

Maine Center for Disease Control and Prevention

WIC Nutrition Program

Effective: October 1, 2012

Policy No. VM-12

Revised: October 1, 2022

Vendor Operations

Authority

7 CFR §246.4(a)(14); §246.12(e), (f), (g), (h) and (k);

22 MRSA §255 and 1951;

10-144 CMR Chapter 286, § IV

Policy

1. An authorized vendor shall meet the following general requirements:
 - 1.1. Maintain compliance with the WIC vendor selection criteria throughout the Vendor Agreement period, including conforming to any changes to the criteria.
 - 1.2. Maintain inventory records used for federal tax reporting purposes; maintain records in accordance with generally accepted accounting procedures; and assure that records reflecting justification and receipt of WIC funds, WIC checks (food instruments, cash-value vouchers, electronic benefit cards), and all other program-related records of the vendor are available for inspection or audit by Federal, State or other authorized personnel.
 - 1.3. Cooperate with Federal and State WIC Program and other authorized personnel during announced and unannounced on-site vendor reviews, inspections and audits.
 - 1.4. Provide the State Agency with dated purchase invoices from wholesalers, with names and addresses of suppliers, when requested.
 - 1.5. Submit a current price list within the timeframes given and in the format requested by the State Agency.
 - 1.6. Comply with the nondiscrimination provisions of 7 CFR §15, 15A and 15B.
 - 1.7. Purchase infant formula for sale to WIC participants from sources on the Maine WIC Program authorized list of infant formula wholesalers, distributors and retailers.
 - 1.8. Keep all information pertaining to authorized WIC participants confidential.
 - 1.9. Never publicly identify, call unnecessary attention to, or allow discourteous treatment of a WIC participant.
 - 1.10. Never demand identification other than their Maine eWIC Card for a WIC transaction.

- 1.10.1. Never ask for or enter the WIC customer's confidential PIN.
- 1.11. Appropriately redeem valid WIC checks for the types and quantities of food specified on the WIC checks. The prices charged for WIC foods shall be the same as, or less than, the prices charged to non-WIC customers. Failure to properly process eWIC transactions in accordance with the procedures set forth in the most recent publication of the Maine WIC Program Vendor Guidebook and any revisions or supplements issued by the Department.
- 1.12. Never provide a customer with cash, non-food items, or credit in exchange for an eWIC card.
- 1.13. Never request or accept cash payment from a WIC customer for the authorized quantities of foods specified on eWIC card.
- 1.14. Never substitute one WIC approved product for another.
- 1.15. Allow WIC customers to use WIC benefits to purchase less than (but never more than) the authorized amount of food, if they so desire.
- 1.16. Never transact WIC benefits outside of the authorized store. Vendors offering delivery services may deliver WIC foods after the transaction has been completed in the store.
- 1.17. Never attempt to seek restitution from customer for redeemed WIC benefits that were partly paid by the State Agency.
- 1.18. Direct questions concerning payment only to the State Agency. Customers are not to be contacted concerning this or any other problem area.
- 1.19. Allow WIC customers to take advantage of manufacturer or vendor promotions that provide foods free of charge when purchasing WIC foods. The vendor shall also accept manufacturers' "cents off coupons" from WIC customers for foods being purchased with WIC benefits and deduct the value of the coupon from the cost of the WIC foods being purchased.
- 1.20. Never provide incentive items or other free merchandise, except food or merchandise of nominal value (less than \$2.00), to WIC customers unless the vendor provides to the State Agency proof that the vendor obtained the incentive items or merchandise at no cost.
- 1.21. Allow exchange of an identical item only when the original item is defective, spoiled, or has exceeded its expiration date.
- 1.22. Never improperly refuse to accept an eWIC card from a WIC customer.
- 1.23. If the vendor is a WIC pharmacy or combination food store/pharmacy, ensure that authorized WIC customers can receive, within 72 hours of a request from a customer or the WIC Program, any authorized prescription infant formula and/or WIC-eligible medical foods.

- 1.24. Report to the State Agency any irregularities in the use of WIC benefits by WIC customers.
 - 1.25. Report to the State Agency if a WIC customer requests cash or credit in exchange for returned WIC products.
 - 1.26. If the vendor owner receives WIC benefits as a WIC customer or is an authorized representative for a WIC customer, they must redeem WIC benefits at different authorized vendor location other than the location they own.
 - 1.27. If a cashier working for an authorized WIC vendor receives WIC benefits as a WIC customer or is an authorized representative for a WIC customer, they cannot conduct their own transaction(s) to redeem WIC benefits.
 - 1.28. Maintain an “eWIC Accepted Here” sticker provided by the State Agency at the primary entrance to the store.
2. The State Agency shall hold each vendor accountable for maintaining prices at a level consistent with the selection criteria applied to the vendor at the time of authorization. Failure to remain price-competitive is cause for termination of the Vendor Agreement. More specifically, vendors shall:
 - 2.1. Provide WIC products at prices that are competitive. Vendors whose prices are high when compared to other authorized vendors (of the same peer group) will experience rejection of WIC benefits and related banking fees.
 - 2.2. Never charge the WIC Program for WIC products not actually purchased and received by the WIC customer.
 - 2.3. Never charge the WIC Program for WIC products provided in excess of those authorized on the eWIC card.
 - 2.4. Never price WIC transactions by WIC benefit type instead of pricing each WIC benefit for the actual, authorized WIC products purchased and received.
 - 2.5. Never collect sales tax on WIC food purchases.
 - 2.6. Never charge the WIC Program for bottle deposits or bag fees.
 - 2.7. Ensure that prices charged to WIC customers for approved foods are equal to or less than prices charged to non-WIC customers.
 - 2.8. Ensure that the price affixed to a scanned item’s UPC code in an electronic cash register with scanning capability/point of sale device is not greater than the price displayed on the package, container, shelf, or other signage in the store for the purchased item.
 3. The State Agency will make payment to the vendor upon receipt of validly transacted and redeemed WIC benefits for food costs incurred in providing WIC approved foods to WIC customers.

4. To ensure compliance with the applicable maximum allowable reimbursement (MAR), the State Agency shall reduce payment on WIC benefits submitted in excess of the MAR for the WIC products. In such cases, the State Agency shall pay no more than the MAR. Payment of the reduced amount will be made by direct deposit credit to the vendor's bank account.
5. When the State Agency determines that the vendor has committed a violation that affects the payment to the vendor, the State Agency shall delay payment or establish a claim. Such vendor violations may be detected through compliance investigations, WIC benefit reviews or other reviews or investigations of a vendor's operations. See Policy VM-14 Vendor Claims for vendor claim procedures.
6. The State Agency will not reimburse a vendor for WIC benefits when it is determined that the vendor intentionally attempted to defraud and/or abuse the Program.
7. If, during an appeal of a reduction or rejection, the State Agency determines that state or federal violations were committed, the vendor may be subject to the corresponding penalties including disqualification.
8. The State Agency does not pay vendors for WIC benefits from other states.
9. Vendors may not seek reimbursement of money or return of food from WIC customers for any rejected WIC transactions or resulting bank fees.
10. All payment inquiries regarding specific WIC benefits must be submitted in writing by mail. Telephone inquiries of this type will not be researched. Telephone requests for general information are welcomed.

Procedures

1. During an eWIC transaction, vendors shall:
 - 1.1. Request that participant swipe their eWIC card.
 - 1.2. Request that the WIC customer enter their PIN.
 - 1.3. Allow participant to approve the transaction mid transaction receipt prior to approving the final.
 - 1.4. Collect Maine Bottle Bill deposits from the WIC customer and not from the WIC program.
2. Provide the WIC customer with an itemized receipt that indicates the cost of each food item purchased with WIC benefits.
3. During transaction of eWIC card benefits, vendors shall:
 - 3.1. Only allow the WIC customer to purchase food items with UPC codes that correspond to the eWIC approved APL and the customer's benefit balance.
 - 3.2. Scan or manually enter the actual UPC code that is affixed to the item actually being purchased by the WIC customer/authorized representative.

- 3.3. Not scan any UPC code that is not affixed to the item being purchased by the WIC customer, or any UPC code as a substitute or replacement for the item being purchased.
- 3.4. Not require the WIC customer to provide any other form of identification besides entering the pin number associated with the eWIC card.
4. The State Agency shall not be held liable for any costs charged by the vendor's bank.
5. For vendors who believe a payment denial or payment reduction has been made incorrectly, or believe there is a justifiable reason why payment should be made, please contact the current Maine eWIC contractor and follow the dispute process.