

**WAC 246-790-530 WIC participant violations and sanctions. (1)**

When any WIC participant or caregiver deliberately violates federal or state statutes, regulations, policies or procedures governing the WIC program, the department will initiate appropriate enforcement action, which may include establishment of claims under WAC 246-790-550 or disqualification under WAC 246-790-560. Violations and applicable sanctions are listed below:

Violations	1st Instance	2nd Instance	Subsequent Instances
Attempting to redeem a food instrument for unauthorized foods or formula.	Notice of violation	Notice of violation	6-month disqualification
Redeeming a food instrument for unauthorized foods or formula.	Notice of violation and claim  1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim
Attempting to return foods purchased with a food instrument to a WIC vendor in exchange for money, credit, a different food or food in excess of those on the food instrument.	Notice of violation	Notice of violation	6-month disqualification
Returning foods purchased with a food instrument to a WIC vendor in exchange for money, credit, a different food, or food in excess of those on the food instrument.	Notice of violation and claim  1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim
Redeeming a food instrument reported as lost or stolen, and then replaced.	Notice of violation and claim  1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim
Destruction of vendor, farmer or local agency property during a WIC transaction or visit.	Notice of violation if replacement or repair cost is less than \$100  6-month disqualification if replacement or repair cost is \$100 or more  Note: Replacement or repair cost will be determined by affected vendor, farmer or local agency	1-year disqualification	1-year disqualification
Destruction of state agency property during a WIC visit.	Notice of violation and claim if claim is less than \$100  1-year disqualification and claim if claim is \$100 or more	1-year disqualification	1-year disqualification
Altering a food instrument.	6-month disqualification and claim if claim is less than \$100  1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim

Violations	1st Instance	2nd Instance	Subsequent Instances
Making false or misleading statements or deliberately misrepresenting, concealing or withholding facts to obtain or increase benefits.	Notice of violation and claim if claim is less than \$100 1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim
Participating in and spending WIC food instruments from one or more than one WIC clinic during the same time period (dual participation).	1-year disqualification and claim	1-year disqualification and claim	1-year disqualification and claim
Threatening to harm or physically harming clinic, farmer or vendor staff during a WIC visit.	6-month disqualification	1-year disqualification	1-year disqualification
Failure to comply with department or local agency request for information during an investigation.	1-year disqualification	1-year disqualification	1-year disqualification
Selling, attempting to sell, exchanging, attempting to exchange, or allowing another person to sell food instrument or exchange food or formula purchased with a food instrument for cash, credit, merchandise, favors, or other nonfood items (trafficking) verbally, in print, or online through web sites or social media.	Notice of violation and claim if claim is less than \$100 1-year disqualification and claim if claim is \$100 or more	1-year disqualification and claim	1-year disqualification and claim
Theft of a food instrument by a WIC participant.	1-year disqualification and claim	1-year disqualification and claim	1-year disqualification and claim

(2) During each certification visit, participants will be informed of their rights and responsibilities, program rules, and that there may be potential sanctions should they deliberately violate a program rule.

(3) Whenever the department assesses a claim of misappropriated WIC program benefits of one hundred dollars or more resulting from a participant violation, assesses a claim for dual participation, or assesses a second or subsequent claim of any amount resulting from a participant violation, the department must disqualify the participant for one year.

(4) The department may decide not to impose a disqualification if, within thirty days of the date the letter was mailed demanding repayment, full restitution is made or a repayment schedule is agreed upon. In the case of a violation committed by the parent or caretaker of an infant or child participant, or by a participant under the age of eighteen, the department may approve the designation of a proxy in order to continue program benefits to these participants.

(5) Participants may reapply for benefits at any time after the disqualification period concludes.

(6) The department must consider designating a substitute caregiver instead of disqualification for infants, children, and women under eighteen years of age.

(7) Second and subsequent instances of violations are assessed based on a twelve-month period from the first notice that a violation has occurred.

[Statutory Authority: RCW 43.70.120 and 7 C.F.R. 246. WSR 19-16-107, § 246-790-530, filed 8/2/19, effective 9/2/19. Statutory Authority: RCW 43.70.120. WSR 18-23-080, § 246-790-530, filed 11/19/18, effective 12/20/18; WSR 17-08-020, § 246-790-530, filed 3/27/17, effective 4/27/17.]