

WAC 246-790-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Administrative appeal" means a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of an order under this chapter.

(2) "Applicant" means any vendor, or person representing a vendor, or vendors reapplying for authorization, requesting authorization to participate in the WIC program by submitting a completed application for authorization and all corresponding documentation.

(3) "Approved infant formula wholesaler" means a supplier or manufacturer listed in the document titled "*Washington WIC Approved Infant Formula Suppliers.*"

(4) "Authorized vendor" means a vendor who has met the vendor selection criteria as required by the United States Department of Agriculture (USDA) and the department, received training on WIC program requirements, and entered into a fully executed contract with the department.

(5) "Business integrity" means a store's uncompromising commitment and adherence to honesty, truthfulness, and accuracy in interactions with the department, customers, creditors, suppliers, associates, and the public at large.

(6) "Business and financial documentation" means all documents required to own and operate a business as a retailer which may include, but not be limited to, banking and financial records; property sales, leases and rental agreements; insurance records; affiliate arrangements; inventory records; accounting, sales, and tax records; records of ownership; or articles of incorporation, bylaws and operating agreements.

(7) "C.F.R." means Code of Federal Regulations.

(8) "Cash value voucher" means a WIC food instrument used by a participant to obtain fresh fruits and vegetables.

(9) "Civil monetary penalty" means a sum of money imposed by the WIC program for noncompliance with program requirements.

(10) "Contract" means the department's standard WIC contract form that, once completed and signed by both parties, becomes the written legal document binding a vendor and the department to designated terms and conditions and authorizes the vendor to transact food instruments.

(11) "Cost containment" means the process of controlling expenses required to operate the WIC program.

(12) "Department" means the Washington state department of health.

(13) "Disqualification" means the act of revoking the authorization and terminating the contract of an authorized vendor for a specific period of time or permanently for noncompliance with WIC program requirements.

(14) "EBT (electronic benefits transfer)" means the electronic system that allows a participant to authorize transfer of their government food benefits from a federal account to a vendor account to pay for products they buy.

(15) "Food instrument" means a WIC program voucher, check, coupon, electronic benefit transfer (eWIC card), or other document which is used to obtain authorized foods.

(16) "*Minimum Inventory Requirements*" means the document created, maintained and supplied by the department that lists the required min-

imum stock levels of department-authorized foods a store must maintain on premises at all times.

(17) "Notice of violation" means a written document given to a vendor when the department determines the vendor has not complied with program requirements, federal WIC regulations, this chapter, or a contract.

(18) "Participant" means a woman, infant or child receiving WIC benefits.

(19) "Participant access" means the ability of WIC participants to purchase authorized WIC foods, with consideration made to factors including, but not limited to, geography, population density, and participant dietary needs, as determined by the department.

(20) "Peer group" means a group of authorized vendors that share certain characteristics and can be expected to have similar business practices and prices. Peer group criteria and assignments are determined by the department. Vendors in the same peer group are subject to the same WIC maximum reimbursement levels. Peer group criteria include, but are not limited to, characteristics such as geography or size.

(21) "SNAP" means the federal supplemental nutrition assistance program. SNAP was previously known as the food stamp program.

(22) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any organization, association, or business entity. Evidence of substantial interest may include, but not be limited to:

(a) Directly or indirectly owning, operating, managing, or controlling an entity or any part of any entity;

(b) Directly or indirectly profiting from an entity or assuming liability for debts or expenditures of the entity; or

(c) Being an officer or director or managing member of an entity.

(23) "Variety" means a collection of similar, but not identical, foods and products. This may include different brands, sizes or flavors of similar foods and products.

(24) "Vendor," also known as "retailer," means a sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one or more stores authorized by the state WIC program to provide WIC-approved foods to WIC participants.

(25) "Vendor compliance activities" means on-site contract monitoring, covert compliance buys, and inventory audits.

(26) "Vendor selection criteria" means the federally approved standards the department uses to select vendors for WIC authorization.

(27) "Wholesale supplier" means a business licensed to sell food and other goods at prices lower than retail to a retail vendor for resale to customers.

(28) "WIC" means the federally funded special supplemental nutrition program for women, infants, and children as described in 7 C.F.R. 246.

[Statutory Authority: RCW 43.70.120. WSR 18-23-080, § 246-790-010, filed 11/19/18, effective 12/20/18; WSR 14-21-110, § 246-790-010, filed 10/16/14, effective 11/16/14; WSR 11-23-125, § 246-790-010, filed 11/21/11, effective 12/22/11. Statutory Authority: RCW 43.70.120 and 7 C.F.R. 246. WSR 06-05-051, § 246-790-010, filed 2/13/06, effective 3/16/06; WSR 02-11-107, § 246-790-010, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 43.70.120 and 7 C.F.R. 246.12, 15, and 18. WSR 00-13-009, § 246-790-010, filed 6/9/00, effective 7/10/00. Statutory Authority: RCW 43.70.120. WSR 97-16-117, § 246-790-010,

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