



# South Dakota Department of Health

## WIC Program

### September 2011

## Annual Retailer Training

#### **CEREAL SIZES – REMINDER**

Cereal sizes on the WIC Program must be at least 12 oz up to 36 oz. Some of the approved cereals come in smaller package sizes and they are not allowed.

#### **MILK – REMINDER**

Please pay close attention to milk sizes on checks. We are experiencing numerous returned checks because participants are purchasing half gallons or gallons instead of quarts. Also, please remember the following conversions are afforded participants when purchasing milk:

- 2 Quarts = Half Gallon
- 4 Quarts = 1 Gallon
- 2 Half Gallons = 1 Gallon

#### **RETURNED CHECKS – REMINDER**

Some stores are not calling to receive authorization when checks are returned from the bank so you can redeposit and receive payment. We encourage you to call us so you can redeposit the checks and receive payment. Some banks charge for returned checks, but if asked, they will often waive those fees for WIC checks.

#### **WIC WEBSITE**

Information available to retailers:

- WIC Contacts
- Cashier Training
- Food Shopping Guide
- Retailer Application Packet
- Retailer Notes
- Blank Price Lists and Price List Update Forms

The website is <http://doh.sd.gov/WIC/Retailers.aspx>

#### **RETAILERS ROLE IN WIC**

WIC retailers are critical partners in the delivery of WIC benefits. Each month, WIC participants receive “WIC Checks,” which contain a “food prescription” designed to meet their specific nutritional needs. The retail clerk helps fill the prescription by making sure the participant receives exactly what foods are specified.

The nutritious WIC foods are designed to promote the healthiest possible birth outcomes, growth and development of children. In providing this service, WIC retailers play an important role in helping to improve the health of women, infants, and children in South Dakota. Retailers act as the final service step in the WIC process. The integrity of the transaction between a WIC retailer and a WIC participant is essential. When WIC Checks are used to purchase specified foods the desired dietary supplementation can be achieved.

#### **WIC FOODS**

All WIC foods must meet federal regulations specified for that food. For this reason, the WIC Program may specify a brand, a package size or impose restrictions on purchasing certain types of food. WIC foods include: cereal (hot or cold), fruits and vegetables (fresh or frozen), dairy (milk, cheese, soy milk), proteins (eggs, peanut butter, canned beans, dried beans/peas), infant foods (infant cereals, fruits, vegetables, meats, formula), canned fish (tuna, salmon, sardines), whole grains (tortillas, brown rice, bread), and juice (fruit fluid, fruit frozen, vegetable and tomato fluid).

## MINIMUM STOCKING REQUIREMENTS

Minimum stocking requirements by WIC retailers follow. Minimum stocking requirements depend on the store size. Peer groups 1, 2, 3 must follow the Small Store Stocking; Peer groups 4, 5 must follow the Large Store Stocking. Peer group assignments are currently printed on price lists. If you are unsure which peer group you have been assigned to, please contact Beth or Renee.

### Small Stores

- A minimum of 9 cans of the standard contract powdered infant formulas in the 12.5 ounce milk based or 12.9 ounce soy based, or 24 cans of the standard contract liquid formulas in the 13 ounce size, either soy or milk based.

<b>CONTRACT FORMULA - MEAD JOHNSON</b>		
<b>FORM</b>	<b>SOY BASED</b>	<b>MILK BASED</b>
	<b>ProSobee LIPIL</b>	<b>Enfamil Premium Infant</b>
Powdered	12.9 oz.	12.5 oz.
Liquid Concentrate	13 oz.	13 oz.
Ready-to-Feed	32 oz.	32 oz.

- WIC Approved non contract formula on an as-needed basis
- Infant formula must be purchased only from a wholesaler, distributor, or retailer on the WIC Program's approved list; a list can be found at <http://doh.sd.gov/WIC/PDF/ApprovedFormula.pdf>
- Exception is retailers with no infants on the WIC Program that utilize the store will be required to order infant formula, infant foods, and infant cereal upon request of the WIC participant or the WIC Program; must have approval from the State WIC Office prior to not stocking these items
- The retailer must be able to supply the infant formula, infant foods, and infant cereal within 24-48 hours; if the retailer is unable to supply the formula within the 24-48 hour time frame, the retailer must contact the State WIC Office to determine if an exception can be made to extend the 24-48 hour time frame to within five (5) days
- Three boxes of at least two varieties of approved infant cereal
- Seventy two 4 ounce jars of at least 2 varieties of infant fruits/vegetables
- Seventy two 3.5 ounce plastic containers of at least 2 varieties of infant fruits/vegetables
- Thirty six 2.5 ounce jars of at least 2 varieties of infant meats
- Twelve gallons of fluid milk in a combination of 1%, 2%, skim or whole milk
- Evaporated, dry, lactose-reduced, acidophilus and goat's milk as requested by WIC participant or WIC Program
- Specialty milks must be available within 72 hours
- Four pounds, in combination of eight ounce or one pound packages of two varieties of approved cheese
- Four dozen medium / large fresh eggs
- Two boxes or bags of at least four varieties of authorized cold cereals
- Two boxes of at least one authorized hot cereal
- Six 64 ounce containers authorized 100% fruit juice with a minimum of two flavors stocked
- Four 64 ounce containers 100% vegetable or tomato juice
- Twelve 12 ounce cans frozen 100% fruit juice with a minimum of two flavors stocked
- Eight to sixteen ounce single serving approved juice as requested by the WIC participant or WIC Program
- Four 1 pound bags of dried beans or peas
- Eight 16 ounce canned beans or peas
- Four 18 ounce or less containers 100% peanut butter
- Four 5 to 6 .5 ounce cans of light tuna in water or oil pack
- Four 3.75 ounce cans of sardines
- Six 5 ounce cans or four 14.75 ounce cans pink salmon
- Four 1 pound or smaller loaves of authorized whole wheat or whole grain breads
- Four 8 ounce or two 16 ounce packages of brown rice
- Eight or sixteen ounce packages of corn or whole wheat tortillas as requested by WIC participant or WIC

Program

- Two pounds of fresh or frozen fruits/vegetables in four varieties each
- Four cans of at least two varieties each canned fruits/vegetables with no added sugar

**Large Stores**

- A minimum of 18 cans of the standard contract powdered infant formulas in the 12.5 ounce milk based or 12.9 ounce soy based, or 48 cans of the standard contract liquid formulas in the 13 ounce size, either soy or milk based.

<b>CONTRACT FORMULA - MEAD JOHNSON</b>		
<b>FORM</b>	<b>SOY BASED</b>	<b>MILK BASED</b>
	<b>ProSobee LIPIL</b>	<b>Enfamil Premium Infant</b>
Powdered	12.9 oz.	12.5 oz.
Liquid Concentrate	13 oz.	13 oz.
Ready-to-Feed	32 oz.	32 oz.

- WIC Approved non contract formula on an as-needed basis
- Infant formula must be purchased only from a wholesaler, distributor, or retailer on the WIC Program’s approved list; a list can be found at <http://doh.sd.gov/WIC/PDF/ApprovedFormula.pdf>
- Exception is retailers with no infants on the WIC Program that utilize the store will be required to order infant formula, infant foods, and infant cereal upon request of the WIC participant or the WIC Program; must have approval from the State WIC Office prior to not stocking these items
- The retailer must be able to supply the infant formula, infant foods, and infant cereal within 24-48 hours; if the retailer is unable to supply the formula within the 24-48 hour time frame, the retailer must contact the State WIC Office to determine if an exception can be made to extend the 24-48 hour time frame to within five (5) days
- Six boxes of at least two varieties of approved infant cereal
- One hundred forty-four 4 ounce jars of at least 2 varieties of infant fruits/vegetables
- One hundred forty-four 3.5 ounce plastic containers of at least 2 varieties of infant fruits/vegetables
- Seventy two 2.5 ounce jars of at least 2 varieties of infant meats
- Twenty four gallons of fluid milk in a combination of 1%, 2%, skim or whole milk
- Evaporated, dry, lactose-reduced, acidophilus and goat’s milk as requested by WIC participant or WIC Program
- Specialty milks must be available within 72 hours
- Eight pounds, in combination of eight ounce or one pound packages of two varieties of approved cheese
- Eight dozen medium / large fresh eggs
- Four boxes or bags of at least four varieties of authorized cold cereals
- Four boxes of at least one authorized hot cereal
- Twelve 64 ounce containers authorized 100% fruit juice with a minimum of two flavors stocked
- Eight 64 ounce containers 100% vegetable or tomato juice
- Twenty four 12 ounce cans frozen 100% fruit juice with a minimum of two flavors stocked
- Eight to sixteen ounce single serving approved juice as requested by the WIC participant or WIC Program
- Eight 1 pound bags of dried beans or peas
- Sixteen 16 ounce canned beans or peas
- Eight 18 ounce or less containers 100% peanut butter
- Eight 5 to 6 .5 ounce cans of light tuna in water or oil pack
- Eight 3.75 ounce cans of sardines
- Twelve 5 ounce cans or four 14.75 ounce cans pink salmon
- Eight 1 pound or smaller loaves of authorized whole wheat or whole grain breads
- Eight 8 ounce or two 16 ounce packages of brown rice
- Eight or sixteen ounce packages of corn or whole wheat tortillas as requested by WIC participant or WIC Program
- Four pounds of fresh or frozen fruits/vegetables in four varieties each
- Eight cans of at least two varieties each canned fruits/vegetables with no added sugar

The specific brands of products that are included on the WIC Approved Food List shall be made available to the retailer at the time of application, upon any changes, and prior to negotiation of another agreement. The variety and quantity in stock are defined as including both inventory on display and on-premises storage, but not inventory on order from suppliers.

### **PROCEDURES FOR REDEEMING WIC CHECKS**

1. Handle each WIC Check as a separate transaction
  - **DO NOT** combine food items from one check to another
2. Assure check redemption falls between the issue and expiration dates
  - WIC Checks are valid only from issue date through the expiration date
  - Do not accept checks from WIC participants before the issue date or after the expiration date as indicated on each WIC check
  - If a WIC participant attempts to redeem an outdated check, instruct the WIC customer to return it to their Local WIC office
3. Verify selected items
  - Compare the items and quantities selected with the information on the front of the check
  - Only the indicated items and quantities may be purchased with the WIC Check
  - **No changes can be made to the check such as increasing the amount of food or adding a food not originally listed on the check**
  - If a check has been altered, instruct the WIC customer to return it to their Local WIC Office
  - WIC customers may not buy more than the total quantity indicated on the check
  - They may buy less than the quantity listed on the checks, but they cannot receive anything else in exchange
5. Enter Transaction date
  - The retailer must enter the transaction date on the front of the check on the Date of Use line
4. Request WIC participant to enter the Purchase Price
  - The WIC participant must write in ink the actual purchase price of the prescribed foods in the Dollars/Cents box
  - Cashier should verify amount entered for accuracy
  - If the WIC participant makes an error when entering the actual cost of foods purchased on a WIC check, it may be corrected by the WIC participant or cashier by:
    - Drawing a single line through the incorrect price
    - Entering the correct price, clearly and legibly, in the space below the actual sale box
    - Have WIC participant initial next to the corrected amount
  - If an error is identified after the WIC participant leaves the store, follow the steps in 4. above and initial
  - Foods purchased on WIC checks are exempt from sales tax
  - The Retailer must obtain approval and an authorization code from the State WIC Office before changing the amount on a WIC check returned to the Retailer by a bank. Upon obtaining approval and an authorization code from the State WIC Office, Retailer can resubmit the WIC check to the bank of first deposit
  - **The retailer may not seek restitution from a WIC customer for a check not paid by the WIC Program**
6. Witness and Verify Signature
  - Do not accept a WIC check if the purchaser does not have a WIC ID Pouch
  - Do not accept a pre-signed check
  - Compare signature on the check to signature on the WIC ID Pouch
  - It is the store's responsibility to obtain a signature from the customer at the time of the transaction
  - If signature is not obtained, contact the local WIC Office or State WIC Office; they will attempt to assist the store in obtaining the WIC participant's signature
  - Do not deposit the check until signed; the store is liable for any checks incorrectly redeemed at the

store

7. Endorse WIC Check

- The retailer must place their WIC retailer identification number on the front of each check in the indicated area, as well as endorse the back of the check before cashing
- The retailer must endorse the back of each WIC Check redeemed, either electronically or manually; this endorsement must include the date
- All WIC Checks must be deposited within forty-five (45) days from the issue date

8. Rain Checks

- **Rain checks may not be issued in any circumstances**

9. Cash Value Vouchers

- If a participant selects more fresh fruits and/or vegetables than the dollar amount on a Cash Value Voucher, and the retailer is capable, the participant is allowed to pay the difference

### **WIC CHECKS AND BANKING PROCESSING**

The WIC Program's bank First Premier conducts an edit process and returns WIC Checks to the Retailer prior to payment for any of the following reasons:

- Missing signature
- Illegible vendor stamp
- Invalid vendor
- Missing vendor stamp
- Altered check
- Invalid redemption date
- Missing redemption date
- Unreadable redemption date
- Check exceeds maximum amount
- Inactive vendor
- Checks must be cashed within 45 days of issue date for the retailer to receive payment

If checks are returned to you by the bank you must contact Renee Osterkamp or Beth Henrichsen for approval to send through to be processed. The checks will now be returned with a notice that states "Refer to Maker."

### **VIOLATIONS AND SANCTIONS**

Abuse of the program by the retailer is just cause for termination. Disqualification will be based on the number of points accumulated or the severity of the sanction. Disqualified retailers may be considered having forfeited their authorization and if they seek reauthorization, retailer will be required to apply for authorization after expiration of the disqualification period.

A retailer previously assessed a sanction for violations included in the Disqualification Section below who receives a second sanction for any of these violations, will receive a doubled sanction. A third violation will result in the doubled sanction and no Civil Money Penalty will be allowed.

A retailer with multiple violations in a single investigation shall be sanctioned or disqualified based on the most serious violation. The retailer will be notified in writing of all violations detected during the investigation. The program does not have to notify retailer if it would jeopardize the investigation.

A retailer shall be charged with points or disqualified, depending on the severity of the violation. Repeated Program abuse will result in a more severe sanction. A pattern, as used below, is defined as at least three (3) independent documented repeated violations of similar severity during compliance buys. A pattern does not need to be present when applying a 6 year or permanent disqualification (see 3 and 4 of the Disqualifications Section).

**Disqualifications:** The Retailer will receive written notice by certified mail of disqualification and the length of disqualification from the WIC Program as follows:

1. 1 year disqualification - Exhibiting a pattern of providing unauthorized food in exchange for WIC Check, including charging for food in excess of those listed on the WIC Check
2. 3 year disqualification:
  - Redeeming WIC Checks for Alcoholic Beverages or Tobacco Products; only one incidence is necessary for disqualification
  - Exhibiting a pattern of claiming reimbursement in excess of documented inventory
  - Exhibiting a pattern of overcharges; overcharges are defined as charging more for food than the price charged other customers, charging more than the current shelf price, and charging for foods not received as detected during a compliance buy
  - Exhibiting a pattern of charging for food not received by the participant
  - Exhibiting a pattern of receiving, transacting, and/or redeeming WIC Checks outside of authorized channels including the use of an unauthorized vendor or person
  - Exhibiting a pattern of providing credit or non-food items, other than alcohol, tobacco, cash, firearms, drugs in exchange for WIC Checks
3. 6 year disqualification - Retailer found trafficking WIC Checks or illegal sales by WIC investigation
4. Permanent disqualification - Conviction of trafficking WIC Checks or selling firearms, ammunition, explosives or controlled substances in exchange for WIC Checks

**Sanctions:** The Retailer will receive written notice of WIC Program violations and accompanying sanction points and/or disqualification from the WIC Program as follows:

1. 1-8 points – written notification of all sanctions applied to Retailer
2. 9-15 points – written notification of all sanctions and the Retailer will be required to respond in writing within 15 days with justification and actions taken for correcting violations of the WIC Program
3. 16-20 points – written notification of accumulative sanction points and the Retailer will be required to: (a) accept training by the WIC Program Representative within 3 months; and (b) respond in writing to the notification within 15 days with justification and actions taken for correcting violations of the WIC Program
4. 21-25 points – written notification by certified mail of disqualification from the WIC Program for 6 months
5. 26-or greater – written notification by certified mail of disqualification from the WIC Program for 1 year

**WIC Program Violations and Accompanying Sanction Points are:**

1. Check Redemption
  - Failure to use WIC ID stamp on two WIC checks (1 pt)
  - Using a WIC ID stamp not issued or approved by the WIC Program (1 pt)
  - Depositing a WIC Check 45 days beyond issue date (1 pt) Retailer will not be reimbursed
  - Failure to enter the transaction date on the back of the check and front of the check , either electronically or manually on the back, and manually on the front (1 pt)
  - Missing signature (1 pt)
  - Illegible vendor stamp (1 pt)
  - Invalid vendor (1 pt)
  - Missing vendor stamp (1 pt)
  - Altered check (1 pt)
  - Invalid redemption date (1 pt)
  - Missing redemption date (1 pt)
  - Unreadable redemption date (1 pt)
  - Check exceeds maximum amount (1 pt)
  - Inactive vendor (1 pt)
2. Reimbursement Accountability
  - Seeking restitution from a participant for a WIC Check not paid for by the Program (5 pts)
3. Stocking
  - Failure to clearly identify shelf prices of WIC food items (4 pts)
  - Stocking and/or selling authorized food that is not fresh (2 pts)
  - Stocking or purchasing formula for sale from supplier other than those on the list of authorized

- distributors provided by the WIC Program (10 pts)
  - Unavailability of authorized food or insufficient stock of authorized foods (2 pts)
  - Failure to supply within five (5) days, infant formula, infant foods, infant cereal, or specialty milks as requested by WIC customer or WIC Program (10 pts)
4. Cashier Check Out Procedures
- Accepting WIC Checks without requiring a WIC ID Pouch (1 pt)
  - Accepting WIC Checks before the issue date and after the expiration date (2 pts) may also result in nonpayment by WIC Program
  - Accepting a pre-signed WIC Check (2 pts)
  - Failure to obtain signature at the store (2 pts)
  - Failure to provide the WIC customer a sales receipt when requested (1 pt)
  - Failure to allow the purchase of the full or partial amount of food specified on the WIC Check (2 pts)
  - Having a payee/alternate sign a WIC Check without the “actual price” entered (4 pts)
  - Inappropriately changing “Actual Amount of Sale” box on WIC Checks (1 pt)
  - Giving change on redemption of a WIC Check (6 pts)
  - Charging sales tax on WIC purchased foods (8 pts)
  - Accepting or redeeming altered WIC Check (2 pts)
5. General
- Submitting the WIC Food Price List with inaccurate or unacceptable data (2 pts)
  - Abusive or discriminatory treatment of WIC participants or WIC staff (4 pts)
  - Breach of confidentiality (i.e. contacting the WIC participant directly, requiring signature on separate document) (4 pts)
  - Failure to provide updated WIC Foods Price Lists when requested by the WIC Program (8 pts)
  - Accepting WIC Checks prior to receiving a signed Retailer agreement or other written notification from the State WIC Office that the application will be approved (4 pts); points will be assessed and payment will not be made for these WIC checks
  - Failure to carry out corrective action as a result of educational or monitoring visits (6 pts)
  - Failure to attend a training session per contract period and as required by the WIC Program (10 pts)
  - Accepting WIC Checks during a suspension period (10 pts)
  - Following authorization, increasing prices inconsistent with price increases by other authorized vendors in the service area (10 pts)
  - Failure to comply with other terms of the Retailer Agreement (8 pts)

All points shall be accumulated during an agreement period (three years); a retailer who is disqualified from participation in the WIC Program may request an administrative appeal hearing within 15 days from the date of notice of the adverse action. The effective date of disqualification is 15 days from notification date, regardless of appeal request.

A retailer who commits fraud or abuse of the WIC Program is liable to prosecution under applicable Federal, State, or local laws. Section 104(b) of Public Law 105-226 Child Nutrition Reauthorization Act of 1998, amended 12(g) of the National School Lunch Act, to state those who willfully misapplied, stole or fraudulently obtained WIC funds shall be subject to a fine or not more than \$25,000 of imprisonment for not more than five (5) years or both, if the value of the funds is \$100 or more. If the value is less than \$100, then the penalties are a fine of not more than \$1,000 or imprisonment for not more than one (1) year or both.

A retailer who has accumulated up to 20 sanction points may have their sanction points reduced in half by requesting and attending a training session within three (3) months of being notified of the total accumulated points. This reduction may be applied only once every six (6) months.

The WIC Program will notify the retailer in writing when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction, and such notice will be provided before documenting another such violation. Notice, however, is not required if the WIC program determines, at its discretion,

that such notice could compromise an investigation.

### **WIC FINES**

The State Office has the right to modify payment or to assess a claim for WIC Checks transacted for unauthorized foods, other items, or with sales tax charged.

The Retailer shall receive a written warning for the first month where they have twenty-five (25) or more WIC Checks returned. The State Office will assess the Retailer a fine of fifty (50) dollars for the first month in which returned WIC Checks exceed twenty-five (25) after a warning has been given.

For the second month after the warning in which returned WIC Checks exceed twenty-five (25), the State Office will assess a fine of seventy-five (75) dollars and the Retailer will be required to attend mandatory training.

For the third and any subsequent occurrences during the agreement period, the State Office will assess a one hundred (100) dollar fine and make a claim for the recoupment of the total amount of all checks returned for that month.

The reasons that checks are returned could include one or more of the following:

- Missing signature
- Illegible vendor stamp
- Invalid vendor
- Missing vendor stamp
- Altered check
- Invalid redemption date
- Missing redemption date
- Unreadable redemption date
- Check exceeds maximum amount
- Inactive vendor
- Checks must be cashed within 45 days of issue date for the retailer to receive payment

### **APPEALS**

A retailer shall have a right to appeal when a WIC application is denied, and for other adverse decisions made by the WIC Program that affect retailer participation in the WIC Program. However, expiration of a contract, suspension from the WIC Program based on SNAP disqualification, and the Department's determination regarding participant access are not subject to appeal.

#### **Actions Subject to Appeal**

- Denial of authorization based on the retailer selection criteria for competitive price or for minimum variety and quantity of authorized supplemental foods and/or on a determination that the retailer is attempting to circumvent a sanction
- Termination of an agreement for just cause
- Disqualification from the WIC Program and imposition of a fine or a CMP in lieu of a disqualification
- Denial of authorization based on the retailer selection criteria for business integrity or for a current SNAP disqualification or CMP for hardship
- Denial of authorization based on WIC Program established retailer selection criterion if the basis of the denial is a WIC retailer sanction or a SNAP withdrawal of authorization or disqualification
- Denial of authorization based on the WIC Program's retailer limiting criteria
- Denial of authorization because a retailer submitted an application outside the timeframes during which applications was being accepted and processed as established by the WIC Program
- Termination of an agreement because of a change in ownership or location or cessation of operations
- Disqualification based on a trafficking conviction
- A Civil Money Penalty imposed in lieu of disqualification based on a SNAP disqualification for hardship

- Disqualification or a CMP imposed in lieu of disqualification based on a mandatory sanction imposed by another WIC Program
- Denial of an application based on a determination of whether an applicant retailer is currently authorized by the SNAP Program
- Disqualification based on imposition of SNAP civil money penalty for hardship
- Application of peer group criteria and above 50% status determination are subject to administrative review, when the application for this criteria is the basis of the adverse action (denial of authorization or termination of agreement for cause)

**Actions Not Subject to Appeal**

- The validity or appropriateness of the WIC Program’s retailer limiting or selection criteria for minimum variety and quantity, business integrity, and current SNAP DQ or CMP
- The validity or appropriateness of the WIC Program’s retailer peer group criteria and the criteria used to identify retailers that are above 50% retailers or comparable to above 50% retailers
- The validity or appropriateness of the WIC Program’s participant access criteria and the WIC Program’s participant access determination
- The WIC Program’s determination whether a retailer had an effective policy and program in effect to prevent trafficking and that the ownership of the retailer was not aware of, did not approve of, and was not involved in the conduct of the violation
- Denial of authorization if the WIC Program’s retailer authorization is subject to the procurement procedures applicable to the State agency
- The expiration of a Retailer Agreement
- Disputes regarding WIC Check payments and retailer claims other than the opportunity to justify or to make corrections on WIC Checks
- Disqualification of a retailer as a result of a disqualification from the SNAP Program
- The WIC Program’s determination whether to notify a retailer when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction
- The WIC Program’s determination to include or exclude an infant formula manufacturer, wholesaler, distributor or retail from the approved formula list

The right of appeal shall be granted when the store’s application to participate is denied or, during the course of the agreement, when the retailer is disqualified or any other adverse action which affects participation is taken. Expiration of the agreement with a food retailer shall not be subject to appeal.

A retailer’s request for an administrative hearing must be submitted in writing within fifteen (15) days from notice of the adverse action to the South Dakota Department of Health, WIC Program, 600 E Capitol Ave, Pierre, South Dakota 57501-2536. The request must identify the individual representing the retailer and the decision to be appealed. Once a hearing request is received by the State, the individual will be forwarded a copy of the South Dakota WIC Administrative Appeal Procedure. The procedure outlines what is involved in the hearing process.

Within three (3) weeks from the date of receipt of request, a hearing will be held. At least ten (10) days advance written notice will be given to the retailer, specifying the time and place of the hearing.

**Appealing an action does not relieve a retailer from the responsibility of continued compliance with the terms of the written agreement with the State WIC Program.**

Thank you for your continued support in making the WIC Program a success!!

**WIC Retail Management Staff**

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