



California
Department of
Health Services
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GRAY DAVIS
Governor

GROCER ALERT 2003-08

TO: ALL WIC GROCERS

SUBJECT: REMINDER TO GROCERS THAT PARTICIPANTS ARE ENTITLED TO THE FULL AMOUNT OF FOOD STATED ON THE FACE OF FOOD INSTRUMENTS

Purpose

I am writing to remind all grocers of their obligation to sell the full amount of food identified on the face of the WIC food instruments (FIs) to all participants of the Women, Infants, and Children (WIC) Supplemental Food Program. I also wish to emphasize that the "up to" amounts on FIs allow participants the discretion to buy less than the full amount of prescribed foods, they do not, however, allow grocers to sell less than the full amount of prescribed foods.

Background

As you know, on May 1, 1999, the WIC Branch announced decreases in most "must not exceed" amounts on FIs as a cost saving measure, and to more accurately reimburse grocers. Since then adjustments have been made to the maximum values allowed for certain food items (i.e., increases for juices, adult cereals, and monthly increases/decreases for milk).

Meanwhile, state law (California Health & Safety [H & S] Code Section 123280 et seq.) governs all grocers and grants WIC the authority to establish "...reimbursement according to the system developed by the department." H & S Code Section 123315(a)(8) states that the grocer shall "accept up to the maximum allowable department reimbursement as payment in full for the maximum allowable quantity of food listed on the food instrument." This includes selling the full quantity of food as prescribed even if it exceeds the maximum value on the FI and allowing participants the choice to select less than the full amount of food listed on the FI.

To avoid contractual violations and limit confusion at the check stand, it is extremely important that grocer's train their employees on "must not exceed" and "up to" amounts on WIC FIs.



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www.consumerenergycenter.org/flex/index.html

**Grocer
Implications**

As mentioned in previous Grocer Alerts, WIC authorized grocers may wish to: 1) lower store prices to equal WIC's maximum allowable Department reimbursement level, 2) maintain current shelf prices but accept WIC's reimbursement as payment in full for the maximum amount of food listed on the FI, or 3) terminate their contract with the WIC program.

Please remember that if participants' selections exceed the maximum dollar value on the FI, participants must be able to buy the full amount of her/his food prescription. This is the participant's choice, not the grocers. Additionally, you may not charge participants for the cost of supplemental food beyond the stated "must not exceed" amount on the face of the FI.

Questions

If you have any questions, please contact your WIC grocer consultant at (916) 928-8705.

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