



Memorandum

13-094

TO: WIC Local Agency Directors

FROM: Linda Brumble, Unit Manager
Nutrition Education/Clinic Services Unit
Nutrition Services Section

DATE: September 24, 2013

SUBJECT: Revised Policies and Forms: *Texas WIC Policy BF:04:.0 Breastfeeding Training; Texas WIC Policy CS:07..0 Income Screening as a Certification Requirement; Texas WIC Policy CS:14.0 Completion of the WIC Income Questionnaire and the Family Certification/WIC Program Income Screening Form; Texas WIC Policy CS:22.0 Completing the Supplemental Information Form; What to Bring to your WIC Appointment (WIC-R14); Income Questionnaire (WIC-35-3); and Employment Verification Form (WIC-19b) and Texas WIC Policy GA:14.0 Staffing Standards*

This memo announces revisions to the subject policies as follows. The policies are effective October 1, 2013. At that time they will be posted and you may update your *Policy and Procedures Manual* by accessing the *WIC Website* at http://www.dshs.state.tx.us/wichd/policy/table_of_contents.shtm. Local Agencies (LAs) will be monitored on the policy changes beginning May 1, 2014 or six months after October 1, 2013.

Summary of Revisions

Revised Policies

Texas WIC Policy BF:04.0 Breastfeeding Training

- Clarified which staff must complete the Breastfeeding Promotion and Support Module to be consistent with TR:3.0.
- Revised wording on breast pump training to reflect new condensed training.
- Revised issuance of nipple shields and supplemental nursers section to define when peer counselors can and cannot issue these supplies.

Texas WIC Policy CS:07.0 Income Screening as a Certification Requirement; Texas WIC Policy CS:14.0 Completion of the WIC Income Questionnaire and the Family Certification/WIC Program Income Screening Form; Texas WIC Policy CS:22.0 Completing the Supplemental Information Form; What to Bring to your WIC Appointment (WIC-R14); Income Questionnaire (WIC-35-3)

The United States Department of Agriculture has sent new guidance that will be implemented October 1, 2013. The guidance defines “current income” to include all income received by the household during the month (30 days) prior to the date of application for WIC benefits. The policies and forms listed below have been revised to reflect the definition of “current income,” as well as other minor changes. We ask that LAs continue to use the current forms and mark through 60 days and manually change to 30 days until the forms are available for ordering and downloading. A memo will be posted to notify LAs that the revised forms are available for ordering. Please share this information with WIC staff that schedule WIC appointments. The State Agency encourages that staff follow-up with applicants who have a certification WIC appointment in October and advise them to provide proof of household income during the month (30 days) prior to the WIC eligibility appointment.

Texas WIC Policy CS: 07.0 Income Screening as a Certification Requirement

- The applicant shall now provide income documentation from the previous 30 days. If the income is being assessed prospectively, current refers to the income that will be available to the family in the next 30 days. Removed the statement that only one document shall be requested for each source of income.
- Procedure I
 - A1. & B. 1. Income, documented for one family member, may be used for another family member within 30 calendar days.
 - Added – applicants shall provide all income received by the household during the month (30 days) prior to the date of the application to the WIC Program
 - Removed only one document shall be requested for each source of income, as long as the document is from the previous 60 days of the date eligibility is determined.
- Procedure II.
 - G. A bank statement within the previous 30 days shall be provided.
 - J. Added - all foster children must be screened for income eligibility
 - H. Changed wording for tax records.
 - I. Changed income receipt book or other accounting records to say Accounting Records.
- Procedure III. A. The document requested for proof of income shall be dated within 30 days of the date eligibility is determined.
- Procedure IV. B. added cents to the example
- IX. A. Added – a complaint alleging ineligibility

Texas WIC Policy CS: 14.0 Completion of the WIC Income Questionnaire and the Family Certification/WIC Program Income Screening Form

- Removed monthly whenever it discusses what to compare to the income guidelines.
- I. E. If income is screened, it can be used to qualify another participant if used within 30 calendar days
- If applicant or parent/guardian makes changes or corrections, they should initial by them.
- II. O. No longer need to write the name of the gateway recipient below the gateway box.
- III. B. 2. g. SEU column is no longer shaded.
- IV. B. Income documented for one family member, may be used for another family member within 30 calendar days.

Texas WIC Policy CS: 22.0 Completing the Supplemental Information Form

- I. changed wording to make less confusing.
- I. 2. Changed caregiver to caretaker to be consistent with wording
- III. Changed 60 day to 30 day.

Revised Forms – Changed 60 day to 30 day

- *What to Bring to your WIC Appointment (WIC-R14)*
- *Income Questionnaire (WIC-35-3)*
- *Employment Verification Form (WIC-19b)*

The Trainings listed below will address the new definition of “current income.”

- Income Determination
- Screening for Eligibility
- Income Questionnaire

Texas WIC Policy GA:14.0 Staffing Standards

- Added section that included duties of WIC Director.
- Added criteria for a minimum amount of hours for a registered or licensed dietitian for each local agency depending on participation for the local agency.
- Added criteria for a minimum number of FTEs for a Nutritionist for each local agency depending on participation for the local agency.
- Added a resource policy GA20.0 to refer to for additional information for writing a contingency plan if only one Certifying Authority is available at the local agency.
- Replaced LC with Designated Breastfeeding Expert (DBE), defined DBE and DBE training requirements.
- Revised wording regarding the request of a waiver for any part of this policy.
- Updated guideline section for posting a job or for other resources to hire a nutritionist, RD, LD or RD/LD.
- Changed lactation consultant criteria to Designated Breastfeeding Expert criteria and provided definitions.

If you have questions or require additional information regarding *Texas WIC Policy BF:04.0 Breastfeeding Training*, please contact Tracy Erickson, WIC Breastfeeding Coordinator, at tracy.erickson@dshs.state.tx.us or (512) 341-4521. If you have questions or require additional information regarding *Texas WIC Policy CS:07.0 Income Screening as a Certification Requirement*; *Texas WIC Policy CS:14.0 Completion of the WIC Income Questionnaire and the Family Certification/WIC Program Income Screening Form*; *Texas WIC Policy CS:22.0 Completing the Supplemental Information Form*; *What to Bring to your WIC Appointment (WIC-R14)*; *Income Questionnaire (WIC-35-3)*, please contact Rachel Edwards, Manager, Information Response Management Group, at rachel.edwards@dshs.state.tx.us or (512) 341-4763. If you have questions or require additional information regarding *Texas WIC Policy GA:14.0 Staffing Standards*, please contact Lisa Rankine, Clinic Service Program Coordinator, at lisa.rankine@dshs.state.tx.us or (512) 341-4582.

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Effective October 1, 2013

Policy No. BF:04.0

Breastfeeding Training

Purpose

To ensure that breastfeeding (BF) is promoted and supported on a local agency (LA) level.

Authority

7 CFR Part 246.11

Policy

All WIC staff who provide direct clinic services to WIC participants shall receive initial and ongoing training on BF promotion and support.

Procedures

- I. All WIC staff who provide direct clinic services to WIC participants shall receive training on LA protocol regarding whom to contact to answer participant's questions on BF if beyond the staff person's expertise. This training shall utilize the Staff Referral Protocol document referenced in policy BF:01.0 and occur within one month of employment. The training may be completed by an orientation session with the BF Coordinator, WIC Director, or clinic supervisor.

- II. All WIC staff who provide direct clinic services to WIC participants shall complete the Breastfeeding Promotion and Support Module within 6 months of employment with the exception of International Board Certified Lactation Consultants (See policy NE: 02.0). The module can be accessed in the WIC catalog.

- III. All WIC staff who provide direct clinic services shall receive ongoing annual updates in BF. The ongoing BF training requirement may be satisfied by all WIC staff attending an in-service on current issues in

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Effective October 1, 2013

Policy No. BF:04.0

- BF, a BF training, repeating a required BF training listed in procedure VI, or attending a BF conference at least once every fiscal year.
- IV. The BF Coordinator and all WIC CAs shall receive training on breast pump issuance, inventory control, retrieval, basic troubleshooting, assembly, use, and cleaning within 6 months of employment and prior to issuing breast pumps to WIC participants. Any other WIC staff designated by the WIC Director or BF Coordinator to issue breast pumps shall receive the same training. WIC staff shall receive the training listed in Procedures I, II, and V prior to issuing breast pumps to WIC participants.
 - V. Breast pump training shall be satisfied by successful completion of the Texas WIC Breast Pump training. For more information on this training, contact the Texas WIC Breast Pump Coordinator.
 - VI. All CAs (with the exception of IBCLCs) shall complete one of the following DSHS BF trainings within 12 months of employment and repeat this training no less than every five years:
 - A. Principles of Lactation Management (POLM)
 - B. Breastfeeding Management

WCSs who have completed A or B above and repeat the training no less than every five years can counsel on risk codes 602 and 603.

To find the current BF training schedule and registration instructions go to <http://www.dshs.state.tx.us/wichd/lactate/courses.shtm>.
 - VII. CAs and WCSs are not required but are strongly encouraged to complete the following advanced DSHS breastfeeding trainings:
 - A. Lactation Counseling and Problem Solving (LCPS), or Managing Breastfeeding Complications (MBC)

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Effective October 1, 2013

Policy No. BF:04.0

- B. Breastfeeding the Compromised Infant (BFCI) - This training is a highly effective tool for breastfeeding management for the premature infant
 - C. Clinical Lactation Practicum (CLP) – A three day mentorship program based at Lactation Resource and Training Centers in Texas.
- VIII. The following prerequisites apply to DSHS BF trainings:
- A. MBC and BFCI prerequisites: Completion of Breastfeeding Management no more than three years prior to date of MBC and BFCI training.
 - B. LCPS prerequisite: Completion of POLM no more than three years prior to date of LCPS training
 - C. CLP prerequisite: Completion of LCPS and POLM no more than five years prior to date of CLP.
- IX. Any staff issuing or counseling moms on nipple shields and/or supplemental nursers must first complete training on issuance of nipple shields and supplemental nursers. For more information on the training, contact the Texas WIC Breastfeeding Training Coordinator.
- A. International Board Certified Lactation Consultants (IBCLCs) and Designated Breastfeeding Experts (DBEs), defined by GA:14.0, can issue nipple shields and supplemental nursers. IBCLCs are the most appropriate staff to issue nipple shields and supplemental nursers and should be utilized first, and when available, to counsel and issue these supplies to mothers who need them.
 - B. A PC or TBE who is not an IBCLC or DBE can issue a nipple shield or supplemental nurser and provide follow up only if both actions are performed under the direction of an IBCLC. IBCLC direction should be provided in person through web-cam service. Phone direction can be used as a last resort.
 - C. When an IBCLC or DBE is not available to counsel a mom who is using a nipple shield that was not issued by WIC, a PC or TBE can assist by assessing latch and milk transfer with the nipple

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Effective October 1, 2013

Policy No. BF:04.0

shield then assisting the mom to breastfeed without the nipple shield, assessing latch and milk transfer.

1. If the baby will latch without the nipple shield and successfully transfers milk, the mother should be followed up within 24 hours by a PC, TBE, IBCLC, Breastfeeding Coordinator or DBE.
 2. If the baby will not latch without the nipple shield but milk is successfully being transferred, the mom should be offered a consultation appointment with an IBCLC or a DBE if she would like assistance breastfeeding without the shield. If the mom calls back to report trouble with latch or that she has gone back to using the nipple shield, she should be offered a consultation appointment with an IBCLC or a DBE.
- X. PCs shall be trained in accordance with SA designated PC training materials prior to working with WIC participants and receive monthly in-services according to Policy BF:03.0.

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Policy No. CS:07.0

Income Screening as a Certification Requirement

Purpose

To provide documentation that an applicant's income eligibility was determined accurately.

Authority

7 CFR Part 246.7; 25 TAC §31.22

Policy

When determining program eligibility, the local agency (LA) shall determine and document the applicant's total household gross income and household size at each certification.

Applicants shall provide all income received by the household during the month (30 days) prior to the date of application to the WIC Program. If true income is not reflected, then income from the previous 12 months shall be considered. If the income assessment is being done prospectively (e.g. the sole support of the family was laid off and was authorized to receive unemployment benefits for the next six months) "current" (refers) to income that will be available to the family in the next 30 (days). If the applicant is currently a recipient of Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), or Medicaid, refer to Policy CS:08.0.

Instream migrants with an expired Verification of Certification (VOC) shall be considered income eligible, provided their income is redetermined once every 12 months.

LAs are required to verify all information that is questionable or when verification is specifically required by this policy. In addition, an LA may

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Effective October,1 2013

Policy No. CS:07.0

require verification of any information to ensure income eligibility is determined accurately.

Definitions

Household: all persons, related or unrelated, living together in the same dwelling, with the exception of the following special situations: pregnant woman, foster child, individuals who qualify as a separate economic unit, and residents of a homeless facility or other residential institution.

Income: Gross income earned by all members of a household, including any amount received or withdrawn from any source, including savings, unless excluded from the definition of income by federal regulations as described in **Policy CS:09.0**. Exception: for farmers and self-employed individuals, use net income- the income after the deduction of business expenses.

In-kind benefit: Benefits received by the household, which are provided in the form of goods and/or services. Example: woman resides with another family and provides childcare in exchange for food and shelter. This in-kind value is excluded from the income determination.

Instream migrants: Migrant farm workers who follow a route or agricultural work from state to state and who are currently not at their home base.

Verification of income: A process whereby the information presented by an applicant as documentation of income is validated through an external source of information other than the applicant.

Procedures

- I. At each certification, WIC applicants or parent/guardians applying on behalf of a child shall declare the number of persons that comprise the applicant's household size and provide acceptable documentation of the amount of ALL gross income received by each member of the household, unless the applicant is adjunctively income eligible, in

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Effective October,1 2013

Policy No. CS:07.0

which case income eligibility is determined under the provisions of [Policy CS:08.0](#).

- A. The WIC Income Questionnaire (WIC Form 35-3) shall be completed at each certification by the applicant or parent/guardian. The form shall be completed prior to income determination and filed in the applicant's record with the Family Certification Form/WIC Program Income Screening Form (WIC-35). (See [Policy CS:14.0](#))
 - 1. If income has been documented for one family member within the last 30 calendar days, it may be used for other family members being certified within that 30 day period. Staff shall verbally verify income has not changed.
 - 2. The applicant or parent/guardian shall sign and date the WIC-35-3 near the original signatures and dates from the previous income determination.
- B. Use the WIC-35 to document total household size and monthly income. The staff person who completes this information shall sign and date the WIC-35 using their official signature. Refer to [Policy CS:14.0](#) for instructions on completing the WIC-35. One WIC-35 may be used to document income and household size for two or more members of a household. This form shall be easily accessible for audit/review.
 - 1. Income shall be documented each time a family member is certified (except for instream migrants). If income has been documented for one family member within the last 30 calendar days, it may be used for other family members being certified within that 30 day period. Staff shall verbally verify income has not changed and both staff and applicant or parent/guardian or authorized adult shall sign and date the WIC-35 near the original signatures and dates from the previous income determination.
 - 2. The 30-day period does not apply to applicants who were adjunctively income eligible. (Refer to [Policy CS:08.0](#))
- C. A copy of the income document(s) shall be kept in the applicant's file containing the WIC-35.

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Effective October,1 2013

Policy No. CS:07.0

- II. WIC applicants shall provide acceptable **written** documentation of the amount(s) of all income received by **each** member of the household. Amounts should reflect all usual gross income. Documentation shall be dated within the previous 30 days of from the date of the eligibility determination. The applicant or parent/guardian may present a copy or facsimile (fax) of the original document. Exceptions are identified in this policy where written documentation is not required. Only one document shall be requested from each source of income. Acceptable documents for proof of income include:
- A. **Paycheck stubs** with the current amount of gross earnings.
 - 1. The paycheck stub must indicate the pay period or pay date and employee's name.
 - 2. Do not accept a paycheck stub that has a different name than the applicant's or household member's name. Allow applicant to complete a WIC-32, Applicant's Statement of Farm/Self-Employment Form. (See II. F. in this policy)
 - 3. The employer may be contacted, with the applicant's or parent/guardian's permission, to clarify information on the paycheck stubs. Information from the employer shall be used to determine income and documented on the WIC-35 form.
 - B. **W-2 form**, valid from date issued through April 30 of the same year and is reflective of current income. Staff shall ask applicant or parent/guardian to confirm the form reflects current income and determine the average based on the date employment began.
 - C. **signed statement from employer** (business letterhead is not required). The statement shall reflect current gross income, the pay period, and/or the pay date.
 - D. **WIC-19a**, Assistance Documentation Form.
 - 1. Section I shall be completed when:
 - a. money or financial support is received from a source outside the household such as parents, relatives, or friends. If money is received occasionally, refer to Procedure II. L. of this policy.

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Effective October,1 2013

Policy No. CS:07.0

- b. there is more than one provider of assistance, each provider shall complete a separate WIC-19a.
 - c. the applicant receives financial assistance in addition to their wages from someone who does not reside with them.
 - 2. Section II shall be completed by a third party when no one in the household has a source of income and the household does not receive outside assistance.
 - a. Examples of a third party include but are not limited to: staff of a church or school, social service agency, legal-aid, lawyer, public health nurse, doctor, and elected public officials.
 - b. The third-party cannot be an employee of the WIC Program, an individual related to the applicant/parent/guardian, or a member of the applicant's household. The staff shall confirm this information verbally with the applicant.
- E. **WIC-19b**, Employment Verification Form is acceptable, if the applicant and/or members of the applicant's household do not have acceptable documentation of wages. An applicant who has physically started a new job but has not received his/her first paycheck shall have a WIC-19b completed or have a statement from their employer.
- F. **WIC-32**, Applicant's Statement of Farm/Self-Employment Form, shall be completed if an applicant or a member of the household is self-employed and does not have business records. This form may also be used if an applicant is paid in cash and the employer will not provide documentation, or the applicant cannot provide a paycheck stub in his/her name.
- G. **Bank statement**, checking or savings account statement, if reflective of current gross income.
Example: An applicant is living off their savings. The amount withdrawn monthly to pay for their expenses plus a month's worth of interest shall be considered as their monthly household income. The total dollar amount in savings is not to be

Nutrition Services Department of State Health Services

Effective October,1 2013

Policy No. CS:07.0

considered. A bank statement can be used as documentation as long as the date on the statement is from the previous 30 days.

Total amount of savings:	\$30,000
Monthly expenses for one month:	\$ 1,150
One month of interest	\$ 25
Total monthly income: $\$1150 + \$25 =$	\$ 1,175

- H. **tax records** valid through April 14th following the year it was filed (e.g. if filed in 2012, then accept through April 14th 2013). Staff shall ask applicant/parent/guardian to verbally confirm the tax record reflects current income (retain a copy of the section of the documents used to determine income).
- I. **accounting records** for self-employed individuals (retain a copy of the section of the documents used to determine income).
- J. **foster child placement letter**; All foster children must be screened for income eligibility see Policy CS:11.0 Certification of Foster Children. A verbal declaration of the amount paid to the family for the care of the foster child shall be obtained if the amount is not indicated on the placement letter. If a foster child receives income, whether from a job or outside financial resource, it must be counted in the income determination and documented on the WIC-35. Income screening shall be done at every certification for foster children, even if they have not changed foster homes. Mark "other" on the WIC-35 and record "placement letter" in the space provided.
- K. **Child Support and/or Alimony**; Documentation shall be obtained **in the following order** (i.e., staff shall obtain the highest level of documentation, if it exists, with #1 constituting the highest level and so forth):
 - 1. Court order, divorce decree or information from Office of Attorney General (800-252-8014);
 - 2. Receipts or copies of checks;
 - 3. Signed and dated statement from the person providing support; or
 - 4. Signed and dated statement from person receiving support.

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Effective October,1 2013

Policy No. CS:07.0

- Mark "other" on the WIC-35 and record "child support or alimony" in the space provided.
- L. **Lump Sum/New Money:** New money is money received within the previous 12 months and not received on a regular basis. Examples include, but are not limited to: gifts, inheritance, bonuses, and lottery winnings. Record lump sum/new money amount under the Different pay frequency/Annual column on the WIC-35. Mark "other" on the WIC-35 and record the type of new money received in the space provided.
 - M. **Other:** The following are acceptable as income and should be marked "other" on the type of Non-Gateway Income Method used on the WIC-35. Examples include, but are not limited to:
 - 1. Workers Compensation letters, or Unemployment Insurance Benefits;
 - 2. Severance, pension payments, or retirement benefits;
 - 3. 401K or other investments;
 - 4. Social security and Supplemental Security Income (SSI) award letter; and
 - 5. Student financial aid.
- III. An applicant's current rate of income shall be utilized to calculate income eligibility. For exceptions, refer to Procedure IV.
- A. Applicants shall provide all income received by the household during the month (30 days) prior to the date of application to the WIC Program. If income varies calculate the average using the Year-to-date amount or use more than one check stub.
 - B. Documentation of income that changes only once per year; e.g., Social Security and scholarship/grant award letters may be used during the entire year the letter covers if reflective of current income.
 - C. Households with one frequency of income e.g.(weekly, every 2 weeks, twice monthly, monthly)
 - 1. Add the incomes of all household members together.
 - 2. The calculations should be exact without any rounding.

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Effective October,1 2013

Policy No. CS:07.0

3. Compare the total of all the income to the appropriate household size and pay frequency in the WIC income guidelines.
 4. When the applicant's household meets the WIC Income Guidelines, get monthly numbers to enter in TWIN with the following calculations:
 - a. If pay is weekly, multiply by 52, divide by 12, drop the change, and enter in TWIN
 - b. If pay is every two weeks, multiply by 26, divide by 12, drop the change, enter in TWIN
 - c. If pay is twice a month, multiply by 24, divide by 12, drop the change, and enter in TWIN
 - d. If pay is monthly, drop the change, enter in TWIN
 - e. If pay is yearly, divide by 12, drop the change, and enter in TWIN
 5. If the applicant does not meet the WIC Income Guidelines refer to CS:23.0, Notification of Ineligibility, Termination or Expiration of Eligibility.
- D. Households with more than one pay frequency e.g. (weekly, every 2 weeks, twice monthly, monthly)
1. Convert all the income amounts to annual income using the following calculations:
 - a. when paid by the week – multiply by 52
 - b. when paid every two weeks – multiply by 26
 - c. when paid twice a month – multiply by 24
 - d. when paid monthly – multiply by 12
 2. Add the incomes together.
 3. The calculations should be exact without any rounding.
 4. Compare the annual total to the appropriate household size and annual amount in the WIC income guidelines.
 5. When the applicant's household meets the WIC Income Guidelines, convert the annual amount to a monthly total by dividing by 12. Drop any change and enter this amount in TWIN.
 6. If the applicant does not meet the WIC Income Guidelines refer to CS:23.0, Notification of Ineligibility, Termination or Expiration of Eligibility.

Nutrition Services Department of State Health Services

Effective October,1 2013

Policy No. CS:07.0

- IV. Exceptions include the following:
- A. Overtime: If the overtime pay was a one-time occurrence, use the normal wages paid to calculate income, do not include the overtime.
 - B. Income Varies: The income average is a better reflection of the applicant's true income.
 - 1. First calculate the average by using the year-to-date (YTD) amount or by averaging more than one check stub together.
 - 2. When there is only one pay frequency, compare the average income to the appropriate frequency in the WIC Income Guidelines.
 - 3. When there is more than one pay frequency, use income average to convert to an annual amount. Convert all other household members to an annual amount. Compare to the annual WIC Income Guidelines.
Example: Ann is paid weekly and her pay varies. Her husband is paid \$2035.18 a month. Ann's last 2 checks were \$234.03, \$152.25.
 $234.03 + 152.25 = 386.28 / 2 = \193.14 Ann's avg. weekly amount.
 $193.14 \times 52 = 10,043.28$ (Ann's annual amount)
 $2035.18 \times 12 = 24,422.16$ (Husband's annual income)
 $10,043.28 + 24,422.16 = \$34,465.44$ (this annual amount is compared to the WIC Income Guidelines). If the annual guideline for this household size is 34,465, the family is *over* the income limit and is not WIC income-eligible because the income is over by 44 cents.
 - C. Self Declaration: An applicant or a parent/guardian applying on behalf of a child, who may be a victim of theft, loss, or disaster and do not have a source of income shall complete a Self-Declaration form. This form shall be filed In the client's record.

Nutrition Services
Department of State Health Services

Effective October,1 2013

Policy No. CS:07.0

- D. For the following exceptions –convert all household income to an annual amount and compare to the annual amount in the WIC Income Guidelines. Record all annual amounts under “different pay frequencies/Annual” column on the WIC-35.
1. Unpaid leave status: (e.g., Family Medical Leave Act (FMLA) or persons on strike) Employed persons on unpaid leave status at the time of application shall be required to bring in the most recent paycheck stub prior to leave status. If the gross amount on the check stub is not reflective of true income, it is best to determine the average of the previous earnings. As the employee is expected to return to work, income must be projected for the remainder of the year.
Example: Paid status 9 months x \$1000/month(\$9000)
+Unpaid leave 3 months x \$0/month(\$0)
= \$9000
 2. Reduced pay leave status:
Current documentation of regular and reduced pay shall be provided. Take the reduced rate of pay and multiply by the number of months on reduced pay. Add the remaining months in the year at regular pay.
Example: Reduced Pay 4mo. X \$400/mo.(\$1600)
+Regular Pay 8mo. X \$800/mo.(\$6400)
= \$8000
 3. Teachers who are paid on a 10-month basis: Use the gross annual salary of the teacher as their income.
 4. College students who only work during the summer months and/or their school breaks: Use the gross annual salary of the student as their income.
- V. Income eligibility of migrants:
- A. Certain instream migrant families with an expired Verification of Certification (VOC) shall be considered income eligible if income eligibility was determined within the previous 12 months. The

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Effective October,1 2013

Policy No. CS:07.0

- date the migrant family's income was last determined shall be documented on the Family Certification Form (WIC-35).
- B. The income eligibility of migrant families who are not instream, defined as migrant farmworkers at their home base, shall be determined and documented on form WIC-35 at each certification.
- VI. To assess the income eligibility of an unemployed person (whether the person quit, was fired, or experienced a lay-off) all amounts of financial support received from any of the sources listed in this policy shall be determined and appropriate documentation obtained. If the income assessment is being done prospectively (e.g. the sole support of the family was laid off and was authorized to receive unemployment benefits for the next six month) "current (refers) to income that will be available to the family in the next 30 (days). If the person is living off their savings refer to II. G. of this policy.
- VII. Income eligibility of pregnant women: Refer to **Policy CS:10.0**, Economic Unit for Income.
- VIII. The LA has no responsibility to monitor the continued income eligibility of the participant during the current WIC certification period.
- IX. Participants are not required to report income changes within certification periods nor are LAs required to inquire about such changes. However, if information is provided by any party during a certification period, which suggests ineligibility due to income, a reassessment of program eligibility shall be conducted during the certification period unless the information concerns possible program fraud or abuse. When fraud or abuse is suspected, refer to Policy GA:12 for instructions on reporting to the state agency. Reassessments are not required when there are 90 days or less before the expiration of the certification period. If the individual is determined ineligible, the LA shall disqualify the individual and any other family members participating in WIC at the time of the reassessment.

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Effective October,1 2013

Policy No. CS:07.0

- A. Some examples of situations which trigger a mandatory reassessment by the LA include:
 - 1. family member certified and income or adjunctive income eligibility has changed;
 - 2. an increase in income reported by a participant;
 - 3. a change in custody and/or household size and/or
 - 4. A complaint alleging ineligibility.
 - B. WIC staff should contact the individual to bring documentation of their continued income or gateway eligibility to their next appointment.
 - 1. if the individual fails to bring the proof of income or participation in the gateway program, the individual and other family members participating in WIC at the time of the reassessment shall be disqualified from the Program. Refer to CS:23.0 Notification of Ineligibility, Termination or Expiration of Eligibility.
 - C. If the individual is income eligible through adjunctive eligibility, refer to **Policy CS: 08.0**.
 - D. Refer to **Policy GA: 12.0** for instructions on handling citizen complaints about a participant's eligibility.
 - E. Refer to **Policy CR: 03.0** for guidance on a participant's right to appeal any decision, which results in the denial, disqualification, or termination of their right to participate in the Program.
 - F. LA staff shall provide written notification of termination to participant(s) found ineligible. Refer to **Policy CS: 23.0** for instructions.
-
- X. Special Circumstances for income eligibility of a military family when parent(s) is deployed during times of crisis or on temporary assignment.
 - A. Military personnel absent (e.g., deployed overseas) shall be counted as members of the household.
 - B. Whenever possible, a recent (within the past 120 days) Leave and Earnings Statement (LES) shall be obtained as documentation of the soldier's contribution to the household's gross income. If the funds are direct deposited into a bank

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Effective October,1 2013

Policy No. CS:07.0

- account in lieu of having an LES statement, request a bank statement from the applicant. The applicant shall document the amount of gross income. The statement shall be signed by the applicant/parent/guardian and include a statement explaining why he/she cannot provide documentation of income.
- C. Income exclusions when parent(s) is deployed:
1. Basic Allowance for Housing (BAH), Family Separation Housing (FSH), and Overseas Housing Allowance (OHA).
 2. Cost of Living Allowance (COLA) only if the military person resides outside the continental United States.
 3. Family Subsistence Supplemental Allowance (FSSA) payments to members of the Armed Services provided by the Department of Defense under the provisions of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006.
- D. Other types of Entitlement pay, including, but not limited to Combat Pay and Hostile Fire Pay, can be excluded from income. The pay:
- a) Must have been received in addition to basic pay
 - b) Must have been received as a result of deployment to or service in an area that is designated a combat zone
 - c) Must not have been received prior to deployment
- E. The Local Agency needs to explore the circumstances under which military service personnel is receiving each additional allowance in order to decide if they should include or exclude the payment. The requirements above, XI.D., need to be met.
1. Additional temporary compensation including, but not limited to Front Line Pay received shall be averaged. Determine the average by dividing the total pay by 12 months.
Example: Front Line Pay is \$200/month, received for past 5 months. \$1000 (\$200 X 5 months) is divided by 12 = \$83.33 month. Add \$83.33 to monthly income.
 2. New money that is received once per year, including but not limited to Clothing Allowance and Enlistment Bonus

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Effective October,1 2013

Policy No. CS:07.0

shall be averaged. Divide the total amount by 12 for an average.

Example: Clothing allowance is \$2000. Divide by 12 = \$166.67. Add \$166.67 to monthly income.

- F. When children are in temporary care of friends or relatives due to military parents being deployed or on temporary assignment:
 - 1. Financial support is being provided by the military parents:
 - a. When the LESs are available, parents and children are a separate economic unit (SEU) within the household of the temporary caretaker. Income is assessed for the SEU.
 - b. When LESs are unavailable, the source of financial support for the children determines the documentation necessary.
 - i. If financial support is being provided by the military parents, the children will be considered an SEU with income in the amount provided for their care. Written documentation from the caretaker should designate the amount received from the military parents, either in a letter or written note or in LES statements when available.
 - ii. If the caretaker holds a credit card for necessary expenses or has access to direct deposited funds, have the caretaker declare the amount being used to care for the child(ren). The child(ren) will be considered a separate economic unit with income in the amount declared.

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Effective October 1, 2013

Policy No. CS:14.0

**Completion of the WIC Income Questionnaire and the
Family Certification/WIC Program Income Screening Form**

Purpose

To provide instructions on completing the WIC Income Questionnaire (WIC-35-3) and the Family Certification/WIC Program Income Screening Form (WIC-35).

Authority

State Policy

Policy

The WIC Income Questionnaire (WIC-35-3) shall be utilized to document the applicant's sources of income. The Family Certification/WIC Program Income Screening Form (WIC-35) shall be utilized to record applicant and household information. These forms shall be maintained on file in the participant's or family's record, as determined by the Local Agency (LA).

Procedures

- I. The WIC Income Questionnaire (WIC-35-3) shall be used to document all sources of income or adjunctive income eligibility and shall be completed by the applicant or parent/guardian.
 - A. The WIC Income Questionnaire shall be completed prior to determining income eligibility.
 - B. All questions within the applicable section shall be answered by marking either the "Yes" or "No" box.
 - C. The question, "All the information provided reflects my usual gross household income (before deductions)," shall be marked "Yes" in order to use the information provided as verification of household income.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective October 1, 2013

Policy No. CS:14.0

- D. The applicant's or parent's/guardian's printed name, signature and the date are required each time income is screened, at certifications and income reassessments.
 - E. If an applicant's or parent/guardian's income is screened within 30 calendar days of their last income screening date, the participant or parent/guardian may use the same WIC Income Questionnaire form in lieu of completing a new one. If the same form is used, he/she shall sign and date near the previous signature and date.
 - F. When the applicant or parent/guardian makes changes/corrections, they should initial near change/correction.
- II. The LA shall use the Family Certification/WIC Program Income Screening Form (WIC-35) to record all required applicant information.

Side 1 - **Family Certification Form:**

- A. Primary Account Number (PAN): Primary Account Number (PAN) may be recorded.
- B. Name of Applicant or Parent/Guardian #1 and #2: Record the last, first, and middle name(s) if available. This person(s) shall be the food instrument recipient. When the applicant or parent/guardian provides written authorization for another adult to attend the certification appointment, the individual should be listed as Parent/Guardian #2.
- C. Social Security Number: Record the social security number for the applicant or each parent/guardian, if available. Written proof is not required. Refer to Policy CS: 13.0 for further information.
- D. Date of Birth: Record the date of birth of the Applicant or Parent/Guardian #1 and Parent/Guardian #2, if applicable. If the applicant completes this section, confirm that the month and date were recorded in the correct order (e.g., 06-12-1980 is June 12, 1980, not the 6th of December, 1980). Make sure the year of birth is four digits, such as "06-12-1980."
- E. Sex: Indicate if the Applicant or Parent/Guardian #1 and Parent/Guardian #2, if applicable, is Male (M) or Female (F) by placing a check in the appropriate box.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective October 1, 2013

Policy No. CS:14.0

- F. Identification Method:
 - 1. Record the two digit number corresponding to the type of identification presented by the applicant or parent/guardian in the "P/G #1" box and "P/G #2" box, if applicable. For example, the "P/G #1" presented a driver's license as proof of identification. Enter "05" in the box marked "P/G #1".
 - 2. If "Other" is selected, document the type of identification method.
- G. Language: Check or circle the two-letter code for the language preferred/spoken by the applicant or parent/guardian. If the individual is bilingual, the LA may document this by checking or circling both languages. However, the Texas WIC Information Network (TWIN) will accept only ONE code.
- H. Out-of-State Transfer: If the family is transferring from out of state, check Yes (Y) otherwise, check No (N).
- I. Mailing Address: Enter family's mailing address (street, apartment #, if applicable, city, zip code).
- J. Residence Address: Complete this field in the following cases:
 - 1. residence address differs from the mailing address; or
 - 2. mailing address is a P.O. Box.
- K. Residency Method: Check or circle the two digit number corresponding to the type of residency proof presented in the box. For example, "P/G #1" presented a rent receipt as proof of residency. Check or circle "02" for "Rent Receipt/Rental Agreement." If a gateway program is used for documentation, check "03" for business letter. (See Policy CS:06.0.)
- L. Census Tract: Optional field.
- M. Telephone number: Record the family's daytime phone number including the area code and telephone extension, if applicable.
- N. Contact: Record the name of the person who shall be contacted at the indicated telephone number if different from the applicant or parent/guardian (e.g., neighbor or relative).
- O. Gateway
 - 1. Check or circle one appropriate initial corresponding to the type of gateway participation presented by the family, if

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Effective October 1, 2013

Policy No. CS:14.0

- applicable. For example, Medicaid is presented. Check or circle "M" for Medicaid.
2. Participation in the Women's Health Program is documented under the Medicaid option.
- P. Gateway Income Method: (If this field is completed, "Non-Gateway Income Method" shall not be completed.)
1. Check or circle the appropriate number for the type of form presented, if applicable, for proof of gateway participation. For example, Your Texas Benefits Card (YTBC) is presented. Check or circle "16" for YTBC. When YTBC is presented, staff shall verify current Medicaid eligibility (see policy CS:08.0 Procedures I.B.2.) and complete the Gateway Verification section of the WIC-35.
 2. If "Other" is appropriate, enter "phone," "on-line," "automated" or any other form name/number not listed on the WIC-35 in the blank and check or circle "27" for "Other." If phone or automated verification is indicated, the name of the person contacted for phone verification or the phone number used to verify eligibility of gateway participation shall be recorded on side 2 under Gateway Verification (see III.A.3. in this policy).
- Q. Non-Gateway Income Method: (If this field is completed, the "Gateway Income Method" shall not be completed.) Check or circle the appropriate number that reflects the highest amount of income, if applicable, as income documentation. For example, a client presents paycheck stubs showing a monthly income of \$1,215 and a copy of her monthly child support check for \$150, check or circle code "01" for paycheck stubs since the income received from employment is her highest amount of income.
- R. Income Clerk User I.D.: Enter the TWIN system user ID.
- S. Date: Enter the date income eligibility was determined only if different from the date applicant was found to be eligible/ineligible to receive program benefits. The year shall be a four-digit number such as "02-28-2007."
- T. Family (Household) Size: Record the two digit number for the family size, such as "01" or "02."

Nutrition Services Department of State Health Services

Effective October 1, 2013

Policy No. CS:14.0

- U. Monthly Income:
 - 1. Record the household's total gross monthly income from Side 2. Record the dollar amount excluding the cents (do not round up or down).
 - 2. For those applying as adjunctively income eligible ask for a verbal declaration of the household's total gross monthly income and record the amount.
 - V. Indicators Y/N: Place a check in the appropriate reply box, Yes (Y) or No (N), for Foster child which includes all DFPS placements, Migrant, Military family, and Homeless family.
 - W. Comment: This area is provided for any additional comments.
- III. Side 2 **WIC Program Income Screening**. LA staff may complete side 2 before completing side 1. If an applicant is found income ineligible, completion of side 1 is not required.
- A. For applicants applying as adjunctively income eligible, only the following is required:
 - 1. applicant's, parent's/guardian's, or authorized adult's signature and date;
 - 2. staff signature, title and date; and
 - 3. applicant's gateway client identification (ID) or case number; and
 - 4. phone, automated or online gateway verification for adjunctive eligibility, if applicable. Select "By Phone", "Automated" or "Online" if one of these methods is used to verify gateway eligibility. Enter the name of the contact person verifying adjunctive income eligibility. If an automated system is used, record the phone number used to obtain verification.
 - B. For applicants not using adjunctive eligibility, the following shall be completed.
 - 1. Household Members:
 - a. Applicant or Parent/Guardian (P/G)#1: Record the Applicant or Parent/Guardian applying for benefits for themselves or on behalf of a child

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Effective October 1, 2013

Policy No. CS:14.0

- b. P/G #2: If another parent/guardian is a member of the household (for example, a spouse), record that person's name as "P/G #2."
- 2. Participant #1, Participant #2, Participant/Other:
 - a. Record all other applicants/participants starting with Participant #1 and Participant #2, and utilizing the spaces for Participant/Other as needed. Record the names of all other non-applicant members of the household in the Participant/Other spaces. All household members shall be listed even if separate economic unit (SEU) is identified.
 - b. Date of Birth (D.O.B.): Record the date of birth for each individual listed under Household Members. Written proof is not required.
 - c. Social Security #: Record the social security number for each applicant and household member, if available. Written proof is not required. See Policy CS:13.0, for further information.
 - d. Employer's Name and Address and/or WIC Form Number: Record the employer's name and physical address or city where located for each employed household member. If a WIC form was used, document the WIC form number. Written proof is not required for employer's name/address.
 - e. Different pay frequency/Annual: Calculate the annual income for the household members when the sources of income are on different pay frequencies. Refer to policy CS:07.0 for additional information on income.
 - f. Same pay frequency: Record the income for the household members when the sources of income are on the same pay frequency. Refer to policy CS:07 for additional information on income.
 - g. SEU : Refer to Policy CS: 10.0 for the criteria for separate economic unit (SEU). If the applicant is identified as a SEU, place a check mark in the SEU

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Effective October 1, 2013

Policy No. CS:14.0

- column for those individuals who are members of the SEU. Add the gross income entries together for these individuals and record the total.
- h. Annual Total or Total (#1): Add the income entries from the appropriate column and record the total. Visually compare the total from the different pay frequency or same pay frequency column to the WIC Income Guidelines.
 - i. Meets income guidelines (#1a): After visually comparing and confirming the applicant meets the WIC Income Guidelines, place a check in the appropriate reply box, Yes or No.
 - j. Monthly Income (#2): Divide the total by 12 months and record the monthly income. The monthly income shall only be entered in TWIN when the applicant is eligible.
 - k. For WIC Staff Use Only: Check the SEU box if the applicant qualifies as a SEU.
 - l. Income Checked by/Staff Signature, Title and Date: The LA staff completing the screening shall sign (not initial), write his/her title and date the form using his/her standard/official signature and own handwriting.
 - m. Applicant's or Parent's/Guardian's or Authorized Adult's Signature and Date: The applicant, parent/guardian, or authorized adult shall sign (not initial) and date the form in his/her own handwriting. Per Policy CR:07.0, families with special health care needs may authorize another adult to attend the initial certification or sub-certification; therefore, the authorized adult shall sign and date the form. Authorized adults for other participants can only attend sub-certifications and shall sign and date the form at that time.

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Effective October 1, 2013

Policy No. CS:14.0

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- IV. A WIC-35 and WIC-35-3 form shall be used to document income. The forms shall be easily accessible for audit/review.
 - A. When certification records are not kept in family folders, a notation shall be made in each individual's folder (without WIC-35s and 35-3s) indicating in which family member's folder the forms are filed. For example: "See Mary Smith's (mother's) folder for WIC-35."
 - B. Income shall be documented each time a household member is certified (except for instream migrants). If income has been documented for one household member within the last 30 calendar days, it may be used for other household members being certified within that 30-day period. WIC staff and the applicant or parent/guardian shall sign and date near the original signature on the forms. The dates should be within 30 calendar days of each other. The 30-day period does not apply to applicants who were adjunctively income eligible (refer to Policy CS: 08.0)

 - V. The client shall be offered the opportunity to read or have read to them the section on side 2 of the WIC-35 regarding the provision of information to the WIC Program, the verification of such information, and dual participation. If the client does not understand, the information shall be explained to the client.

 - VI. LAs shall retain copies of applicants'/participants' WIC-35 and WIC-35-3, and the document(s) provided as proof of income in order to assist in the prevention of Program fraud and abuse. Copies of income document(s) are only required for applicants not adjunctively income eligible. These document(s) may be attached to the WIC-35 and shall be kept in the client's file. LA staff shall not make copies of identification and residency documents for the participant's file.

 - VII. Refer to Policy CS: 23.0 for the documents and forms required to maintain on file when an applicant is found ineligible.

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Effective October 1, 2013

Policy No. CS:14.0

Guidelines

For more information on completing the WIC Income Questionnaire (WIC-35-3), refer to the "WIC Income Questionnaire Questions and Answers" and the "WIC Income Guide" on the web at <http://www.dshs.state.tx.us/wichd/tng/resources.shtm>.

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Policy No. CS:22.0

Completing the Supplemental Information Form

Purpose

To legally document notice of eligibility, release of client information, and applicant/participant rights and obligations, and compliance with the National Voter Registration Act (NVRA) of 1993.

Authority

7 CFR Part 246.7(h)(7)

Policy

Local agencies (LAs) shall use the Supplemental Information Form (SIF), to document appropriate notification of eligibility, release of information, rights, and obligations and provide applicants/participants the opportunity to register to vote.

In accordance with Policy GA: 19.0, LA staff shall provide pregnant, breastfeeding and postpartum applicants/participants with Opportunity to Register to Vote NVRA at each certification. Adult parents/guardians applying on behalf of a child may receive Opportunity to Register to Vote NVRA and shall be offered a voter registration application.

Procedures

- I. At each certification, participants and parents/guardians/caretakers applying on behalf of a child shall be offered the opportunity to read, or have read to them, the Supplemental Information Form (SIF). The parent/guardian shall attend the initial certification appointment. - Refer to policy CR:07.0 for accommodations for families with special health care needs.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

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Policy No. CS:22.0

- A. **Rights and Responsibilities of a WIC Participant.** This section is to inform participants of their rights and obligations on the WIC Program (refer to Policy CR: 01.0).
- B. **Required Signature Statement.**
 - 1. The LA staff shall provide the Welcome to WIC and the WIC EBT Card brochure (stock # 13-3) and Keep Your Family Healthy flyer (stock #13-06-12894), which includes the following USDA required information for each participant:
 - a. The purpose of the WIC Program is to provide nutritional support (i.e., education and strategies for a healthy diet, supplemental foods, referrals and breastfeeding promotion and support, during critical times of growth and development, to improve health and achieve positive health outcomes).
 - b. The nutrition assessment process is necessary to identify nutritional needs (e.g., medical conditions, dietary practices) and interests so that WIC can provide benefits that are responsive to the participant's wants and needs.
 - c. The relationship between WIC staff and the participant is a partnership – with open dialogue and two-way communication – working to achieve positive health outcomes.
 - d. WIC food benefits are prescribed for the individual, to promote and support the nutritional well-being of the participant and to help meet the recommended intake of important nutrients or foods.
 - e. The food provided by the Program is supplemental, and is not intended to provide all of the participant's daily food requirements.
 - f. Each participant must reapply at the end of the certification period and be reassessed for Program eligibility.
 - 2. After the applicant or parent/guardian/caretaker has been given the opportunity to read or have read to her/him the

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Effective October 1, 2013

Policy No. CS:22.0

Rights and Responsibilities and Required Signature Statement, the applicant or parent/guardian/caretaker shall sign and date under 2. Required Signature Statement on the line designated as "Signature of applicant*/parent/guardian/caretaker."

- a. The SIF is a legal document. All signatures and dates on the form shall be made by the signing party in his/her own handwriting.
- b. A date stamp shall not be used, and initials shall not be used unless initials constitute the individual's official signature.
- c. The signature date shall reflect notification of eligibility within the appropriate processing timeframe (refer to Policy CS: 02.0).
- d. The signature of an additional parent/guardian/caretaker, who will also be a food benefit recipient, should be obtained if present during the certification. If the additional parent/guardian/caretaker signs the form at a later date than when eligibility was determined, that date shall be recorded next to the signature.
- e. Under extreme and unusual circumstances, a parent/guardian can provide authorization for another adult to be a food benefit recipient at an infant or child certification (e.g., parent/guardian is in the hospital, working parent not able to attend appointment). The parent/guardian shall
 1. Write a note providing authorization including their signature.
 2. Complete the WIC Income Questionnaire (WIC-35-3) with their signature and provide all documents required for income screening.
- f. If a change in custody has occurred during a certification period, the new guardian shall complete and sign a new SIF. Income must be reassessed unless there are 90 days or less before the

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Effective October 1, 2013

Policy No. CS:22.0

expiration of the certification period. For foster children, refer to Policy CS: 11.0.Certification of Foster Children.

- g. Eligible infant and/or child applicant/participant names shall be documented under "WIC Eligible Infants and Children." The form allows for five names. If additional children are eligible, a second form shall be completed (including the section on sharing information with the THSteps Program) and signed. Completing the NVRA is not required on the second form.

C. Physically present:

LA staff shall document the physical presence of an applicant/participant on the SIF by checking the "Yes" or "No" box (refer to Policy CS: 04.0 for the criteria and requirements for waivers when not physically present).

- 1. Infants less than one month old may be certified without being physically present; however, the infant shall be presented to WIC staff by the infant's six week birth date.
 - a. All required documentation shall be presented at the certification.
 - b. The date the infant was presented shall be documented in the "For WIC Official Use Only" section. The staff person witnessing physical presence shall enter their initials next to the date the infant was presented to WIC.
- 2. Pregnant, breastfeeding and postpartum applicants with special healthcare needs may be certified without being physically present (refer to Policy CR: 07.0). If determined eligible, an adult acting on behalf of the pregnant, breastfeeding or postpartum woman shall sign the Required Signature Statement in section 2. on the SIF and enter the pregnant, breastfeeding or postpartum woman's name below their signature.

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Effective October 1, 2013

Policy No. CS:22.0

- D. **For WIC Official Use Only.** This section is for the Certifying Authority's (CA) or WIC Certification Specialist's (WCS) signature. The CA or WCS shall sign and date the form as the designated WIC official authorized to certify participants. The staff member's title shall be included (abbreviations are acceptable, e.g., CA, RD, WCS). By signing the SIF, the WIC official attests to the accuracy of determination of eligibility. This form is a legal document (see signature and date requirements under I.B.2. in this policy).
- E. **Shared WIC Participant Information.** This section refers to the release of participant information to programs the Commissioner of the Texas Department of State Health Services has authorized to receive information for specified purposes.
1. For programs listed as 3. a., b., and c. on the SIF, applicants and parents/guardians/caretakers do not have the option of declining to permit information sharing if they decide to participate in the WIC Program.
 2. For the Texas Health Steps (THSteps) Program, listed as 3.d. on the SIF, applicants and parents/guardians/caretakers have the option to disclose or decline to share information and shall place a mark in the appropriate box on the form. If the participant declines to disclose their information, LA staff shall check "99" under the "Referred To" on the Health Care/Referral section of all Participant Forms (WIC-36 through 41) of all family members being certified.
- II. **Opportunity to Register to Vote NVRA** At each certification, LA staff shall have pregnant, breastfeeding and postpartum applicants/participants read and complete the section titled "Opportunity to Register to Vote." Each LA will determine when to offer the voter registration services during the application process. Refer to Policy GA: 19.0 for the criteria and instructions on completing the Opportunity to Register to Vote and compliance with the National Voter Registration Act of 1993. Adult parents/caretakers applying on behalf of a child, are not required to complete the "Opportunity to Register to

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Effective October 1, 2013

Policy No. CS:22.0

Vote" section; however, they shall be offered a voter registration application. These procedures apply to both eligible and ineligible persons.

- III. If a new family member is added, the same SIF form can be used within 30 days. For the Sharing of Information with THSteps Program, the parent/guardian/caretaker will initial by the box that they originally checked off. The parent/guardian/caretaker and staff shall sign and date by original signatures on both the SIF portions of the form where applicable. The new family member's name shall be added where applicable.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

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Policy No. GA:14.0

Staffing Standards

Purpose

To ensure the delivery of quality services meet the needs of WIC participants.

Authority

State Policy

Policy

Each local agency (LA) shall ensure that qualified nutrition professionals are available to provide WIC services.

Procedures

- I. Each LA shall name a WIC Director as the person responsible for the overall day-to-day operation of the local WIC Agency.
Responsibilities of the WIC Director include:
 - A. Ensuring that appropriate planning, development, implementation and evaluations are completed to comply with the State Agency (SA) WIC policies and procedures.
 - B. Complying with the training requirement outline in Policy TR 2.0 Orientation/Training of LA WIC Directors.

- II. Each LA shall employ or contract with a registered or licensed dietitian (RD, LD or RD/LD)
Dietitians shall be employed according to the following staffing standards:
 - A. Local agencies with less than 3,000 participants are required to have an RD, LD or RD/LD consultant(s) providing a minimum of 12 hours consultation per month.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective October 1, 2013

Policy No. GA:14.0

- B. Local agencies with 3,000 -6,000 participants are required to have an RD, LD RD/LD consultant(s) providing a minimum of 24 hours consultation per month.
 - C. Local agencies with more than 6,000-10,000 participants are required to have an RD, LD or RD/LD consultant(s) providing a minimum of 48 hours consultation per month.
 - D. Local agencies with more than 10,000 participants are required to have, at a minimum, one Full Time Equivalent (FTE) RD, LD or RD/LD.
- III. Each local agency shall employ one FTE nutritionist (refer to Policy CS:15.0 Certifying Authority for the definition of a nutritionist).
- A. Local agencies with more than 10,000 participants are required to have one FTE nutritionist per 10,000 participants.
 - B. The full-time dietitian may also serve as a full-time nutritionist.
- IV. Local agencies with only one certifying authority (CA) on staff shall have a written contingency plan for CA back-up coverage. Refer to policy CS:15.0 for the definition of a CA. Refer to GA 20.0 Staff Fraud and Abuse for requirements on separation of duties.
- V. Each LA shall select one staff member to be their primary Designated Breastfeeding Expert (DBE). LAs can have as many secondary DBEs as desired. Designated Breastfeeding Experts – are International Board Certified Lactation Consultants (IBCLCs) or trained staff who are working towards IBCLC designation who assist moms and infants with breastfeeding issues beyond the scope of practice of other staff.
- A. IBCLCs are the most highly trained breastfeeding experts and are the most appropriate professional to be assigned as the primary DBE.
 - B. Trained staff working towards IBCLC designation can also be selected as the primary DBE, such as:
 - 1. The LA Breastfeeding Coordinator
 - 2. A Department of State Health Services (DSHS) Trained Breastfeeding Educator (TBE) or comparable, as defined by

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective October 1, 2013

Policy No. GA:14.0

Policy BF:02.0, Procedure A. Training shall be completed within one year of employment.

3. Personnel with hospital experience in helping mothers learn to breastfeed and helping breastfeeding mothers in challenging situations, such as a nurse with former labor and delivery or postpartum experience. This person shall complete TBE training within one year of employment or designation.
 - C. All non-IBCLC primary DBEs shall receive annual continuing education in lactation (L-cerps) and primary non-IBCLC DBEs shall be encouraged to strive to meet qualifications needed to sit for the International Board of Lactation Consultant Examiners exam (see www.iblce.org).
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- VI. Each LA shall employ at least one Breastfeeding Peer Counselor to increase breastfeeding rates by use of peer influence and to assist in breastfeeding counseling in normal breastfeeding situations.
 - VII. LAs that are unable to meet the staffing standards shall request a waiver that includes justification regarding the inability to meet the staff standards. The request shall be submitted in writing to the Clinic Services Liaison.
 - VIII. LAs obtaining a waiver from the SA Clinic Services Liaison shall have a written plan for providing high-risk individual counseling. Please refer to Policy CS:21.0 Referral to Health Care Services.

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

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Guidelines

Resources:

- I. Contact a local or regional hospital dietitian.
- II. Advertise in local or regional newspapers/newsletters.
- III. Advertise at area universities or community colleges.
- IV. Post a job for a nutritionist, RD or LD at:

Department of State Health Services – Texas WIC Program
<http://www.dshs.state.tx.us/wichd/default.shtm>

USDA WIC Works – Resource System
<http://wicworks.nal.usda.gov/wic-talk>

Academy of Nutrition and Dietetics
<http://www.eatright.org/>

Texas Academy of Nutrition and Dietetics
<http://www.nutrition4texas.org/home.asp>