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United States
Department of
Agriculture

Food and
Nutrition
Service

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SUBJECT: Dual Participation in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP)

TO: Regional Directors
Supplemental Food Programs
All Regions

Regional Directors
Special Nutrition Programs
All Regions

This memorandum provides guidance on the detection and prevention of dual participation in WIC and CSFP. This memorandum does not set forth new policy or provide new regulatory interpretation. Rather, in response to changing program conditions, it provides suggestions on how the issue of dual participation can be addressed more efficiently while maintaining program integrity.

Background

Federal WIC regulations at 7 CFR 246.4(a)(15) require State agencies to include, as part of their State Plans of Operation, a plan to prevent and detect dual participation, including simultaneous participation in WIC and CSFP. In addition, where both programs operate in the same area but are administered by different State agencies, a copy of the written agreement between the State agencies for the detection and prevention of dual participation must be provided to FNS. Section 246.7(j)(1) requires State agencies to notify applicants, during the certification process, of the illegality of dual participation. Further, Section 246.7(l)(1) sets forth State agency responsibilities for the prevention and detection of, and sanctions arising from, dual participation. Section 246.23(c)(1) sets forth the procedures for assessing claims against WIC participants for program violations.

The WIC Food Delivery Systems Final Rule, published in December 2000, revised the requirements for defining, sanctioning, and recovering claims arising from participant violations with specific reference to dual participation. Participant sanctions may include disqualification from the WIC Program for up to one year. Section 246.23(c)(2) emphasizes that FNS will establish a claim against a State agency for losses resulting from program funds improperly spent as a result of dual participation, if FNS determines that the State agency has not complied with the requirements in Section 246.7(l)(1).

Federal CSFP regulations at 7 CFR 247.5(a)(10) require State agencies to have plans in place for the detection of dual participation. In addition, where both CSFP and WIC State agencies operate in the same area, written agreements between the State agencies for the detection and prevention of dual participation are required. Section 247.7(j)(1) requires State and local agencies to inform applicants, during the certification process, of the illegality of simultaneous participation in both WIC and CSFP.

On August 31, 2000, a policy memorandum was jointly issued by FNS to WIC and CSFP State agencies addressing areas of common concern to both programs (WIC Policy

Memorandum #2000-5 and CSFP Policy Memorandum #2000-6, entitled "Collaboration Between WIC and CSFP State and Local Agencies"). One of the issues addressed in this memorandum was the prevention/detection of dual participation, and State agencies were reminded that this essential function helps maximize the number of persons that WIC and CSFP can serve. However, both WIC and CSFP recognize the need to utilize limited administrative resources as efficiently as possible and to avoid duplication of effort. The character of CSFP has changed significantly in recent years, as over 85 percent of its participants are now seniors, and the participation of women, infants, and children continues to decline. This significant change suggests the need for a different approach to the detection and prevention of dual participation in the two programs.

As funding for the WIC Program has increased, eligible women and caregivers for eligible infants and children have increasingly elected to participate in WIC, a choice that both programs support. Furthermore, the WIC Program has strengthened penalties for dual participation, and CSFP intends to take similar action. Stiffer penalties should have a greater deterrent effect and thus help to prevent dual participation. As the population that CSFP serves continues to diverge from the WIC population, with a resultant reduction of the number of WIC-eligible participants in CSFP, the potential for dual participation decreases accordingly. Therefore, WIC and CSFP State agencies should consider streamlining current procedures to eliminate any duplication of effort, while maintaining program integrity and accountability. State agencies are encouraged to consider the following guidance as they re-evaluate and revise their policies, as necessary, to detect and prevent dual participation.

Recommendations

Prevention

We understand that a small number of WIC local agencies are willing and able to provide their CSFP counterparts with read-only access to computer files. This enables the latter to ensure that applicants for CSFP are not already participating in WIC. Several variations of electronic data exchange and programmed dual participation checks can be conducted prior to certification. These checks are feasible when they can be accomplished economically. However, we are not promoting significant information technology expenditures to achieve this objective, given the small and dwindling number of WIC-eligible persons participating in CSFP. Telephone inquiries to obtain information relative to an applicant's participation in CSFP/WIC prior to certification are appropriate in situations when the information is readily available. Undue delays in certifying applicants until such checks can be completed constitute a barrier to participation that should be avoided. Due to the time and expense involved in performing most types of dual participation checks prior to certification, post-certification detection efforts tend most often to provide a more efficient approach to dual participation.

Detection

Because WIC has a far greater database of women, infants, and children, and because individuals eligible for both programs have increasingly elected to participate in WIC over CSFP, we recommend that WIC agencies take the lead role in the detection of dual participation. There is no reason for both WIC and CSFP to perform the same function (i.e., post-certification dual participation checks). Thus, participant lists need flow in only one direction, from CSFP to WIC. We are aware that in a number of States, CSFP State agencies take the lead role in the detection of dual participation. If such a system is already in place, and is operating to the satisfaction of both entities, there is no expectation by FNS that State agencies change their policies. However, because in the majority of cases participant information is likely to flow from CSFP to WIC, this guidance addresses the flow of such information in this manner. CSFP State agencies should keep in mind that the only participant information that needs to be provided to WIC is that which pertains to those women, infants, and children who are categorically eligible to receive benefits from both programs. CSFP information regarding elderly participants age sixty and over should not be forwarded to WIC State agencies. Ultimately, both programs should jointly agree on the specific procedures for exchanging participant information.

In general, this process will allow WIC to conduct reviews in order to identify potential dual participants and notify CSFP authorities if and when they have been identified. WIC State agencies should cross-check for dual participation at least semiannually, and more frequently as warranted. Ideally, WIC and CSFP agencies should consider historical levels of dual participation and take into account the volume of individuals potentially eligible for both WIC and CSFP. These factors should then be compared to the cost of detection efforts in order to arrive at a cost-effective frequency for conducting cross-checks for dual participation. Both WIC and CSFP State agencies should maintain records of cases detected, including the corrective actions taken.

In addition, WIC and CSFP State agencies should have in place established procedures to address actions to be taken as a result of identifying dual participation. Both programs will need to assess and agree on subsequent actions, including at a minimum the immediate termination from participation in one of the programs for participants found in violation due to dual participation, as required by Section 246.7(l)(1)(iii) of the WIC Program regulations, and Section 247.7(j)(3) of the CSFP regulations. WIC Program regulations further require, per Sections 246.7(l)(1)(iv) and 246.23(c)(1), that procedures also be in place to disqualify the individual from both programs in cases of dual participation resulting from intentional misrepresentation and establish a claim for the full value of improperly received benefits. We intend to revise CSFP regulations to align them more closely with WIC Program requirements in this regard.

Thus, we strongly recommend that procedures be in place to disqualify an individual from CSFP, consistent with action taken by WIC, in cases of dual participation resulting

from intentional misrepresentation. CSFP State agencies should also establish claims for the full value of CSFP benefits received in such instances, consistent with the WIC Program. The potential for disqualification from both programs and the resultant assessment of claims by both programs, will act to deter participants from intentional misrepresentation in order to simultaneously receive benefits from both the WIC Program and CSFP. All records and documentation pertaining to corrective actions and/or claims established as the result CSFP/WIC dual participation are subject to the standard record retention requirements that apply to both programs, i.e., a minimum of three years.

Additional guidance regarding the effective prevention and detection of dual participation between WIC and CSFP is provided in the Best Practices Guide to Preventing and Resolving Dual Participation in the WIC Program, which is available by contacting the appropriate FNS Regional Office.

We encourage State agencies to promote and oversee interactions between WIC and CSFP local agencies. These interactions should result in the WIC agency receiving information on CSFP participants (or vice versa) in a form that meets its needs without expensive reprogramming at the local level. WIC should notify local CSFP agencies of the results of its post-certification checks in a timely manner. WIC State agencies that currently conduct dual participation checks at the State level rather than locally are encouraged to adapt this recommendation to their current procedures. State agencies that choose to change their procedures to detect and prevent dual participation should ensure that their State Plans, intra-State agreements, and agreements with local agencies are revised as appropriate to reflect such changes.



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