

**641—73.4(135) Definitions.**

*“Above-50-percent vendor”* means a vendor that derives more than 50 percent of the vendor’s annual food sales revenue from WIC food instruments, and a new vendor applicant expected to meet this criterion under guidelines approved by FNS.

*“Applicant”* means a pregnant woman, breastfeeding woman, postpartum woman, an infant or a child who is applying to receive WIC benefits and the breastfed infant(s) of an applicant breastfeeding woman. “Applicant” includes an individual who is currently participating in the program and who is reapplying because the individual’s certification period is about to expire.

*“Authorized supplemental food”* means supplemental food authorized by the state or local agency for issuance to a participant.

*“Breastfeeding”* means the practice of feeding a mother’s breast milk to her infant(s) on the average of at least once a day.

*“Breastfeeding woman”* means a woman up to one year postpartum who is breastfeeding her infant(s).

*“Cash-value benefit”* means a fixed-dollar amount food instrument which is used by a participant to obtain authorized fruits and vegetables.

*“Categorical eligibility”* means a person who meets the definition of a pregnant woman, breastfeeding woman, postpartum woman, or infant or child.

*“Certification”* means the implementation of criteria and procedures to assess and document each applicant’s eligibility for the program.

*“Chief state health officer”* or *“director”* means the director of the Iowa department of public health.

*“Child”* means a person who has had his or her first birthday but has not yet attained his or her fifth birthday.

*“Clinic”* means a facility where applicants are certified.

*“Competent professional authority”* or *“CPA”* means an individual on the staff of the contract agency who, using standardized WIC screening tools and eligibility criteria provided by the department, determines whether an applicant for WIC services is eligible to receive those services. A CPA shall be a member of one of the following categories:

1. A dietitian licensed by the Iowa board of dietetics;
2. A nutrition educator as defined in the Iowa WIC Policy and Procedure Manual;
3. A physician, registered nurse or licensed physician assistant.

*“Compliance buy”* means a covert, on-site investigation in which a representative of the WIC program poses as a participant, parent or caretaker of an infant or child participant, or proxy, transacts one or more food instruments or cash-value benefits, and does not reveal during the visit that he or she is a program representative.

*“Contract agency”* means a private, nonprofit or public agency that has a contract with the department to provide WIC services and receives funds from the department for that purpose.

*“Conventional eggs”* means eggs other than specialty eggs.

*“Department”* means the Iowa department of public health.

*“Disqualification”* means the act of ending the WIC program participation of a participant, authorized food vendor, or authorized state or local agency, whether as a punitive sanction or for administrative reasons.

*“Division director”* means the director of the division of health promotion and chronic disease prevention, Iowa department of public health.

*“Dual participation”* means simultaneous participation in the WIC program in one or more than one WIC clinic, or participation in the WIC program and in the commodity supplemental food program (CSFP) during the same period of time.

*“ECR”* means electronic cash register.

*“Eggs”* means shell eggs that are graded as “AA,” “A,” or “B” pursuant to 7 CFR Part 56, Subpart A, and that are sold at retail in commercial markets.

*“eWIC”* means functions related to the electronic benefits transfer (EBT) card.

*“Exempt infant formula”* means an infant formula that meets the requirements for an exempt infant formula under Section 412(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(h)) and the regulations at 21 CFR Parts 106 and 107.

*“Family”* means a group of related or nonrelated individuals who are living together as one economic unit, except that residents of a homeless facility or an institution shall not all be considered as members of a single family.

*“Fiscal year”* means the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

*“FNS”* means the Food and Nutrition Service of the U.S. Department of Agriculture.

*“Food instrument”* means a voucher, check, coupon, electronic benefits transfer (EBT-eWIC) card or any other document used to obtain supplemental foods.

*“Health professional”* means an individual who is licensed to provide health care or social services within the individual’s scope of practice.

*“Health services”* means ongoing, routine pediatric and obstetric care (such as infant and child care and prenatal and postpartum examinations) or referral for treatment.

*“Hearing officer”* means the contract agency director, health professional, community leader or impartial citizen who is designated to hear the appeal of a participant, and is not to be confused with the statutory definition of a hearing officer, which is an administrative law judge.

*“Homeless facility”* means the following types of facilities which provide meal service: a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations; a facility that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or normally used as, a regular sleeping accommodation for human beings.

*“Homeless participant”* means a woman, infant or child:

1. Who lacks a fixed and regular nighttime residence; or
  2. Whose primary nighttime residence is:
    - A supervised publicly or privately operated shelter (including a welfare hotel, a congregate shelter, or a shelter for victims of domestic violence) designated to provide temporary living accommodations;
    - An institution that provides a temporary residence for individuals intended to be institutionalized;
    - A temporary accommodation of not more than 365 days in the residence of another individual;
- or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

*“Infant formula”* means a food that meets the definition of an infant formula in Section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)) and that meets the requirements for an infant formula under Section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) and the regulations at 21 CFR Parts 106 and 107.

*“Infant”* means a person under one year of age.

*“Iowa WIC Policy and Procedure Manual”* means all of the state WIC policies and procedures that describe the manner in which the department implements and operates all aspects of program administration within its jurisdiction in accordance with 7 CFR Part 246.

*“Nutritional risk”* means:

1. Detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements;
2. Other documented nutritionally related medical conditions;
3. Dietary deficiencies that impair or endanger health;
4. Conditions that directly affect the nutritional health of a person, including alcoholism or drug abuse; or
5. Conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions, including, but not limited to, homelessness and migrancy.

“*Nutrition education*” means an individual or group education session and the provision of materials designed to improve health status, achieve positive change in dietary and physical activity habits, and emphasize relationships between nutrition, physical activity, and health, all in keeping with the personal and cultural preferences of the individual.

“*Participant*” means a pregnant woman, breastfeeding woman, postpartum woman, infant or child who is receiving supplemental foods under the program, and the breastfed infant(s) of a participant breastfeeding woman.

“*Participant violation*” means any deliberate action of a participant, parent or caretaker of an infant or child participant, or proxy that violates federal or state statutes, regulations, policies, or procedures governing the WIC program. Participant violations include, but are not limited to, deliberately making false or misleading statements or deliberately misrepresenting, concealing, or withholding facts to obtain benefits; selling or offering to sell WIC benefits, including cash-value vouchers, food instruments, EBT cards, or supplemental foods in person, in print, or online; exchanging or attempting to exchange WIC benefits, including cash value vouchers, food instruments, EBT cards, or supplemental foods for cash, credit, services, nonfood items, or unauthorized food items, including supplemental foods in excess of those listed on the participant’s food instrument; threatening to harm or physically harming clinic, farmer, or vendor staff; and dual participation.

“*Peer group*” means a system of grouping WIC vendors according to structure; type; number of cash registers; square footage; and sales. Peer groups are used to establish statistical norms that an individual vendor may be compared against and provide the numeric baselines for the process of determining what may be fraudulent behavior.

“*PIN*” means personal identification number.

“*Postpartum woman*” means a woman up to six months after termination of pregnancy.

“*Pregnant woman*” means a woman determined to have one or more embryos or fetuses in utero.

“*Proxy*” means any person designated by a woman participant, or by a parent or caretaker of an infant or child participant, to obtain and transact food instruments or cash-value vouchers or to obtain supplemental foods on behalf of a participant.

“*Rebate*” means the amount of money refunded under cost containment procedures to the department from the manufacturer of the particular food product as the result of the purchase of the supplemental food with a voucher or other purchase instrument by a participant in the department’s WIC program. Such rebates shall be payments made subsequent to the exchange of a food instrument for food.

“*Routine monitoring*” means overt, on-site monitoring during which WIC program representatives identify themselves to vendor personnel.

“*SNAP*” or “*Supplemental Nutrition Assistance Program*,” formerly known as the Food Stamp Program, means the program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011, et seq.), in which eligible households receive benefits that can be used to purchase food items from authorized retail vendors and farmers’ markets.

“*Specialty eggs*” means eggs produced by domesticated chickens, and sold at retail in commercial markets, if the chickens producing such eggs are advertised as being housed in any of the following environments:

1. Cage-free.
2. Free-range.
3. Enriched colony cage.

“*USDA*” means the United States Department of Agriculture.

“*Vendor*” means a retail outlet that provides supplemental food to WIC program participants.

“*Vendor authorization*” means the process by which the department assesses, selects, and enters into agreements with vendors that apply or subsequently reapply to be authorized as vendors.

“*Vendor overcharge*” means intentionally charging the department more for authorized supplemental foods than is permitted under the WIC vendor agreement. It is not a vendor overcharge when a vendor submits a food instrument for redemption and the department makes a price adjustment to the food instrument.

*“Vendor violation”* means any intentional or unintentional action of a vendor’s current owners, officers, managers, agents, or employees (with or without the knowledge of management) that violates the WIC vendor agreement or federal or state statutes, regulations, policies, or procedures governing the WIC program.

*“WIC-eligible nutritionals”* means certain enteral products that are specifically formulated to provide nutritional support for individuals with a qualifying condition, when the use of conventional foods is precluded, restricted, or inadequate. Such WIC-eligible nutritionals must serve the purpose of a food, meal or diet (may be nutritionally complete or incomplete) and provide a source of calories and one or more nutrients; be designed for enteral digestion via an oral or tube feeding; and may not be a conventional food, drug, flavoring, or enzyme. WIC-eligible nutritionals include many, but not all, products that meet the definition of medical food in Section 5(b)(3) of the Orphan Drug Act (21 U.S.C. 360ee(b)(3)).

*“WIC program”* means the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) authorized by Section 17 of the Child Nutrition Act of 1966, 42 U.S.C. 1786.

*“WIC vendor agreement”* means the WIC Vendor Agreement and Handbook.

*“WIC Vendor Instructions and Agreement Booklet”* means the grocery vendor application, grocery vendor application guidance, special purpose vendor application, special purpose vendor application guidance, and WIC Vendor Agreement and Handbook.

[ARC 2839C, IAB 12/7/16, effective 1/11/17; ARC 4487C, IAB 6/5/19, effective 7/10/19]