

**NEW JERSEY DEPARTMENT OF HEALTH
WIC SERVICES**

POLICY AND PROCEDURE MANUAL

Policy & Procedure Number: 1.32

Effective Date: March 25, 2022

Functional Area: I. VENDOR MANAGEMENT

Subject: Inadequate Participant Access

A. POLICY:

1. To provide adequate participant access, the State Agency (SA), in accordance with 7 CFR, §246.12, must ensure denying authorization of a vendor location or disqualifying a vendor does not result in inadequate participant access to WIC supplemental foods.
2. Participant Access means the determination by the SA as to the availability of authorized vendors within a geographic area, thus creating a hardship for WIC participant access. Participant hardship shall not be taken to mean participant inconvenience or preference.
3. The SA will assess the Vendor Selection Criteria (P&P 1.30-A) for any vendor prior to denying authorization or disqualifying a vendor to ensure the action does not result in inadequate participant access.
4. The SA shall consider whether there is inadequate participant access following the process set forth in Section B below, prior to rendering a final determination to disqualify a Vendor pursuant to this policy or denying authorization to the Vendor.
5. The SA reserves the right to disqualify vendors determined to not be serving participant access need in accordance with federal regulations 7 CFR, §246.12(g)(3) and (g)(4).
6. In accordance with 7 CFR 246.12(l)(8), the validity or appropriateness of the SA's participant access criteria and the SA's determination regarding participant access is not subject to administrative review.

B. PROCEDURE:

1. Inadequate Participant Access - Assessment
 - a. The SA will collect and securely maintain documentation for use of the Inadequate Participant Access Assessment tool (P&P 1.32-A) resulting in the final determination, in addition to any supporting documentation, as needed.
 - b. The analysis for Participant Access determination includes the assessment of the following factors:

1. There are less than 4 other authorized WIC vendors within a 1-mile radius of this store.
 2. There are geographic barrier(s) or conditions, that would significantly restrict participants access to using other NJ WIC authorized vendors in the area; impeding on a WIC participants ability to reach the destination of a store. The SA defines a geographic barrier for participants as an inaccessible area to a NJ WIC authorized store location.
 - Geographic barriers include, but are not limited to, bridges or interstate highways not open to foot traffic, or steep terrain not accessible by roadways. Geographic barriers as a result of natural disaster conditions that impede on the ability to access an authorized WIC Vendor can also be considered.
 3. The need of a vendor to accommodate a participant that has physical disability that cannot be accommodated by other authorized vendors.
 4. The need of a vendor to accommodate ten or more participants that can only be served by a particular vendor because of language barrier or religious dietary needs.
- c. Exceptions to the criteria may be granted if the SA determines there is inadequate participant access (P&P 1.30-A, Vendor Selection Criteria). However, the following two criteria are required and must remain mandatory, with no exceptions:
- A vendor applicant must maintain all SA established minimum stock inventory for all categories of WIC foods.
 - A vendor applicant must purchase infant formula only from the list provided by the State Agency of infant formula wholesalers, distributors and retailers licensed in New Jersey. The State Agency provides an updated list to all authorized vendors during authorization, re-authorization and on the NJ DOH WIC website found here:
<https://www.state.nj.us/health/fhs/wic/vendors/>

2. Determination of Participant Access

- a. The Participant Access analysis will be completed using the 1.32-A Inadequate Participant Access Assessment tool. The analysis must include a minimum of one factor, from the Participant Access Assessment tool, to determine the need for a store to remain NJ WIC Authorized.
- b. If any of the responses are "Yes", the determination indicates the store location may remain as authorized based on NJ WIC Participant Access Analysis.

- c. If the SA determines the Vendor is necessary for participant access, based on the Participant Access Assessment results, the SA will maintain the store location as WIC authorized.
- d. If the Participant Access Assessment tool determines that the Vendor does not meet any of the 3 criteria, the SA will terminate the store location as WIC authorized.

Attachment(s)

1.32-A Inadequate Participant Access Assessment tool

1.30-A Vendor Selection Criteria (found within 1.31H Vendor Agreement)