



Food and  
Nutrition  
Service

March 30, 2020

**SUBJECT:** Request for WIC Flexibility in Response to COVID-19

1320  
Braddock  
Place  
Alexandria,  
VA  
22314

**TO:** Cheryl Kennedy  
Regional Administrator  
Mountain Plains Regional Office

This letter is in response to the March 25, 2020 correspondence from Montana WIC requesting program flexibility in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as a result of significant impacts to providing WIC program services to participants due to COVID-19.

Montana WIC requests a waiver of the separation of duties requirement, as outlined in 7 CFR 246.4(a)(27). Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), USDA's Food and Nutrition Service (FNS) approves the request to waive the requirement that prohibits a single employee from determining eligibility for all certification criteria and issuing food instruments, cash-value vouchers or supplemental food for the same participant through **May 31, 2020**.

Given the recommendations by the Centers for Disease Control and Prevention (CDC) to control the impact of the COVID-19 epidemic through means of social distancing, USDA FNS understands that normal clinic operations and processes are impeded and many clinics are closed. As a result, Montana WIC reports that many staff are teleworking; therefore, certifications and recertifications are being conducted over the phone by a single staff member. The services required to coordinate separation of duties at this time would impart a significant administrative burden and result in a delay in or inability to provide WIC services. A waiver of the separation of duties requirement removes a requirement that under current circumstances could prevent or impede the provision of essential WIC program services to participants.

This waiver is only applicable to regulations at:

- 246.4(a)(27)(iii), which requires the State to prohibit a single employee from determining eligibility for all certification criteria and issuing food instruments, cash-value vouchers or supplemental food for the same participant.

This waiver does not apply to the prohibitions against certifying oneself or close friends and relatives as defined at 7 CFR 246.4(a)(27)(i) and 7 CFR 246.4(a)(27)(ii).

No later than May 31, 2020, the State agency will submit an amendment to its State Plan to include updated policies and procedures that reduce conflict of interest when the competent

professional authority is both determining eligibility and issuing benefits, including an updated plan on conducting file reviews in these instances.

The waiver authority at section 2204(b)(1) of P.L. 116-127 requires the State agency to submit a report which includes a summary of the use of this waiver and a description of whether this waiver resulted in improved services to women, infants and children. The State agency shall provide the Regional Office with this report no later than 1 year after the date of approval.

USDA FNS appreciates Montana WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to needy women, infants and children.

Sincerely,

A handwritten signature in black ink that reads "Sarah Widor". The signature is written in a cursive, flowing style.

SARAH WIDOR  
Director  
Supplemental Food Programs Division