

## 8.03 Inadequate Participant Access

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### **POLICY:**

Inadequate participant access will be the determining factor in assessing a civil money penalty. It will also be a contributing factor in waiving the selection criteria.

### **PROCEDURE:**

#### **A. Determination of Inadequate Participant Access**

1. Inadequate participant access is determined on a case-by-case basis.
2. Inadequate participant access determination shall be based upon federal regulation and other factors as determined by the State Agency.

#### **B. Conditions that must exist for Inadequate Participant Access**

To be considered inadequate participant access rather than “participant inconveniences,” one (1) of the following conditions must be indicated:

- < The Vendor serves ten (10) or more WIC participants whose specific nationality could not be properly served by another authorized Vendor located within a reasonable distance because of a language barrier;

*Note: Reasonable distance for the purpose of this procedure is defined as travel in excess of ten (10) miles to reach an authorized Vendor.*

- < A significant number of WIC participants, generally twenty (20) or more, would be required to travel an unreasonable distance to another authorized Vendor in order to receive WIC benefits;
- < Geographic barriers or conditions which would make normal travel impossible to another authorized WIC Vendor (i.e., an unbridged river, an expressway and frequent road closings because of bad weather); or
- < The participant has a physical disability that cannot be accommodated by alternative Vendors (i.e., the Vendor in question has a wheelchair ramp while other Vendors in the area are not so equipped **and** a wheelchair-bound participant regularly shops at that Vendor). For this condition to apply, the participant with a disability must have done more than half of the participant’s food draft redemption in the previous six (6) months with this vendor.

#### **C. Appeal of State Agency Disqualification**

Inadequate participant access is **not** a legitimate or acceptable issue for a Vendor to raise in appealing a State Agency disqualification **nor** is the State Agency’s determination of adequate participant access subject to administrative review.