

## **Section 15**

### **APPENDIX 5 – DEFINITIONS**

## Definitions

The following definitions apply to the Vendor Contract, this Manual, the Policy and Procedure Manual, and the Application form.

**Above-50-Percent Vendors** – Vendors that derive more than 50-percent of their annual food sales revenue from WIC food instruments, and new Vendor Applicants expected to meet this criterion under guidelines approved by Food and Nutrition Services (FNS).

**Americans with Disabilities Act** – The Federal law (Americans with Disabilities Act of 1990) promoting equal opportunities to persons with disabilities by requiring that barriers to equal access be eliminated.

**Arms-Length Transaction** – A transaction or agreement which is freely entered into by parties who don't have a special relationship or control over one another. An arm's-length transaction is indicated by the fairness of price, based on current market value, terms and conditions, and other relevant terms of the agreement. For example, an agreement between relatives, agreement(s) involving a deal on the side, or an agreement for sale at less than market value may not be considered an arm's-length transaction because it may not reflect the actual value of the deal.

**Authorized Representative** – Person, other than the WIC participant, who has assumed the responsibility for following the WIC regulations, picking up the WIC food instruments or cash value food instruments and redeeming those WIC food instruments for authorized WIC foods.

**Banking Contractor** – Means the financial institution, under contract with the Department to provide visual and computer edits of redeemed WIC food instruments and cash value food instruments.

**Business Integrity** – Relates to the business honesty of the Vendor's owners, officers or managers.

**Cash Value Food Instrument** – Means a fixed-dollar amount check, voucher, electronic benefit transfer (EBT) card or other document which is used by a participant to obtain authorized fruits and vegetables.

**Civil Money Penalty** – A monetary penalty based on violations of the Contract, the Manual, state or Federal statutes or regulations that are not fraudulent may be assessed against the Vendor at the discretion of the Department if participant hardship would occur if the Vendor was disqualified.

**Compliance Buys** – A covert, on-site investigation in which agents of the Department or Federal WIC Program anonymously redeem WIC food instruments or cash value food instruments to determine if the Vendor or Farmer is following WIC Program policies and procedures.

**Conflict of Interest** – Relates to the standard of ethical conduct in the discharge of a person's duties.

**Department** – The Arizona Department of Health Services, Public Health Prevention Services, Bureau of Nutrition and Physical Activity.

**Endorsement** – The Vendor's identification, for banking purposes, affixed to the back of the food instrument or cash value food instrument.

**Fair Hearing** – The administrative process by which, a Vendor may appeal adverse actions.

**Farmer** – An individual authorized by the Department to sell eligible fruits and vegetables to participants/authorized representatives at a farmers' market or roadside stands. Individuals, who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized.

**First Date to Use/Last Date to Use** – The date that all food instruments become valid (issue) until midnight of the day (expire) indicated on the "Last Date to Use" line on all food instruments.

**Food and Nutrition Service ("FNS")** – The Food and Nutrition Services of the United States Department of Agriculture.

**Food Instrument or Regular Food Instrument** – Means a voucher, check, electronic benefits transfer card (EBT), coupon or other document which is used by a participant to obtain supplemental foods.

**Food Instrument Type** – Identifies the set of foods included on a specific food instrument. More than one type of approved food (e.g., cheese, milk, etc.) may be included within a food instrument type. Food instrument types are combined to define food packages.

**Food Sales** – Sales of all SNAP eligible foods intended for home preparation and consumption, including meat, fish, and poultry; bread and cereal products; dairy products; fruits and vegetables. Food items such as condiments and spices, coffee, tea, cocoa, and carbonated and non-carbonated drinks may be included in food sales when offered for sale along with foods in the categories identified above. Food sales do not include sales of any items that cannot be purchased with SNAP benefits, such as hot foods or food that will be eaten in the store.

**Local (WIC) agency** – Local non-profit agencies, county health departments and tribal entities under contract with the Department to implement and enforce policies and procedures of the WIC Program.

**Notice** – The mechanism by which the Department informs the Vendor Applicant or current Vendor of specific actions pertaining to the application or executed contract.

**Policy and Procedure Manual (“P&P Manual” or “Manual”)** – The Arizona WIC Program Policy and Procedure Manual or Vendor Manual and all amendments thereto.

**Proxy** – 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 food instruments or to obtain supplemental foods on behalf of a participant. The proxy is authorized by the local WIC clinic and the participant/authorized representative to sign the Proxy Certification form, pick up and redeem WIC food instruments or cash value food instruments. Parents or caretakers applying on behalf of child and infant participants are not proxies.

**Proxy Certification form** – The document completed at the WIC clinic that identifies the proxy as the person who is authorized to redeem WIC food instruments or cash value food instruments for the participant/authorized representative; the signature on the Proxy Certification form must match the countersignature obtained at the store or farmer location on the food instrument or cash value food instrument.

**Rain Check** – Any document or list which allows a participant/authorized representative to receive a WIC authorized item(s) after the date the food instrument is redeemed.

**Regular Vendors** – Vendors that derive 50-percent or less of their annual food sales revenue from WIC food instruments.

**Replacement Food Instrument** – The negotiable food instrument used by the Department to reimburse a Vendor who has requested a second level review and is due monies.

**Retention of Records** – The Vendor’s responsibility to maintain all documents and records which pertain to a Vendor’s participation in the WIC Program for five (5) years after the date of the Contract.

**Rural area** – An area with a population of less than 10,000 persons according to the most recent United States Decennial Census.

**SNAP** – Supplemental Nutrition Assistance Program, formerly known as the Food Stamp Program authorized by the Food Stamp Act of 1977.

**USDA** – The United States Department of Agriculture, which is the Federal Department that oversees the WIC and Supplemental Nutrition Assistance Programs (SNAP) nationally.

**Urban area** – An area with a population of 10,000 or more according to the most recent United States Decennial Census.

**Vendor** – A grocery store, military commissary, pharmacy or farmer/grower authorized and under Contract with the Department to redeem WIC food instruments or cash value food instruments or otherwise provide supplemental foods to WIC participants/authorized representatives. There are two types of Vendors: Regular and Above-50-Percent Vendors.

**WIC Clinic** - A facility where women, infants, and children are screened and determined to be eligible to participate in the WIC Program.

**WIC Participants (“Participants” or “Clients”)** – Pregnant, breastfeeding or postpartum women, infants and children up to age five (5) years who are receiving WIC authorized supplemental foods or food instruments or cash value food instruments under the WIC program and the breastfed infant of participating breastfeeding women.

**WIC Price/Stock Survey** – The Department survey (also known as a market basket assessment) that consists of a specified group of WIC authorized food items. The Department uses the price data collected for these food items to assess competitive price, monitor retail price increases, compare wholesale to retail, monitor market trends, and for food forecasting. The price data is not used to set or establish the maximum redemption amount for food instruments.

**WIC Program** – The Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended.

**WIC Vendor Identification Stamp (“Vendor ID Stamp”)** – The rubber stamp with the authorized Vendor’s or Farmer’s unique four (4) digit identification number that is issued by the Department and used for validating WIC food instruments and cash value food instruments. Vendors and Farmers are provided with two (2) ID stamps and they both remain the property of the Arizona WIC Program.