

**Virginia WIC Program - Sanction Violation Schedule** (Effective Date December 1, 2011)

<b>Class</b>	<b>Technical Violation Descriptions</b>	<b>Administrative Actions</b>	<b>ST/Fed* Violations</b>
A1 (01)	Accepts a WIC food instrument before the "Spend Check Between These Dates" as printed on the food instrument.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (02)	Fails to provide any training to a cashier on processing a WIC transaction.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (03)	Erroneously limits participants in their choice of WIC approved food.	\$100 fine, second occurrence within consecutive 12 month period.	ST
A1 (04)	Fails to maintain minimum food stocking requirements: deficient stock affecting one WIC approved food (including contract formula) item.	\$100 fine, second occurrence within a consecutive 12 month period.	ST
A1 (05)	<i>(Reserved)</i>	N/A	N/A
A1 (06)	Charges the WIC Program sales tax on a WIC purchase.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (07)	Obtains the participant's signature before the dollar amount has been entered on the food instrument.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (08)	Fails to give a receipt to participants for all WIC purchases, unless expressly declined by the participant.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (09)	Fails to display prices of authorized food on the foods in close proximity to the foods or in the immediate area where foods are kept.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (10)	Fails to provide the most recent two (2) months of infant formula purchasing records (i.e. invoices, receipts) within 15 calendar days after receiving a written request form the WIC Program.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (11)	<i>(Reserved)</i>	N/A	N/A
A1 (12)	<i>(Reserved)</i>	N/A	N/A
A1 (13)	Violates participant's confidentiality.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (14)	Fails to offer participants the same courtesies offered to other customers, including coupon acceptance when offered to cash paying customers.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (15)	<i>(Reserved)</i>	N/A	N/A
A1 (16)	Fails to deposit WIC food instruments using a WIC ID stamp.	\$100 fine, second occurrence within a consecutive 12 month period.	ST
A1 (17)	Fails to properly use "WIC Designated" shelf labels on food(s), as outlined in the WIC Approved Food List.	\$100 fine, per incident, once pattern requirement is met.	ST
A1 (18)	Fails to consistently use "WIC Approved" shelf labels under all eligible products within a specific category, if used.	\$100 fine, per incident, once pattern requirement is met.	ST

\* ST = State Agency violation (pattern requirement – 2 documented incidents).

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<b>Class</b>	<b>Serious Program Violations</b>	<b>Administrative Actions</b>	<b>ST/Fed Violations</b>
B1 (01)	Forges a participant's signature onto a WIC food instrument.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (02)	Fails to comply to take documented corrective actions or comply with a federally mandated requirement, i.e., fails to purchase formula from an approved supplier, distributor or manufacturer.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (03)	Fails to submit a required price list of WIC authorized foods/formula as demanded by the WIC Program.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (04)	Fails to maintain minimum stocking requirement: for food items and/or contract formula	3 documented incidents within a consecutive 12 month period equates to a pattern; 1 year DX or CMP	ST
B1 (05)	Discriminates against WIC participants on the basis of race, color, national origin, age, sex or disability.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (06)	Fails to pay an administrative fee, compliance fine, overcharge, as requested by the WIC Program.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (07)	Fails to attend mandatory WIC Program training after having the opportunity to reschedule once.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (08)	Threatens/inflicts physical harm/commits verbal harassment against a WIC representative or a participant using program benefits.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (09)	Provides false and/or incomplete information, including pricing data, as part of the selection and evaluation process.	2 incidents = pattern; 1 year DX or CMP .	ST
B1 (10)	Substitutes a food(s) which has a smaller packaging size than <u>that which is prescribed on the WIC food instrument.</u>	4 + incidents = pattern; 1 year DX or CMP.	ST
B1 (11)	Substitutes a non-eligible food(s) <u>from that which is prescribed on the WIC FI or declared as the store's designated brand in RSMS. 7 CFR 246.12(l)(1)(iv)</u>	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (12)	Charges the WIC Program for supplemental food(s) <u>in excess of those listed on the WIC food instrument</u> i.e., provided extra item(s). 7 CFR 246.12(l)(1)(iv)	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (13)	Allows WIC participants to purchase less contract formula than the amount specified on the WIC food instrument.	4 + incidents = pattern; 1 year DX or CMP.	ST
B1 (14)	Fails to correct a documented performance issue relating to depositing WIC food instrument(s) without a stamp.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (15)	Substitutes a WIC eligible food that is not prescribed on the participant's FI for another WIC eligible food prescribed on the FI. 7 CFR 246.12(l)(1)(iv)	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (16)	Charges the WIC Program for a quantity (i.e., ounces) that is greater than the quantity allowable on the WIC food instrument. 7 CFR 246.12(l)(1)(iv)	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (17)	Fails to sell the correct type of food as prescribed by WIC. Allows participant to buy an ineligible food type, e.g., whole milk versus skim milk. 7 CFR 246.12(l)(1)(iv)	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (18)	Substitutes a non-contract formula when a contract formula is prescribed on the WIC food instrument. 7 CFR 246.12(l)(1)(iv)	4 + incidents = pattern; 1 year DX or CMP.	Fed
B1 (19)	A documented discrepancy exists between contract formula purchasing, invoice and inventory records as documented during an inventory audit analysis.	2 incidents = pattern; 1 year DX or CMP.	ST
B1 (20)	Eight or more Class A violations (pattern established) within a single investigation.	\$100 fine per incident; 1 year DX or CMP.	ST
B1 (21)	Fails to use <u>any</u> "WIC Designated" shelf labels on required food(s), as listed in the WIC Approved Food List.	4 + incidents = pattern; 1 year DX or CMP.	ST

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<b>Class</b>	<b>Critical Program Violations</b>	<b>Administrative Actions</b>	<b>ST/Fed Violations</b>
C1 (01)	Receives transacts or redeems WIC FIs outside of authorized channels, including the use of an unauthorized store location. 7 CFR 246.12(l)(1)(iii)(D).	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (02)	Substitutes non-food items for WIC foods, e.g. detergents, kitchen items, etc. 7 CFR 246.12 (l)(1)(iii)(F).	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (03)	Provides credit, in whole or in part, for a WIC food instrument. 7 CFR 246.12(l)(1)(iii)(F)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (04)	Writes in the space provided on the food instrument a price higher than the receipt. <b>(overcharge*)</b> 7 CFR 246.12(l)(1)(iii)(C)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (05)	Charges participants more for supplemental WIC food(s) than non-WIC customers or charging more than the current shelf or posted price. <b>(overcharge)</b> 7 CFR 246.12 (l)(1)(iii)(C)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (06)	Charges the WIC Program for supplemental foods not received by the WIC participant. 7 CFR 246.12(l)(1)(iii)(E)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (07)	Sells cigarettes/tobacco or alcoholic beverages for WIC FIs - one documented occurrence is sufficient for imposing this sanction. 7 CFR 246.12(l)(1)(iii)(A)	1 incident = 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (08)	Claims reimbursement in excess of documented inventory. 7 CFR 246.12(l)(1)(iii)(B)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed
C1 (09)	Writes in the space provided on the Cash Value Voucher a price higher than the foods actually purchased. <b>(overcharge)</b> . 7 CFR 246.12(l)(1)(iii)(C)	4 + incidents = pattern; 3 year DX or CMP. (See footnote for additional information related to the CMP).	Fed

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<b>Class</b>	<b>Major Program Violations</b>	<b>Administrative Actions</b>	<b>ST/Fed Violations</b>
D1 (01)	Trafficking/Illegal Sales-the buying or selling of food instruments for cash; exchanging food instruments for fire arms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802). 7 CFR 246.12(l)(1)(ii)(A) & (B)	1 incident = 6 year DX or CMP. (See footnote for additional information).	Fed
D1 (02)	A conviction of trafficking or illegal sales. Trafficking/Illegal Sales-the buying or selling of food instruments for cash; exchanging food instruments for fire arms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802). 7 CFR 246.12(l)(1)(i)	1 incident = permanent DX (see footnote for additional information)	Fed
D1 (03)	Provides cash, in whole or in part, for a WIC food instrument. 7 CFR 246.12(l)(1)(ii)(A)	1 incident = 6 year DX or CMP. (See footnote for additional information).	Fed
<b>Class</b>	<b>Warnings</b>	<b>Administrative Actions</b>	<b>ST/Fed Violations</b>
E1 (01)	Fails to deposit WIC food instruments using a WIC ID stamp	Warning	ST
E1 (05)	<i>(Reserved)</i>	N/A	N/A
E1 (06)	Failed to confirm WIC shopper possessed an ID folder.	Warning	ST

- Any references made to food instruments also include the use and handling of Cash Value Vouchers (CVV).
- Federally mandated violations are designated with “Fed” Violation column; ST = state agency violations.
- CMP means Civil Monetary Penalty – The State Agency may impose a CMP in lieu of a disqualification if the disqualification of the store would result in inadequate participant access.
- DX means WIC Program Disqualification.
- A pattern of non compliance for federally mandated violations equates to four (4) or more documented incidents, unless stated otherwise.
- A pattern of non compliance for state agency violations (ST) equates to two (2) or more documented incidents, unless stated otherwise.
- For violations documented during the first two (2) compliance buys, the State Agency will send a written warning letter to the retail store. Two (2) weeks after sending this warning letter, then additional buys will be conducted. Once the investigation has been closed, the store will receive a final summary of the documented violations. Exception – For any Class D violations assessed, no written warning will be given to the store prior to completing additional buys and closing out the investigation.
- On a case-by-case basis, the State Agency may decide not to provide written notification to the retail store, if it determines that said notification would compromise the investigative process. The State Agency must document in the store’s file the reason(s) supporting this administrative decision.
- All violations flagged as “**overcharge**” will result in a financial “Vendor Claim” being assessed and the store will have to repay the amount of the overcharge.
- Refer to the State regulations (12VAC5-195-600 Sanctions and Administrative actions) for additional information pertaining to State Agency policies.
- Each violation class will remain effective for the following durations: Class A1=12 months; Class B1=12 months, Class C1=24 months, D1=36 months, and E1=12 months. The begin date starts as of the date the investigation is closed and written notice has been sent to the retail store.