

## **Section 14**

### **APPENDIX 4 – PARTICIPANT ACCESS**

## Participant Access

Federal Regulations require that the Department ensure that all WIC participants have adequate access to purchase their WIC food items. By ensuring adequate access to authorized Vendors, the Department assists WIC participants in meeting their nutritional goals and needs.

### **Authorization:**

Before an Applicant is denied for any of the selection criteria outlined in this Manual, **other than minimum stock requirements**, the Applicant's original application and related attachments shall be evaluated under the Participant Access criteria stated below to determine whether denying authorization would result in inadequate participant access. Regardless of the adequacy of participants' access, the Department shall deny authorization if, after being provided with one opportunity to correct the deficiency, the Applicant does not meet the criteria for minimum stock requirements.

For denials due to the Applicant not meeting the training criteria, the Applicant will be given only one (1) final opportunity to attend a Department mandatory training session scheduled.

The Department shall not authorize a new for-profit Applicant (not currently participating in the Arizona WIC Program) that is expected to derive more than 50 percent of its annual food sales revenue from WIC food transactions, unless that Applicant is necessary to ensure participant access to Program benefits. The Department completes a six (6)-month assessment of all new Vendors to assure that the status initially assigned is appropriate. Upon completion of the assessment, if the Vendor's food sales from WIC food transactions exceed 50 percent of their total food sales, the Vendor Contract will be terminated unless the outlet is necessary to ensure participant access.

### **Termination and Disqualification:**

Prior to terminating or disqualifying a Vendor from participation in the WIC Program for any reason other than minimum stock requirements, the Department shall consider the adequacy of participants' access to authorized WIC Vendors.

The Department shall determine participant access is adequate when:

1. There is at least one authorized WIC Vendor within a three (3)-mile radius of the Vendor who is being disqualified; and
2. The Department considered but did not find any geographic barriers for participants to access another authorized Vendor. Geographic barriers include, but are not limited to, mountains, rivers, lakes, washes, and highways with limited access for crossing by vehicle or by foot.

Prior to taking disqualification action, the Department shall document its participant access determination in the Vendor's file.

If the Department, in its sole discretion, determines that disqualification of a Vendor would result in inadequate participant access, the Department may impose a civil money penalty in lieu of disqualification, except when prohibited by 7 CFR § 246.12.