



Memorandum

#12-028

TO: WIC Regional Directors
WIC Local Agency Directors

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

DATE: March 23, 2012

SUBJECT: Policy Memo – New/Revised Policies: *Texas WIC Policy CR:02.0 Nondiscrimination; Texas WIC Policy CS:16.0 WIC Certification Specialist; Texas WIC Policy TR:03.0 Required Local Agency Training/Summary*

This memo announces revisions to the subject policies as follows. The policies are effective April 1, 2012. 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/pdf_files/CR_02-0.pdf
http://www.dshs.state.tx.us/wichd/policy/pdf_files/CS_16-0.pdf
http://www.dshs.state.tx.us/wichd/policy/pdf_files/TR_03-0.pdf

Summary of Revisions

Texas WIC Policy CR:02.0, Nondiscrimination

- Procedure VI – updated the address and telephone numbers to file a discrimination complaint.

Texas WIC Policy CS:16.0 WIC Certification Specialist

- Policy - Added full-time degreed Nutritionist can serve as WCS Preceptor. Previously only an R.D. could serve as Preceptor.
- Policy - Added minimum required hours for R.D. WCS Preceptor who is not full-time. Previously R.D. had to be full-time.
- Section I - LA's shall complete a WCS application for SA approval prior to implementing its WCS plan. Previously LA's notified the state after they had trained their staff.
- Sections I, II, III - New- added rules for training implementation.
- Section IV, V -New-added the option for LA's to train "certified" WCS's for formula approvals.
- "Candidate" sections I-IV -New- added 'candidate' section to include candidate qualifications, training requirements, documentation requirements, training timeframes, and continuing education requirements.
- Section VI - New- added section on certification verification upon completion of the WCS Training Program.

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Texas WIC Policy TR:03.0 Local Agency Training/Summary

- Policy- Added Local Agency (LA) will appoint training coordinator.
- Procedure I - Removed requirement stating Local Agencies (LA) needed to submit training plan to the State Agency. This is no longer required. Added LA shall submit training coordinators name to SA and that training coordinator is responsible for ensuring timely staff training and training documentation. (Procedures I. and II. originally appeared in policy TR:4.0. Policy TR:4.0 has dated information so we are deleting it and moving the two remaining relevant procedures to TR:3.0)
- Procedure V. - Added “All staff responsible for the procedure and/ or technique listed in the Training Requirement chart shall be trained on the procedure before performing it independently.”
- Procedure V.A. - Changed Peer Counselor training to monthly instead of quarterly. (Referenced in policy BF: 3.0)
- Procedure V.B. - Added “New staff, including contract staff, must complete all required trainings in the following sections listed in the Training Requirement chart prior to performing duties independently: 1.Core Skills; 2.Clinic Services; 3. Nutrition Knowledge, Education and Counseling; and 4.Breastfeeding. “
- Procedure V.C. - Added Security Awareness Training to annual required trainings.
- Procedure V.D. - Deleted the list of required nutrition education module. These modules are listed in the Training Requirement chart referenced in the policy. Added statement about order of completion for nutrition module trainings.
- Procedure V.F.- Deleted the list of required clinic services trainings. These clinic services trainings are listed in the Training Requirement chart referenced in the policy. Added that self-paced training and hands on skill training can be done simultaneously or at discretion of LA.
- Removed any references to required breastfeeding trainings as they are already documented in the BF:2.0, BF:3.0, and BF:4.0 training policies. However, all required trainings including breastfeeding trainings are included in the Training Requirement chart (referenced in TR:3.0) for an easy reference tool.

If you have any questions or require additional information regarding *Texas WIC Policy CR:02.0 Nondiscrimination*, please contact Rachel Edwards, Manager, WIC Information Response Management at (512) 341-4400 extension 2263, or rachel.edwards@dshs.state.tx.us. If you have questions or require additional information regarding *Texas WIC Policy CS:16.0 WIC Certification Specialist* please contact Tonia Swartz, WCS Program Specialist, at (512) 341-4586, or tonia.swartz@dshs.state.tx.us and if you have questions or require additional information regarding *Texas WIC Policy TR 03.0 Local Agency Training Summary*, please contact Meghan Coffey, Nutrition Education Consultant, at (512) 341-4514, or meghan.coffey@dshs.state.tx.us.

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Effective April 1, 2012

Policy No. CR:02.0

Nondiscrimination

Purpose

To ensure that WIC program requirements/benefits are consistently applied to all applicants/participants regardless of race, color, national origin, age, sex, or disability and the civil rights of WIC applicants/participants are protected.

Authority

7 CFR Part 246.8; USDA FNS Instruction 113-2, Rev. 1; 25 TAC §31.29, USDA Memo 2000-WIC-42

Policy

Standards used for determining eligibility and participation in the WIC Program and for the delivery of services shall be the same for everyone regardless of race, color, national origin, age, sex, or disability. All materials concerned with outreach, nutrition education, program information, or participants' rights that are distributed to the public or posted for public viewing shall include a nondiscrimination statement.

Procedures

- I. At the time of each certification, the participant or parent/guardian/caretaker of the participant shall be asked to read, or be read to, the rights and obligations of a participant in the Program from every form requiring their signature.

- II. Copies of the "Fair Hearing" poster, in English and Spanish, shall be prominently displayed on the premises in the waiting area(s). For those clinics without a waiting area, display in the reception/entrance area.

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- III. The United States Department of Agriculture (USDA) poster, "And Justice for All," in English and Spanish, shall be prominently displayed on the premises in the waiting area(s). For those clinics without a waiting area, display in the reception/entrance area.
- IV. At the time of denial of participation or termination from the Program, each individual shall be informed in writing of the right to a fair hearing and of the method by which a hearing may be requested. Refer to Policies: CR:03.0, CS:23.0, CS:29.0 for procedure and use of forms WIC-5 and WIC 35-1.
- V. When the LA has reached its authorized caseload and initiated a waiting list of applicants, an applicant's priority shall not be determined based on race, color, national origin, age, sex, or disability.
- VI. The following nondiscrimination statements are approved by USDA:
 - a. Long Version in English: In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, SW, Washington DC 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. USDA is an equal-opportunity provider and employer.
 - b. Short Version in English: This institution is an equal-opportunity provider; or
 - c. Long Version in Spanish: De acuerdo con la ley federal y las políticas del Departamento de Agricultura del los EE.UU. (USDA, sigla en ingles), se le prohíbe a esta institución que discrimine por razón de raza, color, origen, sexo, edad o discapacidad. Para presentar una queja sobre discriminación, escriba a *USDA Director, Office of Adjudication*, 1400 Independence Avenue, SW, Washington, DC 20250-9410, o llame gratis al (866) 632-9992

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- (voz). Personas con discapacidad auditiva o del habla pueden contactar con USDA por medio del Servicio Fderal de Relevo (Federal Relay Service) al (800) 845-6136 (español) o (800) 877-8339 (ingles). USDA es un proveedor y empleador que ofrece oportunidad igual para todos.
- d. Short Version in Spanish: USDA es un proveedor y empleador que ofrece oportunidad igual para todos.
- VII. Materials, incentive items and public service announcements (PSA) developed, produced and/or purchased by LAs shall include an approved nondiscrimination statement in the appropriate language. Specific guidelines and exceptions are detailed below:
- a. A nondiscrimination statement is not required to be imprinted on Items such as cups, buttons, magnets and pens that identify the WIC program, when the size or configuration makes it impractical.
 - b. Radio and television PSAs are generally short in duration; therefore, the nondiscrimination statement does not have to be read in its entirety. Rather a statement such as "WIC is an equal opportunity provider" is sufficient to meet the nondiscrimination requirement.
 - c. Nutrition education materials and breastfeeding promotion and support materials that strictly provide a nutrition message with no mention of the WIC Program, are not required to contain the nondiscrimination statement.
 - d. The short version of the nondiscrimination statement shall only be used when space prohibits the use of the long version.
 - e. The nondiscrimination statement shall be in print size no smaller than the text.
- VIII. The state agency's (SA) toll free number, 1-800-WIC-FOR-U (1-800-942-3678) shall be included on all materials.
- IX. If the LA develops materials with photographs or graphics of participants, to the extent possible, the photos/graphics shall depict participants of different races, colors, national origins, sexes, ages, and disabilities to convey the message of equal opportunity. A media release form shall be signed by all participants whose image is used for WIC materials.

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Policy No. CS: 16.0

WIC Certification Specialist

Purpose

To provide local agencies (LAs) the ability to train staff by offering a paraprofessional training program for WIC Certification Specialists (WCS). The program may be implemented with State Agency (SA) approval.

Authority

7 CFR Part 246.2, 246.7

Policy

The WIC Certification Specialist (WCS) Training Program is available through the SA. A formal application for the WCS program must be completed and approved prior to implementing the training. Upon successful completion of the program the candidate is State Certified as a WCS. The WCS Certificate may be used at any local agency within the State of Texas at the discretion of the LA Director. It does not guarantee employment at another LA, and the credentials do not guarantee the holder will be offered a position as a WCS. A WCS has the credentials to certify applicants/participants for the WIC program.

The LA shall have either a Registered Dietitian (R.D.) or Licensed Dietitian (L.D.) on staff or working as a consultant for a minimum 25 hours per month, or a full-time degreed Nutritionist. S/he shall provide adequate hours to function as a WCS Preceptor for the candidate(s) and provide oversight of the LA's WCS Program.

A local agency may request a waiver for the required minimum hours, submitted with justification for consideration by the state.

Procedure

LA Director and WCS Preceptor

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- I. The LA Director shall complete a WCS Program application. Applications may be obtained from the SA WCS Program Specialist. Once the application is approved, the LA may implement its WCS plan.
 - A. Candidates shall be nominated by their LA Director. LA Directors and WCS Preceptors may develop additional criteria that are over and above the state minimum requirements. The existence of a WCS program at a local agency does not automatically qualify all staff to take the program.
 - B. The LA Director or WCS Preceptor shall notify the SA of the date when training of the candidate(s) will begin.
 - C. The WCS Preceptors' signature is required to sign off upon the candidate's successful completion of the training.
 - D. LA's shall acquire candidate approval from the SA when adding additional WCS candidates to their existing WCS plan prior to beginning their training by completing Attachment C of the application and Attachment A (as needed).
 - E. LA's who do not have an existing state approved WCS plan and want to hire a "certified" WCS, may do so by completing an application waiver. A waiver may be obtained from the SA WCS Program Specialist.
 - 1. The application waiver will allow one Certified WCS to be hired without having an existing WCS plan in place.
 - 2. Additional hires will require a SA approved WCS plan/application.
- II. LAs shall provide the WCS candidate with dedicated time during their work day to study in an appropriate work space.
- III. The WCS preceptor shall complete observations of the candidate(s) performing competencies and shall submit the dates of completion along with the exam scores to the SA WCS Program Specialist.
- IV. LA's shall have the option to have their WCS's complete formula approval certification training offered by the SA.

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Policy No. CS: 16.0

- A. New WCS candidates or existing certified WCS's are eligible.
- B. The LA director will select the appropriate candidates.

Candidates

- I. Candidates shall have a minimum of a high school diploma or equivalent.
- II. Candidates shall have a minimum 3 months working experience in a WIC clinic before s/he may be considered as a candidate. LA Directors may set higher minimum requirements based on their agency's needs.
 - 1. LA Directors may request a work experience waiver for direct hires from outside WIC with accompanying justification.
- III. WCS candidates shall complete the training course, including passing the WCS written and competency based exams, within 9 months. Extensions may be granted by the SA with appropriate justification from the LA Director and WCS Preceptor.
- IV. Once a candidate becomes a certified WCS, s/he shall complete a minimum 5 hours of continuing education trainings every fiscal year beginning the fiscal year after initial certification to maintain WCS certification.
 - A. Trainings may include SA trainings, LA trainings or subject appropriate trainings offered by outside entities.
 - 1. Each training will count towards one hour of credit, unless otherwise specified.
 - B. LA's shall submit verification of completion to the SA WCS Program Specialist.
- V. A certified WCS may add formula approval to their certification after successful completion of the Basic Infant Formula module and the WCS Formula Training module. Requests are made to the SA WCS Program Specialist.

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- A. A WCS may not contact a participant's Health Care Provider (HCP) for formula approvals except to obtain a missing date, signature or length of issuance for the Medical Request Form for Formula/Food. ([see policy FD: 16.0](#))
 - B. A WCS certified for formula approval shall complete a minimum of one formula training per fiscal year to maintain formula certification and may count towards their continuing education.
 - 1. Trainings may include, but are not limited to new/revised formula IDL's or on-line trainings, formula conference calls, state conference formula training sessions, subject appropriate trainings offered by outside entities or the LA, or any other related state offered formula training.
 - 2. LA's shall submit verification of completion to the SA WCS Program Specialist.
 - C. The SA shall add the letter "F" to the certificate number (e.g. 1234F) to identify a WCS who has completed the formula training modules and is authorized to approve formula ([see policy FD: 16.0](#)).
- VI. Upon a candidate's successful completion of the WCS Certification Training Program, the SA will issue a signed certificate of completion. The candidate may then function as a Certified WCS after the local agency Director signs the certificate.

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Policy No. TR:03.0

Required Local Agency Training/Summary

Purpose

To ensure systematic training that addresses local agency (LA) staff performance issues, provide updates and broadens staff's knowledge of various topics related to public health, nutrition, and WIC, and encourages continuing education and the optimum utilization of all resources in order to serve clients in the most effective, efficient and courteous manner.

Authority

State Policy

Policy

The LA shall designate a training coordinator and all LAs shall provide and document specific trainings for appropriate staff within required timeframes.

Procedures

- I. The LA shall submit the training coordinator's name to the state agency (SA) at the time of selection. No further notification is necessary unless the coordinator changes.
- II. The training coordinator shall ensure that:
 - A. appropriate and timely staff training is conducted for LA staff; and
 - B. staff training and education be documented and maintained for review during monitoring visits.
- III. The required LA trainings shall:
 - A. Ensure that all staff involved in program operations has abilities and skills required to completely perform their assigned duties.
 - B. Include topics which address performance problems identified in Quality Assurance (QA) observations and or record reviews.

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- IV. Method of storage and format of the documentation for required staff trainings are at the discretion of the LA director. Training documentation shall include:
- A. name of employee;
 - B. job title;
 - C. training topic; and
 - D. date training was completed.
- V. Required trainings must be completed within specific timeframes, as listed in the Training Requirement chart. All staff responsible for the procedure and/ or technique listed in the Training Requirement chart shall be trained on the procedure before performing it independently. Link to Training Requirement charts:
<http://www.dshs.state.tx.us/wichd/tng/tng1.shtm>
- A. CA, WCS, clerical staff, and Peer Counselors shall receive training monthly.
 - B. New staff, including contract staff, must complete all required trainings in the following sections listed in the Training Requirement chart prior to performing duties independently:
 - 1. Core Skills;
 - 2. Clinic Services;
 - 3. Nutrition Knowledge, Education and Counseling; and
 - 4. Breastfeeding.
 - C. All staff are required to complete annual trainings such as:
 - 1. civil rights: staff such as administrators, janitors, etc. who do not come in contact with WIC applicants/participants are not required to receive civil rights and customer service training. All other existing staff shall receive civil rights training (see [Policy CR: 08.0](#)).
 - 2. customer service; and
 - 3. security awareness training: LA or parent agency developed training must include:
 - a. ongoing security of the system, staff, and data; and
 - b. disaster recovery and program business continuity.

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- 4. SA developed civil rights, customer service, and security awareness self-paced training modules are also available.
- D. Upon completion of the Basic Nutrition module the remaining modules may be completed in any order within the required timeframes as listed in the Training Requirement chart.
- E. SA developed training modules and/or locally developed training programs may be used to train staff.
- F. Self-paced training and hands-on skills training may be completed simultaneously or at the discretion of the LA Director.