



Memorandum

#09-118

TO: Regional Medical Directors for
Health Service Regions 4/5, 6 & 5 South, 9/10 and 11
WIC Local Agency Directors

FROM: Mike Montgomery, Section Director
Nutrition Services Section

DATE: August 21, 2009

SUBJECT: Policy Memo: Revised Policies: *FD:12.0, Food Packages; FD:13.0, Issuance of Contract Standard Formulas; FD:15.0, Issuance of Ready to Feed Formula; FD:16.0, Issuance of Formulas and Nutritional Products Requiring Medical Documentation; FD:17.0, Issuance of Food Packages with Soy Foods and Gluten Free Cereal; FD:19.0, Management of Returned Formula and Medical Nutritional Products; and FD:20, Allowable Foods.*

The subject policies were revised with an effective date of October 1, 2009. The policies will be available for download on October 1, 2009 from the WIC online policy manual at:

http://www.dshs.state.tx.us/wichd/policy/idx_policy.shtm. Advance copies are attached to this memo.

These policy changes, with the exception of *FD:20.0, Allowable Foods*, will be presented in the New Food Rules Texas WIN Training. *FD:20.0* will be covered through IDL training on allowable foods. There will also be additional IDL trainings in October that will further address the policy changes.

If you have any questions, or require additional information, please contact the following persons:

For policies *FD:12.0 and FD:20.0*, please contact Paula Kanter, Nutritionist, at (512) 341-4574 or email Paula.Kanter@dshs.state.tx.us.

For the other policies, please contact Liz Bruns, Training Specialist, at (512) 341-4585 or email Elizabeth.Bruns@dshs.state.tx.us or Sandra Brown, Program Specialist, at (512) 341-4576 or email Sandra.Brown@dshs.state.tx.us.

Attachments

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Effective October 1, 2009

Policy No. FD: 17.0

**Issuance of Food Packages with Soy Foods and
Gluten Free Cereal**

Purpose

To ensure that Texas WIC participants receive the supplemental foods which meet their nutritional needs.

Authority

7 CFR Part 246.10; State Policy

Policy

WIC participants may be issued soy milk, tofu and/or gluten-free cereal for conditions outlined in this policy.

Procedures

- I. Soy Food Packages
Packages with soy milk and tofu require a prescription for children. Refer to WIC Policy FD: 16.0 for prescription requirements. The Texas WIC Medical Request for Formula/Food form (stock # F13-06-13152) must be completed before issuing soy packages to children. For children under two years of age, soy follow up formula may be provided with a prescription. Contract soy follow up formula is preferred and shall be trialed prior to approval of a non-contract soy formula.
 - A. Qualifying conditions for issuance of the soy package include: milk allergy, lactose intolerance, and vegan diets. The soy packages shall not be issued to children solely for preference.
 - B. A prescription for soy foods is required at each certification for children. A prescription for soy foods is not required for women. A verbal prescription is acceptable; however, it must be followed up with a written prescription within two weeks. If a participant transfers to another clinic or local agency, the gaining clinic shall request a copy of the original prescription from the losing clinic to file in the

participant's chart. If this is not available, a new prescription shall be obtained.

- C. Lactose-free milk package shall be offered before offering the soy package to children for lactose intolerance. Medical documentation is not required to issue lactose-free milk.

II. Gluten-free Cereal Packages

The gluten-free cereal packages require a prescription for children and women. Qualifying conditions for issuance include: celiac disease, gluten enteropathy, or other medical conditions. The gluten-free cereal package cannot be issued solely for participant preference. See I.B. above for prescription requirements.

- III. The Certifying Authority (CA) should use professional judgment when there are omissions or discrepancies in the medical documentation provided, nutritional assessment and parent/caretaker requests. For example, the assessment reveals that the participant has a milk allergy, but the medical request form does not indicate to omit milk. In this case, the CA should use professional judgment and refuse milk in the food package.

Communication with the healthcare provider (HCP) is recommended when omissions/discrepancies/HCP requests are not in compliance with policy or appear to be inappropriate for the participant.

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Effective October 1, 2009

Policy No. FD: 16.0

**Issuance of Formulas and Nutritional Products
Requiring Medical Documentation**

Purpose

To ensure that Texas WIC participants receive the formulas, medical nutritional products and supplemental foods which meet their nutritional needs.

Authority

7 CFR Part 246.10; State Policy

Policy

WIC participants may be issued non-contract formula for valid medical conditions when the use of WIC contract formula is contraindicated.

Definitions

Formula(s) - The term "formula(s)" used throughout this policy refers to all contract and non-contract formulas, including standard milk-based, soy-based and lactose-free formulas, nutritional beverages, additives such as human milk fortifiers and modular products, nutritional supplements and medical nutritional product(s).

Health Care Provider (HCP) —Also referred to as "prescriptive authority"; a medical professional who may legally diagnose medical conditions and prescribe. In Texas, prescriptive authorities are: medical doctors (M.D.), doctors of osteopathy (D.O.), physician's assistants (P.A.), and nurse practitioners (N.P.).

Medical Home - A health care professional or health care clinic that provides comprehensive medical care. Comprehensive care includes care of patients with illnesses and injuries, well-child exams, immunizations, and referrals for specialty care.

Approval Authority - Designated agency staff who are authorized by criteria outlined in this policy to approve specific levels of formula; i.e., L.V.N., R.N., L.D., R.D., Nutritionist, and other Certifying Authorities (C.A.) as specified in policy CS: 15.0 Certifying Authority. WIC Certifying Specialists (WCS's) may not function as formula approval authorities.

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Exempt Formula - Therapeutic formula intended and labeled for use by individuals with specific medical and/or dietary conditions.

Non-Exempt Formula – A routine formula labeled for use by full term, generally healthy infants or toddlers. Such formulas include milk-based, soy-based, lactose-free, added rice starch, and/or toddler follow up varieties.

Medical Foods - Certain products that are specifically formulated to provide nutritional support for individuals with a qualifying condition, or when the use of conventional foods is precluded, restricted, or inadequate (e.g., Pediasure).

Prescription(s) - For simplicity throughout this policy, this term refers to required medical documentation needed to approve formula.

Procedures

- I. General requirements for the issuance of non-contract formula. The CA or WCS must tailor the food package to provide the type and amount of formula and supplemental foods most appropriate for the participant based on the prescriptive authority's documentation.
 - A. Prescription requirements
 1. Issuance of any non-contract formula requires the following information:
 - a. name of participant;
 - b. name of formula, including amount needed per day and/or
 - c. authorized prescribed and/or supplemental foods and their amounts (see IV. for maximum amounts);
 - d. length of issuance (number of months requested);
 - e. medical diagnosis or reason(s) for which formula or food is prescribed;
 - f. contact information of the prescriptive authority;
 - g. signature of the prescriptive authority (Signature stamps are acceptable);
 - h. date prescription was written;
 - i. release of information - If the participant or parent/guardian is available, have them sign this section of the appropriate State Agency (SA) developed Texas WIC Medical Request for Formula/Food form (stock # F13-06-13152). This signature is needed only if WIC is contacting the health care provider.

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2. Prescriptions shall only be accepted and evaluated when written on the appropriate SA developed Medical Request for Formula/Food prescription forms. Local agency (LA) developed forms shall not be utilized.
 3. When a prescription is received that is written on a different form or requires additional information, clarification, discussion etc. and the prescriptive authority cannot be reached, call the SA formula pager at (512)-499-6814 for assistance.
 4. Faxed, electronic, and verbal prescriptions are acceptable. Verbal prescriptions must be documented and are valid for one month's issuance. Verbal prescriptions shall be followed up by a written prescription within 2 weeks. Verbal prescriptions must include the same information as written prescriptions. To expedite the process, CAs may transcribe the verbal prescription on to the Texas WIC Medical Request for Formula/Food form and fax the form to the HCP for signature. Copies of written and electronic prescriptions must be available in the participant's record.
 5. Incomplete written prescriptions shall be followed up with a phone call by a CA to the HCP to obtain any missing information provided the prescription has the signature/signature stamp of the prescriptive authority. Missing information shall be documented.
- B. Formula approval requirements
1. Medical documentation (prescription form) provided by the HCP.
 2. Nutritional assessment - The following information shall be included in an assessment and considered for formula approval:
 - a. medical diagnosis or reason(s) for which the formula is prescribed is/are appropriate;
 - b. weight and length/height, which shall be plotted on the growth chart;

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- i. measurements shall not be older than 7 days for an infant and 30 days for a child or woman.
 - ii. for preterm infants, corrected weight and length for age shall be plotted until the infant/child is 2 years chronological age.
 - iii. When a growth problem is identified during an assessment, the participant's health care provider shall be notified (by phone, fax, or letter) if that provider has not assessed the participant since the formula was last prescribed. A growth problem is defined as weight loss or inadequate or no weight gain or excessive weight gain.
 - c. pertinent dietary information shall be recorded and consistent with diagnosis and prescribed formula;
 - d. medical history-conditions relevant to formula issuance shall be documented;
 - e. formula history including formulas tried and intolerance symptoms shall be recorded;
 - f. interview with the caregiver to determine if formula intolerance symptoms may be due to a feeding, preparation, or storage problem.
3. Length of approval
 - a. The approval authority shall determine how long a formula shall be issued based on length of time a formula is requested and nutritional assessment.
 - b. A prescription may be approved for the length of time requested provided it is not longer than the certification expiration date. The approval authority may approve a prescription for a shorter length of time. A new prescription does not need to be obtained if an original prescription is still valid.
 - c. See *the Texas WIC Formulary found at www.dshs.state.tx.us/wichd/nut/formula-nut.shtm* for specific details on length of issuance. Additional requirements may apply to specific formulas.
4. Other formula approval considerations
 - a. When a formula has been prescribed for a valid medical condition, do not challenge with or issue a

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- different formula without first obtaining approval from the prescriptive authority. A participant does not need to be challenged on contract formula prior to issuing an exempt formula/medical food.
- b. Requests for standard milk or soy-based non-contract formula must follow the challenge guidelines indicated in the *Texas WIC Formulary*. If a comparable contract formula has not been trialed, either seek approval from the HCP to trial the contracted equivalent or offer a contract formula if no medical contraindication was provided on the Texas WIC Medical Request for Formula/Food.
 - c. When approved, participants shall receive both the requested formula and categorically appropriate supplemental foods. The HCP must specify which supplemental foods are to be omitted due to the medical condition.
5. Special accommodations for an assessment shall be offered to families with special health care needs (refer to Policy CR: 07.0).
- C. Documentation for formula approval
1. The following fields must be completed on appropriate Participant Forms and entered into the Texas WIC Information Network (WIN) System:
 - a. food package code;
 - b. formula code;
 - c. prescription expiration date (the last day of the month for which the formula is considered valid);
 - d. restricted supplemental foods shall be refused if appropriate.
 2. Participant's records shall include the following documentation:
 - a. the Texas WIC Medical Request for Formula/Food form including all required information;
 - b. assessment data;
 - c. the length of time the formula and supplemental foods are to be issued;

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- d. name of the appropriate LA or SA staff approval noted;
- e. date the formula is approved;
- f. reason(s) for denial, if applicable;
- g. notification of denial, if applicable.
- h. any additional useful information to support approval or denial of formula.

- 3. Staff shall notify the HCP if the requested formula cannot be issued or is not approved by WIC. This notification may be by phone or fax.

II. Formula Approval Authority and Issuance

Refer to the Texas WIC Formulary for formula approval levels (found at <http://www.dshs.state.tx.us/wichd/nut/formula-nut.shtm>), reasons for issuance, packaging availability, and maximum length of issuance. Maximum quantities of formula are found in the Formula Maximum Quantity Table (www.dshs.state.tx.us/wichd/nut/foods-nut.shtm).

A. Local Agency Approval

LA staff are required to approve/disapprove the highest level of formula for which they are authorized to approve/disapprove. The following table indicates formula levels and required approval authority.

| LA Staff | Level 1 | Level 2 | Level 3 |
|----------------------|---------|---------|---------|
| LVN/RN/Other CA | X | | |
| Degreed Nutritionist | X | X | |
| RD/LD | X | X | X |

B. State Agency approval

The SA shall be paged for formula approval:

- 1. when qualified LA staff are not available;
- 2. for consultation purposes; and/or
- 3. when prescribed formula is:
 - a. prescribed for reasons other than those listed in the *Texas WIC Formulary*;
 - b. not listed in the *Texas WIC Formulary*; and/or
 - c. not described in any guidelines or memos issued by the SA.

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III. Other Issuance Information

A. 6-11 Months Exempt Formula Only Package

Medically fragile infants six months of age or older, whose medical condition prevents them from consuming supplemental infant foods, are eligible to receive exempt infant formula or foods at the same monthly allowance provided to as infants ages 4 through 5 months. The CA shall refer to the Formula Maximum Quantity Table to determine which formulas qualify for this increased quantity. "Exempt Formula Only" food package shall be prescribed to these participants.

B. Metabolic formulas

1. Products prescribed for inborn-errors of metabolism (including PKU) require a completed Texas WIC Metabolic Request for Formula/Food (stock # EF13-06-13158) from a DSHS approved metabolic center. This form is available on the web at:
<http://www.dshs.state.tx.us/wichd/nut/pdf/metarx.pdf>
2. WIC staff is not to issue metabolic products unless an individual has been evaluated at or has consulted with staff at a metabolic center.
A list of recognized metabolic centers is available at:
<http://www.dshs.state.tx.us/newborn/metacons.shtm>.

A list of metabolic dietitians is available at:
www.dshs.state.tx.us/wichd/nut/pdf/MCDietitians.pdf.
3. Initial requests for metabolic products require state agency approval. Subsequent requests are Level III approvals.
4. Families with members who have metabolic disorders shall be given the option to participate in nutrition education, but are not required to do so. WIC staff shall not provide any individual counseling regarding appropriate metabolic diets for participants with metabolic disorders. Refer to WIC Policy CR: 07.0.

D. Concentrated Non-Contract Formulas

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1. Federal regulations set a maximum formula allowance that cannot be exceeded regardless of the prescribed concentration rate.
 2. Refer to a local agency R.D. or call the SA for technical assistance related to concentrating non-contract formulas. The parent/guardian should be informed that the amount of formula provided by WIC may not be enough to last the entire month.
 3. When WIC staff provides instructions for altering the dilution of formula, a prescription, assessment, documentation and approval are required.
- E. Cow's Milk, Goat's Milk, and Rice Milk
Goat's milk and rice milk are not authorized by Texas WIC. Cow's milk shall not be issued to participants less than one year of age even with medical documentation.
- F. Transfers and Prescriptions from Foreign Countries
1. Out-of-State Transfers
 - a. When an out of state transfer has been receiving a non-contract formula because it is another state's contract formula, issue the closest appropriate comparable Texas contract formula.
 - b. When an out of state transfer has been receiving a non-contract formula for medical reasons and does not have a current and local medical home, contact the state office.
 - c. If a participant's medical home is located in another state, prescriptions may be accepted from that location provided that they contain all required information.
 2. In-State Transfers
 - a. When an in-state transfer has been receiving a non-contract formula for a medical reason at another Texas WIC clinic and prescription expiration date is available, issue 1-3 months of the formula, as appropriate, but do not exceed the prescription expiration date.
 - b. When a transferring participant has been receiving a non-contract formula for a medical reason and does

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not have a current and local prescription, contact the SA.

3. Foreign Prescriptions

Prescriptions from foreign countries, including Mexico, may be approved by the SA once and for 1 month only. Thereafter, a current prescription from a local U.S. HCP shall be required.

G. Non-Contract Non-Exempt (Standard) Formula for Religious Purposes

1. Medical documentation is not needed when non-contract non-exempt formula is requested due to religious eating patterns. (Example: a specific brand of Enfamil or Good Start formula for a kosher eating pattern).
2. Local agency staff shall document the issuance in the participant's chart. Since all non-contract formula requires the entry of an expiration date in the TXWIN system, the expiration date entered shall be the end of the certification period in these situations.

H. Supplemental Food Issuance with or without Formula

If a health care provider requests a formula or food requiring medical documentation and the diagnosis and supplemental food choices are inconsistent, the certifying authority (CA) may use professional judgment to adjust the food package accordingly. Example #1 (Formula and food): Nutramigen or Alimentum are requested for milk allergy in a child but cheese is not omitted. If the CA is unable to reach the HCP for clarification, she/he may omit cheese. The HCP should be contacted via fax or phone message. Example #2 (Food requiring medical documentation) Request for soy milk due to milk allergy but tofu is not requested and cheese is not omitted. CA may choose a food package that includes soy milk but does not include either tofu or cheese.

IV. Maximum Quantities

Do not exceed maximum issuance of formula. Formula issuance includes issuance, formula exchange, and any other transaction involving formula.

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Maximum Monthly Allowances of Formula and Supplemental Foods for All Infant Food Packages

| Food/Formula | Formula Fed & Some Breastfeeding | | | Mostly Breastfed | | | Exclusively Breastfed |
|-------------------------------|----------------------------------|------------|-------------|------------------|------------|-------------|-----------------------|
| | 0-3 months | 4-5 months | 6-11 months | 1-3 months | 4-5 months | 6-11 months | 6-11 months |
| Approximate WIC Formula/day | 26 fl oz | 29 fl oz | 20 fl oz | 12 fl oz | 14 fl oz | 10 fl oz | -- |
| Approximate WIC Formula/month | 806 fl oz | 884 fl oz | 624 fl oz | 364 fl oz | 442 fl oz | 312 fl oz | -- |
| Infant Cereal (dry) | 0 | 0 | 24 oz | 0 | 0 | 24 oz | 24 oz |
| Infant fruits/vegetables | 0 | 0 | 32-4oz | 0 | 0 | 32-4oz | 64 - 4oz |
| Infant meats | 0 | 0 | 0 | 0 | 0 | 0 | 31 - 2.5oz |

Medical documentation is needed for all non-contract formula and supplemental foods that are issued with formula.

Maximum Monthly Allowances of Formula and Supplemental Foods for Children and Women

| Foods/Formula | Children | Pregnant and Partially BF | Postpartum | Exclusively Breastfeeding |
|--|---|---|---|---|
| Approximate WIC Formula/day | 29 fl oz | 29 fl oz | 29 fl oz | 29 fl oz |
| Approximate WIC Formula/month | 910 fl oz reconstituted concentrate, powder or ready to use | 910 fl oz reconstituted concentrate, powder or ready to use | 910 fl oz reconstituted concentrate, powder or ready to use | 910 fl oz reconstituted concentrate, powder or ready to use |
| Juice | 128 fl oz | 144 fl oz | 96 fl oz | 144 fl oz |
| Milk | 16 qt | 22 qt | 16 qt | 24 qt |
| Breakfast cereal | 36 oz | 36 oz | 36 oz | 36 oz |
| Cheese (may be part of milk allowance) | N/A | N/A | N/A | 1lb |
| Eggs | 1 dozen | 1 dozen | 1 dozen | 2 dozen |
| Fruits and vegetables | \$6.00 | \$8.00 | \$8.00 | \$10.00 |
| Whole grain products | 2 lb | 1lb | NA | 1lb |
| Fish | NA | NA | NA | 30oz |
| Beans and/or Peanut Butter | 1lb or 18oz | 1lb and 18oz | 1lb or 18 oz | 1lb and 18 oz |

Medical documentation is needed for all formula and supplemental foods that are issued with formula for women and children over one year of age.

V. Non-Compliant Issuance of Non-Contract Formulas

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- A. LAs shall be required to reimburse the SA for non-compliant issuance of non-contract formula in accordance with this policy. The amount of reimbursement shall be equal to the dollar amount that was paid to the vendor.

- B. Non-compliant issuance of non-contract formula includes any one of the following:
 - 1. The state-developed prescription form, Texas WIC Medical Request for Formula/Food, was not used and no documentation exists to support the reason for this.
 - 2. Formula was issued to the participant beyond the prescribed and authorized length of issuance.
 - 3. The amount of formula issued exceeded the maximum allowable amount for the form of the formula, infant's age, and feeding option.

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Policy No. FD:15.0

Issuance of Ready-to-Use Formula

Purpose

To ensure the availability of ready-to-use formula to WIC participants with specific needs.

Authority

7 CFR Part 246.10

Policy

Ready-to-use (RTU) formula shall be issued under the appropriate circumstances as outlined in this policy and as determined by a certification authority (CA).

Procedure

- I. RTU formula shall only be issued due to one or more of the following conditions:
 - A. There is an unsafe, unsanitary or limited water supply;
 - B. The parent/caretaker or participant is unable to correctly dilute or prepare formula due to physical or mental disability; or
 - C. The formula is available only in a RTU form and there is no comparable substitute.
 - D. The use of ready-to-use **exempt** formula for infants, and any formula for women and children, better accommodates a participant's condition (e.g. compromised immune system). Refer to the specific formula in the Texas WIC Formulary;
 - E. The use of ready-to-use **exempt** formula for infants, and any formula for women and children, improves a participant's compliance in consuming the prescribed formula. Refer to the specific formula in the Texas WIC Formulary.
- II. The continued issuance of RTU shall be evaluated at subsequent certifications.

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- III. When issuing RTU formula, a CA shall document the reason for issuance in the participant's record.

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Policy No. FD:13.0

Issuance of Contract Standard Formulas

Purpose

To ensure that participants requiring standard milk-based, soy-based or lactose-free formula receive contract formula.

Authority

State Policy; 7CFR Part 246.10 (c)

Policy

Infants who receive formula shall be issued contract formula except in cases where non-contract formula or medical nutrition products have been prescribed for valid medical reasons. Contract formula may be issued to participants older than one year of age for valid medical reasons.

Procedures

- I. Contract standard milk-based infant formula shall be issued to infants unless:
 - A. An infant is already using a contract soy-based or lactose-free formula and the parent/guardian wants to continue on that formula; or
 - B. An infant is experiencing difficulties with the formula and the parent/guardian is requesting a trial with an alternative contract formula.

- II. Contract standard soy-based infant formula shall be issued to infants in cases where:
 - A. The family follows a vegan (vegetarian, no dairy) diet and requires soy formula; or
 - B. There is a strong family preference for soy formula; or

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- C. There is a prescription from an infant's healthcare provider for a soy-based formula for a valid medical reason (e.g. cow's milk allergy, soy powder formula for galactosemia).
- III. Contract standard toddler formula shall be issued to infants and children when:
- A. There is a request or a prescription for an infant 9-12 months of age.
 - B. There is a valid need and a prescription for a child. For children 1-2 years of age, soy-based toddler formula may be issued in lieu of issuing soy milk.
- IV. Concentrating (or altering standard dilution of) contract formula:
- A. A prescription from a prescriptive authority is required for WIC staff to provide instructions for mixing formula to concentrations other than the standard 20 kcal/oz. It is not necessary to contact the state office for approval to provide mixing instructions for contract formula.
 - B. Recipes for concentrating contract formula to 22 and 24 Kcal/oz can be accessed at:
<http://www.dshs.state.tx.us/wichd/nut/concent.shtm>
 - C. Recipes for concentrating contract formula to 27 and 30 Kcal/oz can be accessed at the WIC Directors' website.
- V. Handling reported symptoms of intolerance:
- A. If intolerance to any of the standard contract formulas is reported, question the parent/guardian to assess whether symptom(s) of intolerance may be caused by errors in feeding, preparation, and/or storage. If symptoms appear to be due to these errors, provide appropriate counseling.
 - B. If a parent/guardian reports symptoms of diarrhea, bloody stools, vomiting, fever, or if an infant has weight loss, poor or no weight gain, a referral shall be made to the infant's medical home. Document the referral in the participant's record.

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- VI. Issuance of contract formula to a participant older than one year of age requires a prescription, assessment, documentation and approval as described in Policy FD: 16.0.
- A. Approval authority is Level I for a participant with a diagnosis of prematurity who needs contract formula up to their corrected age of one year. The formula shall be provided through the end of the month in which the infant reaches the corrected age of one year.
 - B. Approval authority is Level III for a participant with a diagnosis of:
 - 1. Premature infant who needs contract formula beyond their corrected age of one year,
 - 2. Developmental disability or delay, or
 - 3. Other medical reason(s).

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Policy No. FD: 12.0

Food Packages

Purpose

To establish procedures for the issuance of the allowable foods within the food packages. To assure food benefits are appropriate for each participant's health and nutritional needs.

Authority

7 CFR §246.10; 25 TAC §31.37

Policy

Food packages shall be prescribed by a Certifying Authority (CA) or WIC Certification Specialist (WCS). Standard food packages shall be prescribed unless a participant has food preparation and/or storage needs that require a non-refrigeration food package or nutrition needs which require a tailored food package. Participants shall only receive those foods allowed for their category, age, special dietary needs and food preparation/storage needs.

A CA/WCS must provide the full maximum monthly allowances of all supplemental foods to participants receiving food packages unless reduced quantities are requested by the participant or are prescribed by a healthcare provider.

Procedures

- I. The CA or WCS shall select, in consultation with the participant, an appropriate food package. The food package shall take into account the individual's age, dietary needs, medical/nutritional conditions, and living conditions.

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- II. All food packages, including food package changes, shall be prescribed by a CA or WCS and documented on the appropriate State agency (SA) Participant Form and entered into the participant's Texas WIC Information Network (WIN) record. All food packages are listed on the *Food Package Code and Description Guide* found at www.dshs.state.tx.us/wichd/nut/foods-nut.shtm. Standard food packages should be issued unless a participant has a need for a different type of package.

- III. All food package changes are the responsibility of a CA or WCS, including breastfeeding infants requesting formula. A clerk may only change the form of formula, such as from concentrate to powder. Any changes in the type of formula, such as Similac Advance to Similac Sensitive shall be made by the CA or WCS.

- IV. Infants
 - A. Food packages for the breastfeeding mother and infant dyad are closely tied and must match except when the mother is breastfeeding multiple infants with differing breastfeeding statuses.
 - B. The infant food packages include:
 - 1. Exclusively breastfeeding – for infants who are breastfed and do not receive infant formula from WIC.
 - 2. Mostly breastfed infant – for infants who are breastfed and receive approximately half package of infant formula.
 - 3. Formula fed infant – for infants who are fully formula fed or are breastfed at least one time a day and receive greater than half package of infant formula.
 - C. During the birth month, a mother has two feeding options: exclusively breastfeeding package or a formula package (full or less). The local agency (LA) staff shall identify the feeding option in the Texas WIC Information Network (WIN) system.
 - D. Any month following the infant's birth month, the mother may choose between an exclusively breastfeeding package, a mostly breastfeeding package or a formula fed package.

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- V. Exclusively Breastfeeding Women
The exclusively breastfeeding food package may be issued in any month during which the participant's infant receives no formula up to the infant's first birthday.
- A. When an exclusively breastfeeding woman's status changes, staff shall change her food package before changing the infant's food package and Infant Formula Plan (IFP).
 - B. If an exclusively breastfeeding food package has been issued and the mother returns to the clinic to request formula for the infant, staff shall not issue formula from returned formula stock for the current month if the mother has redeemed any benefits which would not allow a void and replace her current month food package. Refer the mother to the local agency peer counselor, Department of State Health Services (DSHS) trained breastfeeding educators (see Policy BF: 02.0) or lactation consultant and/or local resources for formula.
 - C. A breastfeeding woman of multiple births (e.g., twins, triplets) is eligible to receive the enhanced breastfeeding food package if one or more infants are not receiving formula from WIC.
 - D. An exclusively breastfeeding woman who has multiple infants from the same pregnancy shall be issued the exclusively breastfeeding multiples food package which is equivalent to 1.5 times the exclusively breastfeeding package.
- VI. Mostly Breastfeeding Women
The mostly breastfeeding food package is issued to women who are up to one year postpartum, and whose infant receives up to the maximum provided for a mostly breastfed infant.
- A. The Mostly Breastfeeding woman receives the same food package as a pregnant woman.
 - B. A breastfeeding woman of multiple infants is eligible to receive the Mostly Breastfeeding food package if one of her infants is a mostly breastfed infant.
 - C. The Mostly Breastfeeding multiples receives the same food package as the pregnant woman with multiples.

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VII. Some Breastfeeding Women

The some breastfeeding food package is issued to women who are up to one year postpartum who breastfeed at least one time a day. Her infant(s) receives more formula than the mostly breastfed infant.

- A. Women receiving the some breastfeeding food package are no longer eligible to receive a food package when six months postpartum, but continues to receive WIC benefits including peer or lactation consultant counseling, breast pumps and participant-centered nutrition education up to one year postpartum.
- B. If a woman is certified before six months postpartum, her food package code will automatically transition to food package 000 at six months postpartum. If the woman is certified after six months postpartum, staff shall enter food package code 000 into the WIN system. A woman certified after six months postpartum should be encouraged to be certified as an active participant and receive a nutrition assessment, breastfeeding support, including peer counseling and breast pumps as appropriate, and participant-centered nutrition education.

VIII. Postpartum Women

The postpartum food package issued to a woman who is not breastfeeding and whose infants receive a full formula package. The woman is no longer categorically eligible to receive WIC benefits when she is six months postpartum.

IX. Pregnant women

Pregnant women receive the same food package as mostly breastfeeding women. Women who are pregnant with multiple fetuses receive the same food package as the mostly breastfeeding multiple infants.

X. Children

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Children under two years of age receive whole milk and beans.
Children two through four years of age receive low-fat milk and a choice of beans or peanut butter.

- X. An evaporated milk or dry milk food package may be issued to participants by request. Some dry milk packages include evaporated milk to meet the maximum allowable milk quantity for that participant category.
- XI. No refrigeration or cooking facilities food package may be issued to participants by request or as deemed necessary. The package provides canned beans, smaller containers of juice and excludes cheese (except for exclusively breastfeeding women).
- XII. A lactose-free milk food package may be issued to women and children when they report lactose intolerance diagnosed by a physician or describe symptoms of lactose intolerance (nausea, gas, diarrhea, abdominal bloating or cramps) when dairy products are consumed. A doctor's prescription is not required for lactose-free milk.
- XIII. Kosher food packages with kosher milk and cheese are only available for participants who must consume kosher foods due to religious practices.
- XIV. Soy packages with soy milk and calcium-set tofu are available by request for women. Soy packages for children require a prescription (refer to Policy FD: 17.0)
- XV. Gluten-free cereal food packages are available for participants with medical conditions requiring this type of cereal. Prescriptions are required for women and children (refer to Policy FD: 17.0).
- XVI. Special dietary needs food packages are issued to participants with qualifying conditions and require a prescription (refer to Policy FD: 16.0).

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XVI. WIC standard food packages for the 5 categories of participants are defined below:

A. **Federal Regulations Food Package I** Infants (age 0 to 1 month):

1. Exclusively breastfeeding – Loving support, No foods
2. Formula feeding - Formula
 - a. up to 806 fl. oz. reconstituted concentrate,
 - b. up to 870 fl. oz. reconstituted powder, or
 - c. up to 832 fl. oz. ready to feed.

B. **Federal Regulations Food Package I** Infants (age 1 through 3 months):

1. Exclusively breastfeeding – Loving support, no foods
2. Mostly breastfeeding - Formula
 - a. up to 364 fl. oz. reconstituted concentrate,
 - b. up to 435 fl. oz. reconstituted powder, or
 - c. up to 384 fl. oz. ready to feed.
3. Formula feeding - Formula
 - a. up to 806 fl. oz. reconstituted concentrate,
 - b. up to 870 fl. oz. reconstituted powder, or
 - c. up to 832 fl. oz. ready to feed.

C. **Federal Regulations Food Package I** Infants (age 4 through 5 months):

1. Exclusively breastfeeding – Loving support, no foods
2. Mostly breastfeeding - Formula
 - a. up to 442 fl. oz. reconstituted concentrate,
 - b. up to 522 fl. oz. reconstituted powder, or
 - c. up to 448 fl. oz. ready to feed.
3. Formula feeding - Formula
 - a. up to 884 fl. oz. reconstituted concentrate,
 - b. up to 960 fl. oz. reconstituted powder, or

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c. up to 896 fl. oz. ready to feed.

D. **Federal Regulations Food Package II** Infants (age 6 through 11 months):

1. Exclusively breastfeeding
 - a. 24 ounces of infant cereal,
 - b. 64 4-ounce containers of infant fruits and/or vegetables.
 - c. 31 2.5-ounce containers of infant meats
2. Mostly breastfeeding
 - a. up to 312 fl. oz. reconstituted concentrate,
 - b. up to 384 fl. oz. reconstituted powder, or
 - c. up to 320 fl. oz. ready to feed, and
 - d. 24 ounces of infant cereal
 - e. 32 4-ounce containers of infant fruits and/or vegetables.
3. Formula feeding
 - a. up to 624 fl. oz. reconstituted concentrate,
 - b. up to 696 fl. oz. reconstituted powder, or
 - c. up to 640 fl. oz. ready to feed.
 - d. 24 ounces of infant cereal
 - e. 32 4-ounce containers of infant fruits and/or vegetables.

E. **Federal Regulations Food Package III** Infants (age 6 through 11 months) – Special Dietary Needs (requires a prescription): Amounts as prescribed by the healthcare provider, not to exceed amounts above:

1. Exclusively breastfeeding – Loving support, no foods
2. Mostly breastfeeding - Formula
 - a. up to 442 fl. oz. reconstituted concentrate,
 - b. up to 522 fl. oz. reconstituted powder, or
 - c. up to 448 fl. oz. ready to feed.
3. Formula feeding - Formula
 - a. up to 884 fl. oz. reconstituted concentrate,
 - b. up to 960 fl. oz. reconstituted powder, or

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c. up to 896 fl. oz. ready to feed.

F. **Federal Regulations Food Package III** Women and Children with Special Dietary Needs (Amounts as prescribed by the healthcare provider, not to exceed amounts above):

1. Formula, up to 455 oz. liquid concentrate (equivalent amount of reconstituted powder or ready to use are also allowed).
2. Whole Milk, fluid up to amount allowed by participant category (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
3. Cereal, Adult OR Infant Cereal, up to amount allowed by participant category
4. Eggs – up to quantity allowed by participant category
5. Fruits and vegetables - up to quantity allowed by participant category
6. Whole wheat bread or other whole grains – up to quantity allowed by participant category
7. Beans / Peanut Butter, up to amount allowed by participant category.

G. **Federal Regulations Food Package IV** Children (age 1 to 2 years)

1. Juice, single strength – 128 fl. oz. (2 64-oz single strength or 16-oz frozen)
2. Whole Milk, fluid – 16 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 doz.
5. Fruits and vegetables - \$6.00 value
6. Whole wheat bread or other whole grains – 2 lbs.
7. Beans - 1 lb. OR Peanut Butter - 18 oz.

H. **Federal Regulations Food Package IV** Children (age 2 through 4 years)

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1. Juice, single strength – 128 fl. oz. (2 64-oz single strength or 16-oz frozen)
2. Fat reduced milk, fluid – 16 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 doz.
5. Fruits and vegetables - \$6.00 value
6. Whole wheat bread or other whole grains – 2 lbs.
7. Beans - 1 lb. OR Peanut Butter - 18 oz.

I. **Federal Regulations Food Package V** Pregnant and Partially (Mostly) Breastfeeding Women:

1. Juice, single strength – 144 fl. oz. (3 48-oz single strength or 11.5-12 oz frozen)
2. Fat reduced milk, fluid – 22 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 doz.
5. Fruits and vegetables - \$8.00 value
6. Whole wheat bread or other whole grains – 1 lb.
7. Beans - 1 lb. AND Peanut Butter - 18 oz.

J. **Federal Regulations Food Package VI** Postpartum Women (Includes Texas WIC participant category Some Breastfeeding Women and Some Breastfeeding Multiple Infants from the same pregnancy)

1. Juice, single strength – 96 fl. oz. (2 48-oz single strength or 11.5-12 oz frozen)
2. Fat reduced milk, fluid – 16 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 doz.
5. Fruits and vegetables - \$8.00 value
6. Beans - 1 lb. OR Peanut Butter - 18 oz.

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- K. **Federal Regulations Food Package VII** Exclusively
Breastfeeding Women (this food package will also be issued to Pregnant with Multiples and Mostly Breastfeeding Multiples from the same pregnancy)
1. Juice, single strength – 144 fl. oz. (3 48-oz single strength or 11.5-12 oz frozen)
 2. Fat reduced milk, fluid – 24 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
 3. Cheese – 1 lb.
 4. Breakfast cereal - 36 oz.
 5. Eggs – 2 doz.
 6. Fruits and vegetables - \$10.00 value
 7. Whole wheat bread or other whole grains – 1 lb.
 8. Beans - 1 lb. AND Peanut Butter - 18 oz.
 9. Tuna and/or salmon (canned) – 30 oz.
- L. Exclusively Breastfeeding Women with Multiples from the same pregnancy – receives 1.5 times food items in food package VII:
1. Juice, single strength – 216 fl. oz. (3 48-oz single strength or 11.5-12 oz frozen and 1 6-oz. frozen)
 2. Fat reduced milk, fluid – 36 qt. (A maximum of 1 pound of cheese may be substituted for 3 quarts of milk)
 3. Cheese – 1.5 lbs.
 4. Breakfast cereal - 54 oz.
 5. Eggs – 3 doz.
 6. Fruits and vegetables - \$15.00 value
 7. Whole wheat bread or other whole grains – 1.5 lbs.
 8. Beans – 3 lbs. beans, or 3 18-oz. Peanut Butter or combination of the two items.
 9. Tuna and/or salmon (canned) – 45 oz.

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**Management of Returned Formula and
Medical Nutritional Products**

Purpose

To ensure formula and medical nutritional products (herein referred to as "formula") returned to the clinic are accounted for appropriately. To establish a procedure for accepting and issuing returned formula to WIC participants.

Authority

State Policy

Policy

Formula returned to the clinic shall be documented on a state-developed Returned Formula Log, WIC-52. The amount of returned formula shall be credited on the WIC Lone Star card and a prorated amount of the new formula may be added to the card. Returned formula shall be issued to WIC participants in a timely manner to prevent formula from expiring. Returned formula shall only be provided to WIC participants in place of or in combination with issuing formula on the WIC Lone Star card.

Participants shall not receive more than the maximum amount of formula allowed by federal regulation. This includes formula issued to the WIC Lone Star card, formula provided from the clinic's returned formula stock and formula that has already been used in the current month by the participant.

Procedure

- I. Using the Texas WIN Formula Exchange Module (FEM), staff shall issue formula from returned formula stock, if available, to WIC participants for current month formula issuances and formula exchanges.

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- A. When current month benefits are issued, at least one container of formula shall be issued on the WIC Lone Star card. The remaining quantity of the formula may be issued from returned formula stock. When there is an insufficient quantity of the formula in the clinic returned stock, staff shall issue the remaining amount on the WIC Lone Star card.
- B. When a formula exchange is requested, the parent/guardian or participant shall bring their WIC Lone Star card and unopened containers of formula to the WIC clinic. Participants should be informed that they may not receive an equal number of containers in exchange.
 - 1. If the clinic has the requested/prescribed formula in returned formula inventory:
 - a. Use the FEM to document the formula exchange. Refer to Texas-WIN EBT Quick Guide for WIC Clinics for the computer procedures on formula exchanges.
 - b. Print the "Formula Exchange Monthly Detail" screen in the FEM, once all formula exchange information is entered, by pressing the Print Screen key. This must be done PRIOR to pressing the F10 Save key or the information will be lost. If the "Formula Exchange Monthly Detail" screen is not printed, staff shall provide a documented explanation of the formula exchange.
 - c. The Formula Exchange Monthly Detail screen or documented explanation shall be filed in either the participant's chart or with the Returned Formula Log to provide an audit trail of returned formula.
 - d. Document the amount of formula the participant returned on the appropriate Returned Formula Log and secure the formula in returned stock.
 - e. Issue the requested or prescribed formula from returned stock and document the following on the appropriate Returned Formula Log:
 - i. name of the formula recipient
 - ii. number of containers being issued from

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- iii. returned stock
 - iii. signature of the parent/guardian or participant
 - iv. staff initials
 - v. reason code
2. If the clinic does not have the requested or prescribed formula in returned formula inventory:
- a. Use the FEM to document the formula return. Refer to Texas-WIN EBT Quick Guide for WIC Clinics for the computer procedures on formula exchanges. Issue the requested formula on the WIC Lone Star card.
 - b. Print the "Formula Exchange Monthly Detail" screen in the FEM, once all formula exchange information is entered, by pressing the Print Screen key. This must be done PRIOR to pressing the F10 Save key or the information will be lost. If the "Formula Exchange Monthly Detail" screen is not printed, staff shall provide a documented explanation of the formula exchange.
 - c. The Formula Exchange Monthly Detail screen or documented explanation shall be filed in either the participant's chart or with the Returned Formula Log to provide an audit trail of returned formula.
 - d. Document the amount of formula the participant returned on the appropriate Returned Formula Log and secure the formula in returned stock.
3. Whenever formula exchange involves returning and/or issuing formula from returned formula stock, the "Formula Exchange Monthly Detail" screen must be printed. The screen print-out or documented explanation must be filed in either the participant's chart or with the Returned Formula Log.

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- II. When a parent/guardian or participant returns a specialized formula or a formula that will expire within the next three months:
 - A. Relocate the formula within the local agency (LA) if a participant from another clinic site can use the formula.
 - B. If the formula cannot be used within the LA, the State agency (SA) shall be contacted immediately. The SA will identify another LA where the formula can be used and notify the original LA. The original LA will ship the formula to the receiving LA.

- III. LAs shall maintain a perpetual inventory of returned, issued and shipped formula using the state-developed Returned Formula Log forms. A separate Returned Formula Log form should be used for each different formula in inventory. Records not providing a clear audit trail of returned formula will be deemed out of compliance. LAs that cannot account for returned formula may be required to reimburse the SA the dollar amount of any missing formula.

- IV. LAs shall develop written procedures that provide a mechanism for informing staff of formulas currently in returned formula stock.

- V. LAs are not required to log donated formula on a Returned Formula Log. Donated formula is formula that is given to WIC from the community and was not purchased with WIC benefits, e.g. formula provided to a participant by their health care provider or a hospital.

- V. LAs are to accept damaged cans of formula when providing formula exchange for valid reasons.
 - A. LAs are not to make use of returned formula stock for the purpose of replacing damaged containers of formula (i.e. damaged containers must not be exchanged for undamaged containers of the same formula.)
 - B. Damaged containers of formula will be disposed of appropriately. In the presence of a witness, a staff member shall open damaged containers of formula and dispose of contents. Both witness and staff member shall sign and date the appropriate

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Returned Formula log confirming the quantity of formula disposed.

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Policy: No. FD:20.0

Allowable Foods

Purpose

To provide standards for the selection of approved foods for Texas WIC food packages.

Authority

7 CFR §246.10; 25 TAC §31.37

Policy

The State Agency is responsible for approving foods for the approved foods list. Criteria for approving products for inclusion in the WIC food package include compliance with federal regulations, packaging, cost, cultural acceptability, and nutritive value.

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- I. A product shall meet the federal regulations governing the WIC food package in order to be considered for approval by the Texas WIC Program.
- II. In addition to the criteria specified in this policy, WIC reserves the right to restrict the number of brands and types of any products in order to contain the cost of food packages and minimize the confusion for WIC participants. WIC is not obligated to authorize every available food that meets federal requirements.
- III. The WIC Program will review the list of allowable foods annually to determine the need for adding or deleting products.
 - A. If the WIC Program determines a need to change the criteria for allowable foods, manufacturers will be notified of the requirements and the open enrollment period.

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- B. A manufacturer may contact the Texas WIC Program at any time during the year to have their contact information added to the mailing list.
- C. The allowable foods list will be provided to the United States Department of Agriculture (USDA) in the annual State Plan.

IV. Allowable foods

- A. Cow's milk (fresh, lactose-free, evaporated and dry)
 - 1. Minimum requirements and specifications:
 - a. Shall conform to the FDA standard of identity for whole, reduced fat, low-fat, or non-fat milks (21 CFR 131.110).
 - b. Buttermilk shall conform to the FDA standard of identity for cultured milk (21 CFR 131.112).
 - c. All milk shall be pasteurized and unflavored.
 - d. Whole milk shall be fortified with 400 IU of vitamin D per fluid quart of fluid milk (100 IU per cup).
 - e. Reduced fat (2%), low-fat (1%) or fat-free (nonfat or skim) milk including, cultured low-fat buttermilk, shall be fortified with 2000 IU of vitamin A (500 IU per cup) and 400 IU of vitamin D per fluid quart of milk (100 IU per cups).
 - f. Authorized container sizes for fluid milk are gallons, half gallons, and quarts; buttermilk and lactose-free milk are half gallons; evaporated milk is 12 oz. cans and dry milk in 9.6, 25.6 and 64 oz boxes.
 - 2. Kosher milk is allowed for participants of religious faiths requiring this type of milk.
 - 3. Not allowed:
 - a. Flavored milk,
 - b. High protein, calcium-fortified or fortification with any other vitamins or minerals,
 - c. Goat's milk,
 - d. Rice milk,
 - e. Acidophilus milk,

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- f. Evaporated filled milk, and
- g. Sweetened condensed milk.
- 4. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands with the exception of dry milk and evaporated milk (refer to WIC Policy WV: 02.0).

B. Soy Milk

- 1. Minimum requirements:
 - a. Shall contain the following nutrients per 8 ounce serving:
 - 1. 8 grams protein,
 - 2. 276 milligrams calcium,
 - 3. 500 IU vitamin A,
 - 4. 100 IU vitamin D,
 - 5. 24 milligram magnesium, and
 - 6. 222 milligram phosphorus.
 - b. Authorized container size is a half gallon.
- 2. Plain and vanilla flavor are allowed.
- 3. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).

C. Tofu

- 1. Minimum requirements and specifications:
 - a. Shall be calcium-set.
 - b. Authorized package size is one pound (16 oz).
- 2. Added fats, oils, sugars, or sodium are not allowed.
- 3. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).

D. Cheese

- 1. Minimum requirements and specifications:

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- a. Shall conform to the FDA standard of identity (21 CFR Part 133)
 - b. Shall be domestic cheese made from 100 percent pasteurized milk.
 - c. Approved types are processed American, Monterey Jack, Colby, Colby-Jack, Natural Cheddar, and Mozzarella (part-skim or whole) cheese in block or sliced form.
 - d. Authorized package sizes are one and two pound (16 oz. and 32 oz.) packages. 8 ounce packages are approved for exclusively breastfeeding women who receive the no refrigeration/no cooking facilities package and women who are exclusively breastfeeding multiple infants from the same pregnancy.
2. Allowed:
- a. Regular and lower sodium.
 - b. Reduced-fat and low-fat.
 - c. Kosher cheese is allowed for participants of religious faiths requiring this type of cheese.
3. Not allowed:
- a. Shredded or individually wrapped slices of cheese,
 - b. Cheese foods, cheese food products, or cheese spreads,
 - c. Cheese from the deli,
 - d. Soy and goat cheese,
 - e. Cheese that is not made in the United States (imported),
 - f. Smoked or flavored cheese or cheese with added ingredients such as caraway seeds or jalapeño peppers.
4. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).

E. Breakfast Cereal

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1. Minimum requirements:
 - a. Shall meet the FDA definition in 21 CFR 170.3(n)(4).
 - b. Shall contain a minimum of 28 milligrams of iron per 100 grams of dry cereal.
 - c. Shall not contain more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (6 grams or less per dry ounce).
 - d. At least half of the cereals authorized shall have whole grain as the primary ingredient by weight and meet the labeling requirements for making a health claim as a whole grain food with moderate fat content:
 - i. Contain a minimum of 51% whole grains (using dietary fiber as the indicator);
 - ii. Meet the regulatory definitions for "low saturated fat" (< 1 gram saturated fat per serving) and "low cholesterol" (\leq 20 milligrams cholesterol per serving);
 - iii. Include quantitative trans fat labeling; and
 - iv. Contain \leq 6.5 grams total fat per serving and \leq 0.5 grams trans fat per serving.
 - e. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
 - f. A cereal brand shall be a currently retailed product or for retail purchase on or before the effective date of the approved food list. If the product is not in stock on store shelves at this time, the product will not be considered.
2. WIC reserves the right to limit the package size(s) authorized for a brand. For example, a brand may be available in 12 oz., 18 oz., and 36 oz. sizes. WIC may authorize only the 18 and 36 oz. size.
3. To reduce the potential for confusion by retail vendors and participants, WIC reserves the right to deny approval of

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cereals that would otherwise qualify, but have similar package designs to cereals that do not qualify.

4. WIC reserves the right to determine the number and brands of cereal which shall include at least one cereal from each grain group. Grain groups are defined as corn, wheat, oat, rice and multi-grain.
5. In general, brands of cereals authorized shall be the least expensive brands per ounce within the respective grain groups. WIC reserves the right to substitute a more expensive brand with higher fortification and/or lower sugar content than a less expensive brand. WIC also reserves the right to consider consumer acceptability as well as the suitability for children (i.e. finger food, texture in milk) in its selection criteria.

F. Juice

1. Minimum requirements and specifications:
 - a. Fruit juice shall meet the FDA standard of identity (21 CFR part 146).
 - b. Vegetable juice shall meet FDA stand of identity (21 CFR parts 156).
 - c. Juices shall be pasteurized 100 percent unsweetened juices (no added sugar, sweeteners or artificial sweeteners). May be fresh or from concentrate.
 - d. All single strength fruit and vegetable juices shall contain a minimum of 30 milligrams of vitamin C per 100 milliliters; or frozen concentrated fruit juice, a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.
 - e. The percent daily value (DV) on the Nutrition Facts panel must read 120% for vitamin C. WIC will verify the Vitamin C content of all juice flavors with the exception of 100% citrus juices: orange, pineapple, grapefruit and any combination of these juices.
 - f. Authorized container sizes are fluid juice:

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- i. For fluid juice: 48 oz. or 64 oz. containers.
 - ii. Frozen concentrate juice: 11.5 oz., 12 oz or 16 oz. and 6 oz. containers. The 6 oz. frozen concentrate is only authorized for exclusively breastfeeding women who are breastfeeding multiple infants).
 - iii. For no refrigeration/no cooking facilities: Fluid juice in 5.5 to 6 oz. cans or 6.75 oz. juice packs.
 - g. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
- 2. Allowed:
 - a. Regular and low sodium vegetable juice.
 - b. Calcium-fortified juice.
- 3. WIC reserves the right to limit the packaging of specific types of juice due to pricing or other considerations.
- 4. To reduce the potential for confusion by retail vendors and participants, WIC reserves the right to deny approval of juices that would otherwise qualify, but have similar package designs of juices that do not qualify. Canned and frozen varieties of juice with the same brand name shall be evaluated separately.
- 5. The product shall be available for retail purchase on or before the effective date of the approved food list, or it will not be considered.
- 6. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).

G. Eggs

- 1. Minimum requirements:
 - a. Shall be fresh grade A or grade AA large, medium, or small shell domestic hens' eggs

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- b. Authorized in cartons of a dozen count.
 - 2. Not allowed:
 - a. Extra large or jumbo eggs,
 - b. Fertile, brown, free-range, or cage-free,
 - c. Organic, specialty or designer eggs or nutrient modified eggs (e.g., higher Omega-3 or Vitamin E), or
 - d. Dried eggs mix, pasteurized liquid whole eggs or hard boiled eggs.
 - 3. Authorized vendors are required to sell any brand.
 - H. Mature Legumes (Beans/Peas/Lentils)
 - 1. Minimum requirements and specifications:
 - a. Approved types are pinto, black and navy beans, green split peas and lentils only.
 - b. Authorized package size for dry beans, peas and lentils is 1 pound (16 oz.).
 - c. Authorized size for canned beans is 15 to 16 ounces. Canned beans are approved only for participants with no refrigeration and/or cooking facilities.
 - 2. Canned beans may be regular or low sodium. Authorized types are pinto, black, kidney, green lima, black eyed peas and vegetarian baked beans.
 - 3. Not allowed:
 - a. Bulk dry beans, peas and lentils.
 - b. Mixed or seasoned dry beans, peas, or lentils.
 - c. Canned beans shall not contain added sugars, fats, oils, meat or sauces, with the exception of baked beans.
 - d. Canned soups with beans.
 - 4. Authorized vendors are required to declare and sell the traditionally least expensive approved brand of dry beans they have available of approved brands (refer to WIC Policy WV: 02.0). For canned beans, authorized vendors are required to sell any brand of approved types.
 - I. Peanut Butter

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1. Minimum requirements:
 - a. Shall conform to the FDA standard of identity (21 CFR 164.150).
 - b. Authorized size is 18 ounce container.
 2. Allowed:
 - a. Creamy or crunchy
 - b. Salted or unsalted
 3. Not allowed:
 - a. Added ingredients such as jelly, candy pieces, honey or omega -3 enhanced,
 - b. Peanut butter spreads,
 - c. Reduced fat peanut butter, or
 - d. Organic peanut butter.
 3. Authorized vendors are required to sell any brand.
- J. Whole Wheat and Whole Grain Bread
1. Minimum requirements and specifications:
 - a. Whole wheat bread must conform to the federal standard of identity. Whole wheat must be the primary ingredient by weight.
 - b. Whole grain bread must have whole grain as the primary ingredient by weight and shall meet labeling requirements for making a health claim as a "whole grain food with moderate fat content."
 - i. Contain a minimum of 51% whole grains (using dietary fiber as the indicator).
 - ii. Meet the regulatory definitions for "low saturated fat" (≤ 1 gram saturated fat per serving) and "low cholesterol (≤ 20 milligrams cholesterol per serving);
 - iii. Include quantitative trans fat labeling, and
 - iv. Contain ≤ 6.5 grams total fat per serving and $< .5$ grams trans fat per serving.
 - c. Authorized package size is one pound (16 oz.) Bread in 24 ounces is allowed for women who are exclusively breastfeeding multiple infants.

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- 2. Not allowed:
 - a. Whole wheat and whole grain buns and rolls.
 - b. Low calorie, "lite" bread or sugar-free.
- 3. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).
- K. Tortillas (whole wheat and soft yellow or white corn)
 - 1. Minimum requirements and specifications:
 - a. Whole grain must be the primary ingredient by weight.
 - b. Contain no more than 4 grams of fat per tortilla.
 - c. Authorized package size is one pound (16 oz).
 - 2. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).
- L. Brown Rice
 - 1. Minimum requirements and specifications:
 - a. Plain brown rice.
 - b. Authorized package size is one pound (16 oz).
 - 2. Added sugars, fats, oils or sodium are not allowed.
 - 3. Authorized vendors are required to declare and sell the traditionally least expensive approved brand they have available of approved brands (refer to WIC Policy WV: 02.0).
- M. Oatmeal
 - 1. Minimum requirements and specifications:
 - a. Plain oatmeal.
 - b. Authorized size is one pound (16 oz.).
 - 2. Added sugars, fats, oils or sodium are not allowed.
 - 3. Authorized vendors are required to contractually declare and sell the traditionally least expensive brand they have available (refer to WIC Policy WV: 02.0).
- N. Fruits and Vegetables (Fresh and Frozen)

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1. Minimum requirements and specifications:
 - a. Fresh and frozen fruits
 - i. Any brand or variety of fruit.
 - ii. Shall be single whole or cut fruit.
 - iii. Minimum package size for frozen fruits is 9 ounces.
 - b. Fresh and frozen vegetables
 - i. Any brand or variety vegetable, excluding all varieties of white potatoes (yams and sweet potatoes are allowed).
 - ii. Shall be whole or cut vegetable (single item, no mixtures).
 - iii. Includes fresh and frozen beans, peas and lentils. There is no exclusion on the types of frozen beans, peas and lentils.
 - iv. Minimum package size for vegetables and beans is 9 ounces packages.
2. Allowed:
 - a. Organic fruits, vegetables, beans, peas and lentils.
 - b. Vegetables and beans, peas and lentils may be regular or low sodium.
3. Not allowed:
 - a. All varieties of white potatoes, including frozen French fries and hash browns.
 - b. Fruit mixtures or vegetable mixtures
 - c. Fruits that are sweetened with sugars and artificial sweeteners.
 - d. Vegetables with added sugars, fats, or oils.
 - e. Creamed or sauced vegetables.
 - f. Breaded vegetables.
 - g. Vegetable-grain (pasta or rice) mixtures.
 - h. Canned and dried fruit and vegetables.
 - i. Fruit-nut mixtures.
 - j. Herbs and spices including: anise, basil, bay leaves, caraway, chervil, chives, cilantro, dill, fenugreek, horseradish, lemon grass, marjoram, mint, oregano,

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- parsley, rosemary, sage, savory, tarragon, thyme and vanilla beans.
 - k. Edible blossoms and flowers e.g., squash blossoms (broccoli, cauliflower and artichokes are allowed).
 - l. Fruits and vegetables for purchase on salad bars.
 - m. Peanuts.
 - n. Ornamental and decorative fruits and vegetables, such as chili peppers on a string, garlic on a string, gourds or painted pumpkins.
 - o. Fruit baskets and party vegetable trays.
 - p. Baked goods, such as blueberry muffins.
 - q. Condiments, such as ketchup.
 - r. Pickled vegetables, olives and soups.
- O. Chunk Light Tuna and Pink Salmon (for exclusively breastfeeding women only)
 - 1. Minimum requirements and specifications:
 - a. Chunk light tuna shall conform to the FDA standard of identity (21 CFR 161.190).
 - b. Salmon shall conform to the FDA standard of identity (21 CFR 161.17). Only pink salmon is approved, packed with or without skin and bones.
 - c. Packed in water.
 - b. Authorized sizes are 5 oz. and 6 oz. cans.
3 oz. cans are approved only for participants with no refrigeration or cooking facilities.
 - 2. Not allowed:
 - a. Albacore, yellowfin or tongol tuna.
 - b. Red salmon or premium boneless and skinless salmon.
 - c. Tuna or salmon packaged with other items such as crackers, relish or seasoning.
 - d. Packed in oil.
 - e. Packed in pouches.
 - 3. Authorized vendors are required to sell any brand.

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P. Infant Formula

1. Minimum requirements and specifications:
 - a. Shall meet the definition for an infant formula in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)) and meet the requirements for an infant formula under section 412 of the Federal Food Drug and Cosmetic Act, as amended (21 U.S.C. 350a) and the regulations at 21 CFR parts 106 and 107.
 - b. Be designed for enteral digestion via oral or tube feeding.
 - c. Provide at a minimum 67 kilocalories per 100 milliliters and 1.8 milligrams iron per 100 kilocalories.
 - e. Not require the addition of any other ingredients other than water prior to being served in a liquid state.
 - f. Shall have been approved by the USDA for use in the WIC Program. The WIC Program reserves the right to not approve all formulas approved by the USDA.
 - g. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
2. WIC shall solicit rebates through a competitive bid process for infant formulas. The formulas selected shall be designated as the primary milk base and soy base brands authorized for participants.

Q. Exempt Infant Formulas

1. Minimum requirements and specifications:
 - a. Shall meet the definition and requirements under 412(h) of the Federal Food, Drug, and Cosmetic Act as amended 21 U.S.C. 350(h) and the regulations at 21 CFR Parts 106 & 107.

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- b. Shall be designed for enteral digestion via oral or tube feeding.
 - 2. Shall be approved by the USDA for use in the WIC Program. The WIC Program reserves the right to not approve all formulas approved by the USDA.
- R. WIC-eligible medical foods
 - 1. Shall meet the definition of medical foods in Section 5(b)(3) of the Orphan Drug Act (21 U.S.C. 360ee (b)(3)).
 - 2. Shall be approved by the USDA for use in the WIC Program. The WIC Program reserves the right to not approve all medical foods approved by the USDA.
- S. Infant Cereal
 - 1. Minimum requirements:
 - a. Shall contain a minimum of 45 milligrams of iron per 100 grams of dry cereal.
 - b. Shall be dehydrated flakes in 8 oz. or 16 oz. containers.
 - 2. Not allowed:
 - a. Added ingredients such as infant formula, milk, fruit or other non-cereal ingredients (e.g., DHA).
 - b. Organic baby cereal.
 - 3. WIC reserves the right to solicit through a competitive bid process rebates for infant cereals. Authorized vendors are required to sell the brand awarded the bid.
- T. Baby Food Fruits and Vegetables
 - 1. Minimum requirements:
 - a. Single ingredient, commercial baby food.
 - b. Authorized container size is 4 ounces.
 - 2. Not allowed:
 - a. Added sugars, starches or salt (i.e. sodium),
 - b. Added cereal or yogurt,
 - c. Added DHA, or

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- d. Combination of single ingredients (e.g., apples and pears), desserts or dinners.
 - e. Organic baby food fruits and vegetables.
 - U. Baby Food Meats (for exclusively breastfed babies only)
 - 1. Minimum requirements and specifications:
 - a. Meat or poultry, as a single major ingredient.
 - b. Authorized size is 2.5 ounce containers.
 - 2. Broth or gravy is allowed.
 - 3. Not allowed:
 - a. Added sugars or salt (i.e. sodium),
 - b. Added DHA, or
 - c. Baby food combinations (e.g., meat and vegetable or fruit) or dinners (e.g., spaghetti and meatballs).
 - d. Organic baby food meat.
- V. WIC reserves the right to solicit rebates for any WIC foods through a competitive bid process.
- VI. This policy may not list all exclusions for each approved food due to continuous changes by manufacturers and introduction of new products in the market.