



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

DANIEL STALEY
DIRECTOR

May 30, 2017

MEMORANDUM

TO: WIC Vendors
FROM: Mary Anne Burghardt, Head
Nutrition Services Branch
Mary Anne Burghardt
SUBJECT: Proposed Permanent Rule Amendments

The United States Department of Agriculture has required that all State WIC Agencies implement an electronic benefit transfer (EBT) system statewide by October 1, 2020 (7 CFR 246 12(a)). In response to this Federal mandate, the North Carolina WIC Program is moving from a paper-based method of benefit issuance to an EBT system where WIC benefits are issued to program participants on a plastic card that is used to obtain WIC supplemental foods at authorized WIC vendor locations.

The NC Department of Health and Human Services is proposing permanent rule amendments in response to this Federal WIC regulation. EBT will be implemented across the state from October 2017 until May 2018 and the WIC Program rules must be amended to accommodate changes in issuance and redemption of WIC benefits. Amendments to the rules are also proposed to clarify vendor management policies and modify minimum inventory requirements for WIC vendors. These amendments will become effective October 1, 2017. Vendors will receive training regarding rule changes during their annual vendor training.

Key points of the WIC Program rule amendments are:

10A NCAC 43D .0202

- Added definitions for:
 - “Electronic Benefit Transfer Processor”
 - “Personal Identification number (PIN)”
 - “Point of Sale Terminal”
 - “Product Look Up Code (PLU)”
 - “Universal Product Code (UPC)”
- Updated existing definition of “administrative appeal” to provide clarification

(over)

10A NCAC 43D .0203

- Added the physical address of the Nutrition Services Branch

10A NCAC 43D .0703

- Amended language regarding reimbursement for food instruments and cash-value vouchers
- Added language detailing how vendors will be reimbursed for WIC benefits transacted using an EBT card.

10A NCAC 43D .0707

- Added language regarding new EBT policies relative to WIC vendor applicants

10A NCAC 43D .0708

- Added language regarding new EBT policies and procedures relative to authorized WIC vendors
- Amended minimum inventory requirements by eliminating the requirement for concentrated infant formula, decreasing the requirement for powdered formula and increasing the required amount for skim/low-fat milk and fruits and vegetables. Also, added minimum inventory requirements for tuna, bread, tortillas, rice and infant fruits and vegetables.

A public hearing has been scheduled as part of the rule adoption process. Details are as follows:

DATE: June 29, 2017
TIME: 2:00 p.m.
PLACE: 5605 Six Forks Rd., Raleigh, NC 27609
Cardinal Room

A public comment period will run from June 1, 2017 through July 31, 2017. Comments should be submitted through the Commission for Public Health web site at <http://cph.publichealth.nc.gov/> where the revised rules as well as directions to the public hearing are posted.

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c: Local WIC Directors
Regional Nutrition Consultants
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USDA, FNS