

8.03 Inadequate Participant Access

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.