinic staffed by a single employee, either routinely or temporarily, will not be able to create a separation of duties and must adhere to the following:
  - 1. Someone other than the certifier (e.g., the WIC Coordinator, Department staff) must conduct a post review of all certifications completed by the employee with full access within two weeks of the certification date as follows:
    - a) All non-breastfeeding infant records
    - b) A minimum of 20% of all other records
  - 2. Documentation of these reviews must be maintained on file at the local agency for review during the Management Evaluation.
  - 3. Scan copies of documentation supporting eligibility in the participant's record in the WIC MIS.

### ***Addendum – Full Access Record Review Tool***

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<sup>2</sup> USDA WIC Policy Memo 2016-5

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## Section 15: WIC Employee Compliance

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### 4. Local Agency WIC Employee Program Abuses and Sanctions (Effective: July 2022)

- A. Appropriate disciplinary actions must be taken by the local agency against WIC employees who have abused the policies and procedures of the WIC Program to prevent other instances of fraud or abuse and aid in recovery of improperly obtained WIC benefits.
1. Every employee who provides WIC services must be aware of and follow WIC policies and procedures. Failure to do so may result in disciplinary procedures.
  2. The Department must be notified through the Employee Compliance Report of any sanctions and/or disciplinary actions taken against employees who have abused WIC policies and procedures.
  3. Any sanctions and/or disciplinary actions taken against employees who have abused WIC policies and procedures must be documented.

Employee Violation	Sanction Action
Theft of WIC food benefits.	<ul style="list-style-type: none"><li>• Notification of law enforcement.</li><li>• Submission of Employee Compliance Report to the Department.</li><li>• Immediate termination of all WIC roles.</li></ul>
Theft or destruction of property belonging to WIC applicants, participants, staff, or vendors and/or vendor staff.	
Use of program funds to purchase goods or services for personal use.	
Physical abuse or verbal threat of physical abuse of WIC applicants, participants, other clinic staff or vendors.	

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Employee Violation	Sanction Action
Enrolling oneself into the WIC Program. Issuing benefits to self.	<ul style="list-style-type: none"> <li>• Submission of Employee Compliance Report to the Department.</li> <li>• Immediate inactivation in the WIC MIS and possible termination of all WIC roles.</li> </ul>
Intentional over issuance of benefits.	
Failure to comply with contractual IDHS Information System Security and Privacy Requirements, including data sharing.	
Sale of or attempt to sell WIC food benefits verbally, in print, or online.	
Falsification of data for eligibility, i.e., providing false information to receive WIC benefits for self or others.	
Creation of records for fictitious clients.	
Disclosing confidential information regarding participants to any non-WIC official or the public at-large.	
Failure to report a conflict of interest per IL WIC PM AD 15.2.	
Enrollment, certification, or issuance of food benefits to one's relative or close friend or to a participant whom the employee serves as proxy without WIC Coordinator approval.	
Unprofessional or unfair treatment, including verbal abuse, towards WIC applicants, participants, other clinic staff or vendors.	
Discrimination toward WIC applicants, participants, other WIC staff and vendors due to race, color, national origin, etc.	<ul style="list-style-type: none"> <li>• Submission of Employee Compliance Report to the Department.</li> <li>• Civil Rights Complaints should refer to IL WIC PM AD 7.</li> </ul>