



Food and
Nutrition
Service

September 30, 2020

1320
Braddock
Place
Alexandria,
VA
22314

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

TO: William Ludwig
Regional Administrator
Southwest Regional Office

This letter is in response to the September 29, 2020 correspondence from Five Sandoval Indian Pueblos, Inc. WIC requesting flexibility with medical documentation requirements 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.

Five Sandoval Indian Pueblos, Inc. WIC cited significant impacts on the ability of participants to obtain medical documentation, as required by 7 CFR 246.10(d). Given the recommendations by the Centers for Disease Control and Prevention to control the impact of the COVID-19 epidemic through means of social distancing, USDA's Food and Nutrition Service (FNS) understands that many medical clinics are closed and only offering emergency services, thus participants and WIC staff are unable to contact the participant's health care provider to obtain medical documentation.

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 waiver request until 30 days after the end of the nationally-declared public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d), in the following manner:

- Existing benefits may be extended by no more than 2 months for participants with documented qualifying conditions as defined at 7 CFR 246.10(e)(3)(i);

As applicable, the WIC Competent Professional Authority (CPA) should still perform a nutrition assessment to ensure the correct formula and amounts are issued to the participant and documented. Medical documentation may be provided as an original written document, electronically, by facsimile, or by telephone.

Consistent with the terms of approval, this waiver is applicable to the regulation at:

- 7 CFR 246.10(d)(1), which requires medical documentation for the issuance of the following supplemental foods:
 - Non-contract Brand Formula;
 - Infant Formula Prescribed to a Participant Receiving Food Package III;
 - Any Authorized Supplemental Food Issued to Participants Receiving Food Package III;
 - Exempt Infant Formula;
 - WIC-eligible Nutritional; and

- Any contract brand infant formula that does not meet the requirements in Table 4 of paragraph (e)(12) of this section.

WIC staff are prohibited from assuming medical oversight and instruction for participants receiving supplemental foods as specified in 7 CFR 246.10(d)(5). USDA FNS is not waiving the requirement for medical documentation for the issuance of new supplemental food benefits. As stated above, medical documentation may be provided in a variety of forms, including electronically and by phone.

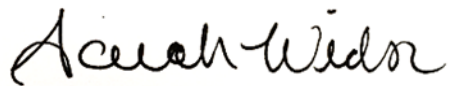
This approval does not waive the following regulatory requirements:

- 7 CFR 246.10(d)(4), which defines the technical requirements of medical documentation.
- 7 CFR 246.10(d)(5), which prohibits WIC staff from assuming medical oversight and instruction for participants receiving supplemental foods that require medical documentation.
- 7 CFR 246.10(e)(3)(i), which defines the qualifying conditions to be eligible to receive food package III.

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 Five Sandoval Indian Pueblos, Inc. WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,



SARAH WIDOR
Director
Supplemental Food Programs Division