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# 14-113

**TO:** WIC Regional Directors  
WIC Local Agency Directors

**FROM:** Lindsay Rodgers, Director  
Nutrition Services Section

**DATE:** September 29, 2014

**SUBJECT:** *Policy Memo – Revised/Deleted Policies: Revised Policies: Texas WIC Policy FD:12.0 Food Packages, Texas WIC Policy FD:13.0 Issuance of Contract Standard Formulas and Deleted Policy: Texas WIC Policy FD:17.0 Soy Food Packages*

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This memo announces revisions to the subject policies as follows. The policies are effective October 1, 2014. At that time they will be posted and you may update your *Policy and Procedures Manual* by accessing the *WIC Website* at:

[http://www.dshs.state.tx.us/wichd/policy/table\\_of\\_contents.shtm](http://www.dshs.state.tx.us/wichd/policy/table_of_contents.shtm)

*Texas WIC Policy FD:17.0 Soy Food Packages* will be deleted October 1, 2014.

### Summary of Revisions

*Texas WIC Policy FD:12.0 Food Packages* – Information from *Texas WIC Policy FD:17.0 Soy Food Packages* will now be included in *FD:12.0 Food Packages* as appropriate.

- Added formula policy numbers as references for WCSs approving food packages with formula.
- Removed procedures that are now obsolete regarding which copy of the shopping list must be given to participants.
- Children’s food package - removed reduced fat milk for 2 through 4 years old.
- The Pregnant Exclusively Breastfeeding or Pregnant Mostly Breastfeeding food package was added (new food package May 2014.)
- Exclusively Breastfeeding food package – added a statement that an exclusively breastfeeding food package may be issued *to a breastfeeding mother* to clarify that an exclusively breastfeeding food package can be issued when a woman does not receive formula from WIC for her infant, but she must be a breastfeeding woman.
- Lactose-free package - added a statement from FD: 17.0 that a trial of lactose-free milk is not required prior to issuing a soy milk food package.
- Soy foods package - removed the prescription requirement for soy foods for children and added reasons for issuing soy foods from FD: 17.0.
- Gluten-free package – removed issuance requirements that a participant must have a medical

condition requiring gluten free as diagnosed by physician and that the package could not be issued for participant preference. Changed “medical condition” to “other conditions.” Added information about the two food package options when a gluten-free package is requested.

- Low-fat milk for children under two years of age – added new information and procedures for this food package and who can approve at the local level and under what circumstances.
- Food packages with formula – added reference to FD: 16.1 since the issuance of these food packages is covered in that policy.
- Removed all references to reduced fat milk as this will not be an option in any food package starting 10/1/14.
- Changed children’s cash value benefits to \$8.00
- Updated the concentrate and ready-to-feed formula maximum amounts for each infant food package timeframe, age and breastfeeding status.

*Texas WIC Policy FD:13.0 Issuance of Contract Standard Formulas*

- Provided new definitions for primary contract and alternate contract formulas.
- New section on contract formula with prescription which describes when to issue, documentation and approval authority.
- WCS approval of alternate contract formulas is addressed.
- New section on handling contract formula trials prior to approving non-contract formula.

If you have any questions or require additional information regarding *Texas WIC Policy FD:12.0 Food Packages*, please contact Paula Kanter, Clinic Nutrition Specialist, at [paula.kanter@dshs.state.tx.us](mailto:paula.kanter@dshs.state.tx.us) or (512) 341-4574 and if you have questions or require additional information regarding *Texas WIC Policy FD:13.0 Issuance of Contract Standard Formulas* please contact Sandra Brown Food Formula Specialist at [sandra.brown@dshs.state.tx.us](mailto:sandra.brown@dshs.state.tx.us) or (512) 341-4576.

Attachments

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## 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). Monthly food benefits are valid for one calendar month, the first day of the month through the last day of that same month. Full food package benefits will be issued to participants on or before the 15<sup>th</sup> day of the month; partial food package benefits will be issued to participants obtaining food benefits on or after the 16<sup>th</sup> day of the current month. Formula issuance will be prorated for the current month based on the number of days remaining in the month (i.e. for participants receiving benefits after the first day of the current month). Participants shall only receive those foods allowed for their category, age, special dietary needs and food preparation/storage needs.

### **Procedures**

- I. Food packages shall be prescribed by the CA or WCS in consultation with the participant and registered dietitian (R.D.) when necessary. Standard food packages shall be issued unless a participant has a need for a different type of package. The food package shall accommodate the individual's age, dietary needs, medical/nutritional conditions, and living conditions.

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- II. Assigned food packages shall be documented on the appropriate State Agency (SA) Participant Form and entered into the participant's Texas WIC Information Network (WIN) record. The Food packages are listed on the *Food Package Guide* found at <http://www.dshs.state.tx.us/wichd/nut/foods-nut.shtm>.
  - III. All food package changes are the responsibility of a CA or WCS. For WCS, refer to FD: 13.0, FD: 16.0 and FD: 16.1 for further instructions regarding food package changes which include formula. Food package changes shall be documented and maintained on file for audit or review.
  - IV. Individual participant food package benefits will be aggregated on the WIC EBT card. After all family members' food packages are loaded on the WIC EBT card; a Shopping List shall be printed. The Shopping List shall be signed by the participant, parent/guardian or proxy to indicate receipt of benefits.
  - V. Infant Food Packages
    - 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 or if the woman is a surrogate mother or mother whose infant is adopted (refer to Policy FD: 10.0).
    - 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 a half package or less of infant formula.
      - 3. Some Breastfeeding/Full Formula fed infant – for infants who are fully formula fed or are breastfed at least one time a day and receive greater than a half package of infant formula.
    - C. During the birth month, a mother has two feeding options: an exclusively breastfeeding package or a formula package (full or

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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.

VI. Child Food Packages

Children under two years of age receive a food package with whole milk (buttermilk is not an option) and dry beans. Children two through four years of age receive a food package with fat-free, low-fat milk and/or low-fat buttermilk and a choice of dry or canned beans or peanut butter.

VII. Pregnant Women Food Packages

Women with singleton (one infant) pregnancies shall receive the Pregnant woman food package (the same food package as mostly breastfeeding women). Women who are pregnant with multiple fetuses receive the Pregnant with Multiples food package. Pregnant women who are mostly or fully breastfeeding singleton infants receive the "Pregnant Exclusively or Mostly Breastfeeding" package (The Pregnant with Multiples and "Pregnant Mostly or Exclusively Breastfeeding" packages are the same as the Mostly Breastfeeding Multiple Infants).

VIII. Exclusively Breastfeeding Women Food Packages

The exclusively breastfeeding food package may be issued to a breastfeeding mother 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 on the card or returned formula from stock for the current month if the mother has redeemed any benefits which would not allow a void and replace

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of her current months 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 from the same pregnancy (e.g., twins, triplets) is eligible to receive the Exclusively Breastfeeding food package if one or more infants are not receiving formula from WIC.
- D. A breastfeeding woman who has multiple infants from the same pregnancy is eligible to receive the Exclusively Breastfeeding Multiples package (which is equivalent to 1.5 times the Exclusively Breastfeeding Package) if no infants are receiving formula from WIC.

IX. Mostly Breastfeeding Women Food Packages

A. When a Mostly Breastfeeding food package has been issued with less than the partial maximum amount of formula and the mother returns to request additional formula for the infant within the current benefit period, follow the procedures below. If the request is to increase:

- 1. Up to the maximum partial formula package:
  - a. Obtain the Formula Issuance History in the IFP to determine initial quantity issued.
  - b. Refer to the *Formula Maximum Quantity Table* to determine the max quantity allowed for a partial package and subtract the initial quantity issued. This number will be the new maximum allowable amount.
  - c. In the Formula Exchange Module enter new amount to issue, not to exceed the new maximum allowable amount.

Example: Initially issued and purchased two cans of Similac Sensitive Powder.

*The Formula Maximum Quantity Table*

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shows the partial maximum quantity is 4 cans for the chosen month.

Subtract the two cans initially issued and purchased.

Two is the new maximum allowable amount to be added to the EBT card.

NOTE: proration is not applied as the formula does not exceed partial maximum quantity.

2. Up to the full formula package:
  - a. Provide breastfeeding counseling according to policy BF: 01.0 Procedure C.
  - b. Inform the woman that if she chooses to continue breastfeeding at least one time a day but prefers to receive a full package of formula for her infant, she will not be eligible to receive food benefits after the infant turns six month of age, but will be eligible to receive breastfeeding support.
  - c. If the woman still desires an increase in formula, staff shall ensure the woman's current food package can be void and replaced in the Texas WIC Information Network (WIN) system before changing the infant's food package and IFP.
  - d. Issue additional formula via the Formula Exchange Module up to the maximum allowed for that benefit period.

X. Some Breastfeeding Women Food Packages

- A. The Some Breastfeeding food package is issued to a woman who is up to one year postpartum who breastfeeds at least one time a day.

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1. The participant is no longer eligible to receive a food package when she is six months postpartum, but does continue to receive breastfeeding support including peer or lactation consultant counseling, breast pumps and participant-centered nutrition education, up to one year postpartum.
  2. If certified after six months postpartum, the participant should be encouraged to utilize WIC services, although she will not receive food benefits.
- B. If certified before six months postpartum, the food package code will automatically transition to code 000 at six months postpartum.
- C. If a woman is initially certified after six months postpartum, staff shall enter food package code 000 into the WIN system.

XI. Postpartum Women Food Packages

Postpartum women who are not breastfeeding and whose infants are receiving a full formula package are issued the Postpartum food package. The non-breastfeeding women are no longer categorically eligible to receive WIC benefits after they are six months postpartum.

XII. Nonstandard Food Packages

- A. A no refrigeration or cooking facilities food package may be issued to participants when there is a lack of food storage or food preparation facilities. The food package provides smaller containers of juice and peanut butter and/or canned beans as a substitute for eggs. Dry powder milk is provided. The package excludes cheese (except for exclusively breastfeeding women, who are issued two 8ounce packages of cheese).
- B. 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. A lactose-free milk package shall be offered

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before issuing the soy milk package for lactose intolerance. A trial of lactose-free milk is not required to issue soy milk.

- C. A kosher food package providing kosher milk and cheese is available only for participants who must consume kosher foods due to religious eating patterns.
- D. Soy packages with soy milk and cheese or soy milk and tofu are available by request for women and children. Reasons for issuing include, but are not limited to: milk allergy, lactose intolerance, galactosemia, vegan diet and cultural practices.
- E. A gluten free food package with cow's milk is available for women and children and a gluten free food package with soy milk is available for children 2 through 4 years of age. The food package can be issued to participants who report celiac disease, gluten enteropathy or other conditions. A prescription is not required. The gluten free package offers gluten free cereals and gluten-free options. The participant also has the option of choosing the standard food package and selecting gluten-free cereals that are offered (Available in 18 oz. or 36 oz. packages only).
- F. A low-fat milk (1% or fat-free milk) food package is available to children under two years of age for overweight, obesity or for other medical conditions such as fatty acid deficiency that is self-reported by parent/guardian/caregiver or as reported by a healthcare provider or registered dietitian (RD).
  - 1. A CA or WCS, after consultation with the parent/guardian/caregiver and/or HCP if necessary can make a determination for the need for low-fat milk based on the complete nutrition assessment (e.g., dietary intake, risk code assignment, etc.)
  - 2. A CA can approve low-fat milk for medical reasons in consultation with healthcare provider if necessary. If self-

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reported by a parent/guardian/caretaker, an RD must approve.

**XIII. Issuing Packages with Formula**

- A. For special dietary needs food packages with formula or WIC-eligible nutritionals for woman and children, refer to policy FD: 16.1.
- B. For food packages with formula, the current month formula issuances shall be prorated, except for issuances on the first day of the month. The quantity of formula issued will be prorated for the current month based on the number of days remaining in the month (including the current day).
- C. Once formula has been issued to the card, the Formula Exchange Module shall be used to change the type and/or quantity of formula issued.
- D. Children and women shall be issued the full quantity of formula or WIC-eligible nutritionals unless a lower quantity is specified by the healthcare provider on the Texas WIC Medical Request for Formula/Food or Texas WIC Medical Request for Metabolic Formula/Food form.
- E. Formula from Returned Formula stock, when available, should be issued in conjunction with issuing and/or exchanging formula on the card for the current month only.
  - 1. Clinic staff discretion shall be used to determine the amount of returned formula to issue out of stock to an individual based on the participant's situation (e.g., transportation issues, capability, etc.).
  - 2. At least one container of formula shall be issued on the WIC EBT Card. Refer to policy FD: 19.0. The Formula Exchange Module (FEM) shall be used to document the number of cans of formula given to the participant from returned formula stock.

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XIV. Exchanging Food Packages

Participants can exchange a complete food package anytime during the month. However, any food package with formula cannot be exchanged for another food package in the current month. Benefits for the future months may be exchanged.

- A. If a participant has not redeemed any food benefits from the current food package, a different full food package may be issued. If the participant was issued a partial package the new package will be a partial package.
- B. If a family has redeemed a portion of the aggregated food benefits, a different food package may be issued if there are sufficient benefits remaining on the card equal to the items/quantities originally issued for the participant requesting the food package change. NOTE: The family should be informed this could affect the remaining food packages on the card. (e.g., change remaining milk on card to lactose free milk).
- C. When a food package without formula is exchanged for a food package with formula, the formula will be prorated depending on the number of days remaining in the current month.

XV. 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 – Breastfeeding support, No foods
  - 2. Formula feeding - Formula
    - a. up to 823 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):

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1. Exclusively breastfeeding – Breastfeeding support, no foods
2. Mostly breastfeeding - Formula
  - a. up to 388 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 823 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 – Breastfeeding support, no foods
2. Mostly breastfeeding - Formula
  - a. up to 460 fl. oz. reconstituted concentrate,
  - b. up to 522 fl. oz. reconstituted powder, or
  - c. up to 474 fl. oz. ready to feed
3. Formula feeding - Formula
  - a. up to 896 fl. oz. reconstituted concentrate,
  - b. up to 960 fl. oz. reconstituted powder, or
  - c. up to 913 fl. oz. ready to feed

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

1. Exclusively breastfeeding
  - a. 24 oz. of infant cereal,
  - b. 64 4-oz. containers of infant fruits and/or vegetables
  - c. 31 2.5-oz. containers of infant meats
2. Mostly breastfeeding
  - a. up to 315 fl. oz. reconstituted concentrate,
  - b. up to 384 fl. oz. reconstituted powder, or
  - c. up to 338 fl. oz. ready to feed, and
  - d. 24 oz. of infant cereal

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- e. 32 4-oz. containers of infant fruits and/or vegetables
- 3. Formula feeding
  - a. up to 630 fl. oz. reconstituted concentrate,
  - b. up to 696 fl. oz. reconstituted powder, or
  - c. up to 643 fl. oz. ready to feed
  - d. 24 oz. of infant cereal
  - e. 32 4-oz. 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 below:
  - 1. Mostly breastfeeding - Formula
    - a. up to 460 fl. oz. reconstituted concentrate,
    - b. up to 522 fl. oz. reconstituted powder, or
    - c. up to 474 fl. oz. ready to feed
  - 2. Formula feeding - Formula
    - a. up to 896 fl. oz. reconstituted concentrate,
    - b. up to 960 fl. oz. reconstituted powder, or
    - c. up to 913 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 below):
  - 1. Formula, up to 455 oz. liquid concentrate (or equivalent amount of powder reconstituted to 910 oz. or less)
  - 2. Juice (single strength) – women 2 48-oz or 11.5-12-oz frozen; children 2 64-oz or 2 16-oz frozen.
  - 3. Whole Milk (fluid) up to amount allowed by participant category (A maximum of 1 lb. of cheese may be substituted for 3 qts. of milk)
  - 34. Cereal (adult OR infant cereal) up to amount allowed by participant category

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5. Eggs – up to quantity allowed by participant category
6. Fruits and vegetables - up to quantity allowed by participant category
7. Whole wheat bread or other whole grains – up to quantity allowed by participant category
8. 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 2 16-oz. frozen)
2. Whole Milk (fluid) – 16 qt. (A maximum of 1 lb. of cheese may be substituted for 3 qts. of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 dozen
5. Fruits and vegetables - \$8.00 value
6. Whole wheat bread or other whole grains – 2 lbs.
7. Beans - 1 lb.

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

1. Juice (single strength) – 128 fl. oz. (2 64-oz. single strength or 2 16-oz. frozen)
2. Low-fat and fat-free milks and/or low-fat buttermilk (fluid) – 16 qt. (A maximum of 1 lb. of cheese may be substituted for three qts. of milk)
3. Breakfast cereal - 36 oz.
4. Eggs – 1 dozen
5. Fruits and vegetables - \$8.00 value
6. Whole wheat bread or other whole grains – 2 lbs.
7. Beans/peanut butter – 1 lb. dried beans OR 64 oz. of canned beans/peas OR 16 to 18 oz. peanut butter

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- I. **Federal Regulations Food Package V** Pregnant and Mostly Breastfeeding Women:
1. Juice (single strength) – 144 fl. oz. (3 48-oz. single strength or 3 11.5-12 oz. frozen)
  2. Low-fat and fat-free milk and/or low-fat buttermilk (fluid) – 22 qt. (A maximum of 1 pound of cheese may be substituted for 3 qts. of milk)
  3. Breakfast cereal - 36 oz.
  4. Eggs – 1 dozen
  5. Fruits and vegetables - \$10.00 value
  6. Whole wheat bread or other whole grains – 1 lb.
  7. Beans/peanut butter – 1 lb. dried beans and 16 to 18 oz. peanut butter OR 1 lb. dried beans and 64 oz. canned beans/peas OR 64 oz. canned beans/peas and 16 to 18 oz. peanut butter OR 2 1-lb dried beans OR 128 oz. canned beans OR 36 oz. peanut butter.
- 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 2 11.5-12 oz. frozen)
  2. Low-fat and fat-free milk and/or low-fat buttermilk (fluid) – 16 qt. (A maximum of 1 lb. of cheese may be substituted for 3 qt. of milk)
  3. Breakfast cereal - 36 oz.
  4. Eggs – 1 dozen
  5. Fruits and vegetables - \$10.00 value
  6. Beans/peanut butter – 1 lb. dried beans OR 64 oz. of canned beans/peas OR 16 to 18 oz. peanut butter
- K. **Federal Regulations Food Package VII** Exclusively Breastfeeding Women (this food package will also be issued to Pregnant with Multiples, “Pregnant Exclusively or Mostly

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Breastfeeding” and Mostly Breastfeeding Multiples from the same pregnancy:

1. Juice (single strength) – 144 fl. oz. (3 48-oz. single strength or 3 11.5-12 oz. frozen)
2. Low-fat and fat-free milk and/or low-fat buttermilk – 24 qt. (A maximum of 1 pound of cheese may be substituted for 3 qt. of milk)
3. Cheese – 1 lb.
4. Breakfast cereal - 36 oz.
5. Eggs – 2 dozen
6. Fruits and vegetables - \$10.00 value
7. Whole wheat bread or other whole grains – 1 lb.
8. Beans/peanut butter – 1 lb. dried beans and 16 to 18 oz. peanut butter OR 1 lb. dried beans and 64 oz. canned beans/peas OR 64 oz. canned beans/peas and 16 to 18 oz. peanut butter OR two 1 lb. dried beans OR 128 oz. canned beans OR 36 oz. peanut butter.
9. Tuna and/or salmon (canned) – 30 oz.

L. **Exclusively Breastfeeding Women Breastfeeding Multiple Infants from the same pregnancy – receives 1.5 times food items in food package VII:**

1. Juice, single strength – 216 fl. oz. (1 64-oz. single strength or 1 16-oz. frozen and 3 48-oz or 3 11.5-12-oz frozen)
2. Low-fat and fat-free milk (fluid) – 33 qt. (A maximum of 1 lb. of cheese may be substituted for 3 qt. of milk)
3. Cheese – 2.5 lbs.
4. Breakfast cereal - 54 oz.
5. Eggs – 3 dozen
6. Fruits and vegetables - \$15.00 value
7. Whole wheat bread or other whole grains – 1.5 lbs.
8. Beans/peanut butter –2 lb. dried beans and 1 16 to 18 oz. peanut butter, or for nutritional reasons such as underweight, allergies or participant preference, combinations such as: 1 lb. dried beans and 128 oz. canned beans/peas OR 128 oz. canned beans/peas and 1

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- 16 to 18 oz. peanut butter OR 1 lb. dried beans and 1 16  
to 18 oz. peanut butter and 64 oz. canned beans/peas.
9. Tuna and/or salmon (canned) – 45 oz.

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**Issuance of Contract Standard Formulas**

**Purpose**

To ensure that participants needing standard milk-based and soy-based 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 a contract formula would be contraindicated and non-contract formula has been prescribed for valid medical reasons. Contract formula may be issued to participants older than one year of age for valid medical reasons.

**Definitions**

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/or referrals for specialty care.

Infant formula – a routine formula labelled for use by full term, generally healthy infants. Such formulas include but are not limited to; milk-based, soy-based, low-lactose or added rice starch products.

Primary contract infant formula – The specific infant formula for which manufacturers submit a bid to a State Agency in response to a rebate solicitation and for which a contract is awarded by the State Agency as a result of that bid.

Alternate contract infant formula – Formulas other than the primary contract infant formulas available as a result of a rebate contract awarded by a State Agency.

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**Procedures**

- I. Contract milk-based infant formula - The primary contract milk-based infant formula shall be issued to infants unless:
  - A. An infant is already using the contract soy 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 the contract soy formula.
  - C. There is a request from the health care provider (HCP) for a different formula for medical reasons, (e.g. protein hydrolysate such as Alimentum for the infant at high risk of developing allergies).
- 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 and/ or caregiver request for soy formula; or
  - C. There is a prescription from an infant's health care provider for a soy-based formula for a valid medical reason (e.g. cow's milk allergy, galactosemia).
- III. Guidelines for handling reported symptoms of intolerance
  - A. If intolerance to any of the contract formulas is reported, 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 symptoms appear to be due to a common infant problem such as spitting up, fussiness, constipation etc., provide appropriate counseling and educational material(s).

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- C. 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.
  - D. A contract formula with prescription may be recommended to address the infant's symptoms.
- IV. Alternate contract formula with prescription
- A. An alternate contract milk-based infant formula shall be issued by prescription only, to infants where;
    - i. An infant has tried a primary contract formula and is experiencing intolerance symptoms such as but not limited to: colic, gas, constipation, vomiting or diarrhea.
    - ii. An infant has a medical contraindication which prevents a trial of a primary contract infant formula.
    - iii. A comparable non-contract infant formula was requested.
  - B. Medical Request Documentation
    - i. Completion of the Texas WIC Medical Request for Formula/Food form (side one) by the HCP. Side one permits a one-time request for up to the infant's first birthday.
    - ii. If a different form is presented, it can be accepted but the length of issuance, diagnosis and trial of a primary contract formula or medical contraindication must be documented.
    - iii. Measurements, dietary and medical assessments are not needed to approve alternate contract formulas.
  - C. Approval Authority
    - i. Certifying Authorities (CA) – Any CA may approve requests for contract formulas requiring a prescription.
    - ii. WIC Certification Specialist (WCS)
      - 1. If side one of a completed Texas WIC Medical Request for Formula/Food form is presented it may be approved.
      - 2. If another prescription form is presented or if the form is incomplete, refer the request to a CA for approval.

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- V. Contract formula trials and retrials prior to issuing/approving non-contract infant formula
    - A. Formula trials and retrials may be waived with documentation for medical contraindications such as:
      - i. Acute or chronic illness or injury/disability
      - ii. Recent or pending hospitalization or surgery
      - iii. Weight loss, failure to gain weight, and FTT
      - iv. Severe intolerance symptoms like vomiting, diarrhea, blood in the stool, etc.
      - v. Foster care placement
    - B. A primary contract formula trial shall be met by one or more of the following options:
      - i. Documented adverse reaction(s) to the primary contract formula within the past 30 days. Verbal declaration by the parent/guardian is acceptable.
      - ii. A trial can be waived due to medical contraindications (see Procedure IV. A. above).
    - C. An alternate contract formula (instead of the primary contract formula) may be offered as a trial prior to approval of a non-contract formula if the HCP provides medical documentation.
  - 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.
  - VII. Concentrating (or altering standard dilution of) primary contract formula
    - A. A request from a prescriptive authority is required for WIC staff to provide instructions for mixing formula to concentrations other than the standard dilution. It is not necessary to contact the state office for approval to provide mixing instructions for contract formula. Document that mixing instructions were provided by WIC staff as requested by the HCP.
    - B. Mixing instructions for concentrating the primary contract formulas to 22, 24, 27, and 30 kcal/oz can be accessed at: <http://www.dshs.state.tx.us/wichd/nut/concent.shtm>.

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- C. The maximum amount of formula issued shall not be increased due to the reduced volume resulting from concentration.
- D. Contact the formula pager at (512) 499-6814 for other issues related to formula dilution.