Physical Presence Requirements

Policy

USDA Federal Regulations:
General physical presence requirement
246.7(o)(1) In general. The State or local agency must require all applicants to be physically present at each WIC certification.
(2) Exceptions

(i) Disabilities. The State or local agency must grant an exception to applicants who are qualified individuals with disabilities and are unable to be physically present at the WIC clinic because of their disabilities or applicants whose parents or caretakers are individuals with disabilities that meet this standard. Examples of such situations include:

(A) A medical condition that necessitates the use of medical equipment that is not easily transportable;

(B) A medical condition that requires confinement to bed rest; and

(C) A serious illness that may be exacerbated by coming into the WIC clinic.

(ii) Receiving ongoing health care. The State agency may exempt from the physical presence requirement, if being physically present would pose an unreasonable barrier, an infant or child who was present at his/her initial WIC certification and is receiving ongoing health care.

(iii) Working parents or caretakers. The State agency may exempt from the physical presence requirement an infant or child who was present at his/her initial WIC certification and was present at a WIC certification or recertification determination within the 1-year period ending on the date of the most recent certification or recertification determination and is under the care of one or more working parents or one or more primary working caretakers whose working status presents a barrier to bringing the infant or child in to the WIC clinic.

(iv) Infants under 8 weeks of age. The State agency may exempt from the physical presence requirement an infant under eight (8) weeks of age who cannot be present at certification for a reason determined appropriate by the local agency, and for whom all necessary certification information is provided.

ARPA Waivers:
Physical presence waiver
The waivers available to State agencies via this letter include:

- Physical Presence: 42 U.S.C. 1786(d)(3)(C)(i) and 7 CFR 246.7(o)(1), which require that each individual seeking to participate in the WIC program must be physically present at each certification or recertification in order to determine program eligibility.

Authority

7 CFR Part 246.7(o)(1-2)(i-iv)
WIC ARPA Waivers to Support Nationwide Remote Certifications

Procedures

In-person certification requirements and extenuating circumstances

Certifications, especially certifications for new participants, should be done in person unless extenuating circumstances are met. Extenuating circumstances may be determined by the clinic staff after discussion with the participant/parent/guardian and include but are not limited to;

- Participant lack of transportation,
- Illness,
- Work or school schedule conflicts and
- Inclement weather

Requirements when physical presence is exempt

When physical presence is exempt, all necessary documents to determine WIC eligibility including income, identity, address, bloodwork, height/length and weight measurements must still be provided.

- When identification is submitted ahead of time for a certification or recertification appointment, it should not be recorded at that time. Instead the person reviewing the proof should put a comment in the record about what was seen for whom. Then the staff member doing the teleWIC appointment can record it when they record the physical presence status of the participant at the appointment.
- A provisional certification (a temporary 30-day certification period) may be granted if two of the three required documents to determine eligibility are provided prior to the appointment. (e.g., identity and address or identity and proof of income)
- Bloodwork, if required, can be deferred for 90 days as long as results will still reflect the participant categorical status and will meet screening schedule requirements.
- For teleWIC appointments, anthropometric data taken within 60 days on either side of the certification date is allowable.
- Local agencies must make concerted efforts to obtain referral data for anthropometric and bloodwork measurements in advance of or at the time of the appointment.

Documentation requirements

Document physical presence in the WIC data system. If the applicant was not present, document the reason why an exemption was granted.

Best Practices

The value of in-person certification and strategies to reduce barriers

Physical presence of applicants at certification is optimal because

- It provides the opportunity for WIC personnel to observe and physically assess each applicant's nutrition and health status.
- Immediate needs for medical attention or other social services can be readily identified and referrals made to other providers.
- Participants also have the opportunity to actively participate in nutrition education activities and receive other on-site services such as immunizations or lead screening.

Requiring physical presence can also present barriers to service for working or student parents/caretakers. Local agencies are encouraged to also try to accommodate these families by providing early morning, lunch hour, evening and/or weekend appointments.

Verification of ongoing health care

Seeing written documentation that substantiates statements made by the parent/caretaker of ongoing health care would be desired. Examples of documentation include but are not limited to:

- Written communication from the provider or the provider's staff on stationary or prescription pads bearing the name of the provider's practice,
- Referral data recorded on a Nutrition Health History card that clearly identifies the provider's name,
- A recent clinic visit summary, copy of a physical form or information accessed by the participant through the providers patient portal and
- A bill or Explanation of Benefits statement listing services provided.