

Section 15

APPENDIX 5 – DEFINITIONS

Definitions

The following definitions apply to the Vendor Contract, this Manual, the WIC 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 USDA 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 do not have a special relationship or control over one another. An arms-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 arms-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 and picking up and redeeming WIC food instruments for authorized WIC foods.

Banking Contractor – The financial institution contracted with the Department to provide visual and computer edits of redeemed WIC food instruments and cash value vouchers.

Business Integrity – A standard of business wherein the Vendor's owners, officers, and managers maintain a reputation of good business practices; ensure honest and ethical business transactions; and comply with all federal, state, and local laws and regulations and WIC Program policies and procedures.

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

Change of Ownership – A change in the Vendor's operations such as, bankruptcy, a change in business entity or the addition or deletion of partners, associates, or principals; a change from a sole proprietorship or partnership to a corporation where the previous individual owner(s) or one or more partner(s) remain as an officer or shareholder of the new corporation.

Civil Money Penalty – A monetary penalty that is imposed in lieu of disqualification when the Department, in its sole discretion, has determined that disqualification of a Vendor would result in inadequate participant access and is not prohibited by Federal Regulations.

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

Conflict of Interest – An interest that is in conflict with the ethical discharge of a person's duties.

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

eWIC – Electronic WIC food benefits that are accessed by participants using a card similar to a credit card.

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

Fair Hearing – The administrative process by which a Vendor may appeal adverse actions taken against them.

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

First Date to Use – The date on which a food instrument becomes valid. The date is indicated on the "FIRST DATE TO USE" line on all food instruments.

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

Food Instrument – 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. 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.

Full Line Grocery Store – A store that carries and stocks, at a minimum, a specific amount and variety (assortment) of cereal, breads/tortillas, fresh dairy products, fruits, vegetables, and fresh meats/poultry/fish (i.e., to meet the breads/tortilla requirement, the store may carry five (5) loaves of loaf bread, five (5) packages of buns, five (5) packages of corn tortillas and five (5) packages of flour tortillas).

House Brand – A proprietary brand of merchandise sold by one retailer (i.e., IGA, Springfield, Shurfine, Western Family, Hy-Top, Market Pantry, etc.).

Last Date to Use – The date on which food benefits will expire. The date is indicated on the “LAST DATE TO USE” line on all food instruments.

Local (WIC) Agency – A local non-profit agency, county health department, or tribal entity 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.

One Opportunity – A single chance to submit documents and/or information to correct deficiencies from an original submission.

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 voucher or to obtain supplemental foods on behalf of that 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. 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 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 voucher.

Rain Check – Any document or list which allows a participant/authorized representative to receive a WIC authorized item after the food instruments are 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 check, voucher, or draft 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 that pertain to a Vendor’s participation in the WIC Program for five (5) years after the expiration 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.

Store Brand – A product that is manufactured and packaged for a particular store or retail chain.

Unit – A single item in a broader category of food items (i.e., one (1) apple, one (1) container of milk, one (1) loaf of bread, etc.).

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.

Variety – An assortment of types of different food items for each category of cereal, bread/tortillas, fresh dairy products, fruit, vegetables, and fresh meats/poultry/fish (i.e., fresh dairy products may consist of milk, cheese, yogurt, sour cream, cottage cheese, etc., and fresh meats may consist of ground beef, chicken breast, turkey, pork chops, steaks, etc.).

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

Viable Business – The viability of a business is measured by its long-term survival and its ability to have sustainable profits over a period of time. For WIC authorization purposes, the Department will consider viability of a business to one (1) calendar year prior to applying for authorization.

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

WIC Customer - Any person (participant/authorized representative or proxy) who is authorized to redeem WIC food benefits for approved food items purchased at an authorized WIC Vendor or farmer.

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

WIC Food Item Declaration/Price Survey – The Department survey that the Vendor submits to declare their store or house brand for refrigerated milk, cheese, and eggs. The Survey also contains 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 forecast food prices. 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 vouchers. Vendors and farmers are provided with two (2) ID stamps and they both remain the property of the Arizona WIC Program.