

**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.

*“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.

*“ECR”* means electronic cash register.

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

*“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 information and educational materials designed to improve health status, achieve positive change in dietary and physical activity habits, and emphasize relationships between nutrition and health, all in keeping with the individual’s personal, cultural, and socioeconomic preferences.

*“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.

*“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 postpregnancy who is not breastfeeding.

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

“*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.

“*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 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 vendor agreement or federal or state statutes, regulations, policies, or procedures governing the WIC program.

“*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.

“*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 vendor agreement.