

WIC Vendor Management

Notice of Non-Compliance and Designation of Minor Violations

Pursuant to Section 120.695, Florida Statutes, the purpose of regulation is to protect the public by attaining compliance with the established policies. Fines and other penalties may be provided in order to assure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance. WIC shall issue a notice of noncompliance as its first response to a minor violation of the WIC vendor requirements stated below. The violation of these requirements do not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create significant threat of such harm. Consequently, a notice of non-compliance will be issued five times and where applicable a corrective action plan requested consistent with WIC vendor program requirements prior to any administrative action on the below listed actions.

Item	Title of WIC Program Vendor Violations
1	A pattern of claiming reimbursement for the sale of an amount of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for a specific period of time
2	A pattern of overcharges
3	A pattern of receiving, transacting and/or redeeming a WIC EBT cards outside of authorized channels (laundering), including the use of an unauthorized Vendor and/or an unauthorized person
4	A pattern of charging for supplemental food not received by the participant
5	Disqualification from the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program
6	Vendor assessed a civil money penalty in lieu of another penalty in SNAP because of hardship
7	Failure to maintain original invoice records of purchases of WIC foods from wholesalers and other suppliers
8	Requiring participants to pay for a rejected WIC EBT transactions
9	Failure to allow monitoring by authorized personnel or interfering with required compliance monitoring activities.
10	Accepting WIC EBT card or cards in promise of providing foods at a future date or different location
11	Purchasing infant formula from a source not approved by the Florida WIC Program
12	Offering incentives specifically to use a WIC EBT card
13	Charging sales tax on WIC foods
14	Discrimination against any participant using the WIC EBT card on the basis of race, color, national origin, sex, age or disability
15	Failure to provide WIC customers the same courtesies as offered to other customers
16	Providing refunds or permitting exchanges of foods obtained with the WIC EBT card, except for exchanges of an identical authorized food item when the original food item is defective, spoiled or outdated`
17	Failure to provide at least thirty days advance written notification of any change in Vendor ownership, store location, or cessation of operations
18	Failure to notify the Department of any changes in the operational status of the store, including changes in customer business hours and temporary closures
19	Failure to comply with the Department's requirements regarding training on WIC Program procedures

20	Failure to provide an itemized receipt with each WIC EBT transaction
21	Failure to comply with the terms regarding use of WIC service marks provided in the Agreement and federal and state regulation and rule.
22	Vendor requiring WIC customers to purchase all items in the WIC EBT account.
23	Vendor making or keeping a record of a participant's name or WIC identification number after a WIC EBT card is transacted by or on behalf of a participant for which payment has been denied by the WIC Program.
24	Use or disclosure of confidential participant information to persons other than those directly connected with the administration, delivery or enforcement of the WIC Program, the Department and those the Vendor designates as having a need to know for Program operation and payment purposes.
25	Vendor voluntarily withdraws from SNAP program during term of the WIC Vendor Agreement.
26	Vendor fails to file redemptions in the amount of \$1,500 or more or chain fails to file redemptions in the average amount of \$1,500 or more for its stores for three months in any twelve month period.
27	Vendor fails to provide the Department authorization to obtain required tax records such as DR 15, Form DR 842; 843; or 844.
28	Failure to execute and provide a written release to permit the WIC State Agency to obtain copies of wholesale Vendor invoices directly from the Vendor's designated suppliers
29	Failure to sell at least 85% of the vendor redemptions in the declared least expensive brands within a 12-month period from the date of the first disqualification notification shall result in warning letter and a second violation will result in disqualification for one year.
30	Failure to scan and enter all sold UPC items, directly from the product being sold into the redemption system. Or the use of a "scan book" or similar device in which a UPC label(s) in such book or other device are used in place of scanning the product UPC directly from the product being sold.
31	A pattern of failure to comply with the WIC EBT operating rules, standards and technical requirements established in the current Operating Rules, and the Technical Implementation Guide (TIG)