



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

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FILING CAPTION: Updating dollar threshold for WIC mandatory participant disqualification

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AMEND: 333-053-0080

NOTICE FILED DATE: 11/25/2024

RULE SUMMARY: Amend OAR 333-053-0080 to increase the dollar threshold for disqualification when a claim is assessed against a participant resulting from a participant violation, in order to align with changes made by the Food and Nutrition Service (FNS), of the U.S. Department of Agriculture (USDA).

CHANGES TO RULE:

333-053-0080

Participant Violations ¶¶

(1) During each certification visit, participants shall be informed of their rights and responsibilities, program rules and the sanctions issued should they intentionally violate a program rule.¶¶

(2) Whenever the ~~Authority~~ Oregon Health Authority (Authority) assesses a claim of misappropriated ~~WIC~~ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program benefits of \$1,000 or more resulting from a participant violation, assesses a claim for dual participation, or assesses a second or subsequent claim of any amount resulting from a participant violation, the Authority shall disqualify the participant for one year.¶¶

(3) A participant shall be issued a Notice of Non-compliance for the first instance; a six month disqualification from the program and issued a claim for the second instance; and a one year disqualification from the program and issued a claim for the third and any subsequent instance of the following violations:¶¶

(a) Simultaneously using his or her own WIC benefits and acting as a store cashier for the transaction if employed by or owns store;¶¶

(b) Destruction of vendor or farmer property during a WIC transaction;¶¶

(c) Verbal abuse of store, farmer, or farm stand employees or owners during a WIC or Farm Direct Nutrition Program (FDNP) transaction;¶¶

(d) Verbal abuse of state or local agency staff;¶¶

(e) Destruction of state or local agency property;¶¶

(f) Altering a food instrument;¶¶

(g) Returning foods purchased with a food instrument to a WIC vendor in exchange for money or different food unless they are receiving the identical item in exchange;¶¶

(h) Using or attempting to use a food instrument reported lost or stolen; or¶¶

(i) Redeeming a food instrument for unauthorized foods or formula.¶¶

- (4) A participant shall be issued a Notice of Non-compliance and issued a claim for the first instance; and disqualified from the program for one year and issued a claim for the second and any subsequent instance of misrepresenting eligibility information to gain WIC or FDNP benefits.¶
- (5) A participant shall be disqualified from the program for six months for the first instance and disqualified from the program for one year for the second or any subsequent instance of the following violations:¶
- (a) Assaulting or using physical force, actual or threatened, against store, farmer, or farm stand employees or owners during a WIC or FDNP transaction; or¶
 - (b) Assaulting or using physical force, actual or threatened, against state or local agency staff.¶
- (6) A participant shall be disqualified from the program for one year and issued a claim for the first and any subsequent instance of the following violations:¶
- (a) Collusion with local agency staff to improperly obtain WIC program or FDNP benefits;¶
 - (b) Collusion with store staff to use a food instrument for the purchase of anything other than specifically indicated WIC program benefits;¶
 - (c) Theft of a food instrument;¶
 - (d) Buying, attempting to buy, exchanging, attempting to exchange, selling, or attempting to sell food or formula purchased with a food instrument for cash, credit, merchandise, favors, or other non-food items;¶
 - (e) Trafficking or attempting to traffic a food instrument; or¶
 - (f) Collusion with store staff to accept the return of food or formula purchased with a food instrument for cash, credit, merchandise, favors, or other non-food items.¶
- (7) The Authority may decide not to impose a disqualification if, within 30 days of the date the letter was mailed demanding repayment, full restitution is made or a repayment schedule is agreed upon. In the case of a violation committed by the parent or caretaker of an infant or child participant, or by a participant under the age of 18, the Authority may approve the designation of a proxy in order to continue program benefits to these participants.¶
- (8) Participants may reapply for benefits at any time after the disqualification period is over.

Statutory/Other Authority: ORS 413.500

Statutes/Other Implemented: ORS 413.500