

## Physical Presence Requirements

### Policy

#### USDA Federal Regulations:

(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.

### Authority

7 CFR Part 246.7 (o)(1)

7 CFR Part 246.7 (o) (2)(i) (A-C) (ii-iv)

### Procedures

When physical presence is exempt, all necessary documents to determine WIC eligibility including income, identity, address, height/length and weight measurements ( $\leq$  60 days old) must still be provided.

Medical exemptions should be approved in advance by the local WIC agency to ensure that

appropriate documentation is provided in order to complete certifications.

Document physical presence in the WIC data system. If the applicant was not present, document the reason why an exemption was granted. (If the certification is done while the participant(s) are still in the hospital, the benefits will not be issued until the participant calls the agency and notifies them that they have been discharged.)

When physical presence is exempt due to a reason allowable by federal regulations the Rights and Responsibilities document must be read to the participant word for word. If the participant agrees to what has been read, select the appropriate reason as to why a signature could not be collected in the system. A copy of the Rights and Responsibilities document must then be sent to the participant by text, email or mail according to their preference.

The appropriate reason as to why a signature could not be collected in the system must also be selected when issuing food benefits.

If children are exempt because being physically present is a barrier, they were present at their initial WIC appointment and they are getting ongoing healthcare, a statement about the ongoing healthcare they are getting must be included in the nutrition care plan.

## **Best Practices**

Physical presence of applicants at certification is optimal as 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.

However, requiring physical presence presents barriers to service for working or student parents/caretakers. Local agencies are encouraged to accommodate these families by providing early morning, evening, and/or weekend appointments.

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.

Even if physical presence is excused because of a reason allowed by federal regulations, if possible, have the parent, guardian or a designated proxy come in to physically read and sign the Rights and Responsibilities document. If it is not possible for them to come in to sign and it is read, consented to and sent to them via email, text or postal mail, document in the participant record when and by what means the Rights and Responsibilities was sent.