**FINAL AND PROPOSAL**

**FINAL AAP**

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**Title 10  
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

**Notice of Final Action**

[20-040-F]

On April 28, 2020, the Secretary of Health adopted amendments to:

(1) Regulations **.02**, **.04—.20**, and **.22** under **COMAR 10.54.01 Eligibility, Participation, and Benefits**; and

(2) Regulations **.02**, **.04—.08**, **.10**, **.11**, **.14**, and **.17** under**COMAR. 10.54.02 Local Agency**.

This action, which was proposed for adoption in 47:3 Md. R. 210—219 (January 31, 2020), has been adopted as proposed.

**Effective Date: May 18, 2020.**

ROBERT R. NEALL  
Secretary of Health

**PROPOSAL**

**Maryland Register**

**Issue Date: January 31, 2020**

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**Title 10  
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

**Notice of Proposed Action**

[20-040-P]

The Secretary of Health proposes to amend:

(1) Regulations **.02**, **.04—.20**, and **.22** under **COMAR 10.54.01 Eligibility, Participation, and Benefits**; and

(2) Regulations **.02**, **.04—.08**, **.10**, **.11**, **.14**, and **.17** **under COMAR. 10.54.02 Local Agency**.

**Statement of Purpose**

The purpose of this action is to update certification periods from 6 months to 1 year, to change the term “check” to “food instrument,” a term that includes EBT cards, and to add 1 year certification options for eligible infants, children, and breastfeeding women. These chapters were reviewed as part of the Regulatory Review and Evaluation Act (RREA) process.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 2, 2020. A public hearing has not been scheduled.

**10.54.01 Eligibility, Participation, and Benefits**

Authority: Health-General Article, §18-107(a), Annotated Code of Maryland

**.02 Purpose.**

A. The WIC Program provides supplemental foods and nutrition education*, including breastfeeding promotion and support*:

(1) (text unchanged)

(2) To pregnant women, postpartum women, breastfeeding women, infants, and children, who are from families with income below a certain established amount and who are determined by a competent professional authority *or a competent paraprofessional authority*to be at risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both.

B. (text unchanged)

**.04 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

*(2) “Benefits” means the foods prescribed and services provided to a participant by the Program.*

**[**(2)**]***(3)*—**[**(3)**]***(4)* (text unchanged)

**[**(4)**]** *(5)***[**“Case load”**]***“Caseload”*means the participation level that is assigned to a local agency by the State agency.

**[**(5)**]***(6)*—**[**(8)**]***(9)* (text unchanged)

*(10) “Competent paraprofessional authority” means an individual who:*

*(a) Does not meet the definition of a competent professional authority;*

*(b) Successfully completes a WIC training program approved by the State agency; and*

*(c) Performs certifications under the supervision of a competent professional authority.*

**[**(9)**]***(11)*(text unchanged)

*(12) “Complementary feeding process” means a nutrition risk that applies to an infant or a child from 4 through 23 months old who has begun to or is expected to begin to:*

*(a) Consume foods or beverages complementary to breast feeding;*

*(b) Eat independently;*

*(c) Be weaned from breast milk or infant formula; or*

*(d) Transition from a diet specifically intended for infants or toddlers to one based on the Dietary Guidelines for Americans, as updated every 5 years by the United States Department of Agriculture with the United States Department of Health and Human Services under Title III of Public Law 101-445 of the National Nutrition Monitoring and Related Research Act of 1990.*

**[**(10)**]***(13)*(text unchanged)

**[**(11)“Department” means the Maryland Department of Health.**]**

**[**(12)**]***(14)*—**[**(15)**]***(17)*(text unchanged)

**[**(16)**]***(18)*“Food instrument” means **[**a voucher, check,**]***an* electronic benefits transfer (EBT) card**[**, coupon,**]** or other document that is used by a participant to obtain supplemental foods.

**[**(17)**]***(19)*(text unchanged)

*(20) “HHS” means the United States Department of Health and Human Services.*

**[**(18)**]***(21)*—**[**(25)**]***(28)*(text unchanged)

**[**(26)**]***(29)*“Participant” means a pregnant woman, breastfeeding woman, postpartum woman, infant, or child who is receiving **[**supplemental foods or food instruments**]** *benefits* under the Program, and the breastfed infant of a breastfeeding woman participant.

**[**(27)**]***(30)*“Participation” means receiving **[**supplemental foods or food instruments**]***benefits* under the Program.

**[**(28)**]***(31)*“Participation data” means information concerning the number of:

(a) Individuals who received **[**supplemental foods or food instruments**]** *benefits* during a reporting period;

(b) Infants who received no **[**supplemental foods or food instruments**]** *benefits* during a reporting period, but who were breastfed by participant breastfeeding women; and

(c) Breastfeeding women who did not receive **[**supplemental foods or food instruments**]** *benefits* but whose infant received **[**supplemental foods or food instruments**]** *benefits* during the reporting period.

**[**(29)**]***(32)*(text unchanged)

**[**(30)**]***(33)*“Poverty income guidelines” means the poverty income guidelines prescribed and adjusted annually by **[**the United States Department of Health and Human Services (USDHHS)**]***HHS*.

**[**(31)**]***(34)*—**[**(32)**]***(35)*(text unchanged)

**[**(33)**]***(36)*“Proxy” means an individual who is designated by a participant or a child or infant participant’s parent, guardian, or caretaker to receive food instruments and to redeem food **[**instruments**]** *benefits*for the participant and whose name is on file at the local agency.

**[**(34)**]***(37)*—**[**(37)**]** *(40)*(text unchanged)

**[**(38) “USDHHS” means the United States Department of Health and Human Services.**]**

**[**(39)**]***(41)*“Verification of certification **[**card**]**” means **[**the card**]** *a document* that provides proof of Program eligibility for the participant who is transferring from one WIC agency to another.

**.05 Eligibility Criteria.**

A. (text unchanged)

B. To be certified as eligible for the Program, an infant, a child, or a pregnant, postpartum, or breastfeeding woman:

(1) (text unchanged)

(2) Shall **[**appear in person at a local agency clinic during normal WIC clinic office hours in order to**]** present documentation of **[**date of birth and**]** identity for the application for benefits;

(3)—(4) (text unchanged)

(5) May not engage in dual participation **[**as defined in Regulation .04B of this chapter**]**.

**.06 Residency Eligibility Determination Process.**

A. (text unchanged)

B. Documentation. In order to document residency, an applicant shall provide to the local agency one of the following:

(1) **[**Postmarked**]** *Dated*correspondence **[**sent to**]** *documenting*the applicant’s home address;

(2)—(4) (text unchanged)

C. Recording of Residency Documentation. A local agency shall **[**place in the applicant’s record a copy of the residency documentation or a signed statement by the local agency representative verifying that the representative has seen the documentation**]***document proof of residency*.

**.07 Income Eligibility Determination Process.**

A. Determining Income

(1) (text unchanged)

(2) Subject to the provisions of this regulation, a local agency shall determine an applicant’s income by adding together the sources of income **[**as defined in Regulation .04B of this chapter**]** for an applicant and the applicant’s family.

(3) In determining an applicant’s family income, a local agency shall consider the family’s income to be the more accurate figure between the family’s income for the previous 12 months or the family’s current rate of income *for the last 30 days*.

(4)—(5) (text unchanged)

B. (text unchanged)

C. Recording of Income Information.

(1) A local agency shall **[**collect and record income information on the form provided by the State agency**]** *document proof of income*.

**[**(2) A local agency shall place in the applicant’s record a copy of the income documentation or a signed statement by the local agency representative verifying that the representative has seen the documentation.**]**

**[**(3)**]***(2)*If an applicant claims to have no income, the applicant shall complete the form provided by the State agency **[**verifying**]** *declaring*zero income.

D. Determining Income Eligibility.

(1) (text unchanged)

(2) To be considered eligible for the Program, an applicant and the applicant’s family shall have a gross income that is less than or equal to 185 percent of the poverty income guidelines issued by **[**USDHHS**]***HHS*, or shall provide documentation that the applicant is a recipient of:

(a)—(d) (text unchanged)

(3) A local agency shall determine an applicant to be automatically income-eligible for the WIC Program if a member of the applicant’s family is:

(a) (text unchanged)

(b) A pregnant woman or an infant currently participating in the Medical Assistance Program **[**or the Pregnant Women and Children program**]***under Title XIX of the Social Security Act.*

(4) A local agency shall use the current poverty income guidelines issued by **[**the USDHHS**]***HHS*and transmitted by the State agency in determining applicant eligibility.

(5) (text unchanged)

**[**(6) Except as provided in §D(1) and (2) of this regulation, a local agency shall compare an applicant’s income and family size against the poverty income guidelines, and if the income is less than or equal to 185 percent of the poverty income guidelines, then the local agency shall find the applicant income-eligible for Program benefits.**]**

**[**(7)**]***(6)*Instream Migrant Farm Worker. A local agency shall consider that:

(a) An instream migrant farm worker applicant or the family of an instream migrant farm worker applicant with an expired verification of certification **[**card**]** is income-eligible for Program certification if the instream migrant farm worker’s family income was determined at least once within the past 12 months; and

(b) (text unchanged)

E. (text unchanged)

**.08 Nutritional Risk Determination Process.**

A. After an applicant **[**has been**]** *is* found to meet the Program’s income eligibility standards as specified in Regulation .07 of this chapter, in order for the applicant to receive WIC benefits, the applicant shall be found by the Program to be at nutritional risk.

B. In order to determine whether an applicant is at nutritional risk, a competent professional authority *or a competent paraprofessional authority* on the staff of the local agency shall perform a nutritional assessment based on either information gathered by the local agency or information provided by a competent professional authority not on the staff of the local agency.

C. (text unchanged)

D. In conducting a nutritional risk assessment, a local agency **[**or**]***,* competent professional authority*, or competent paraprofessional authority*shall assess each applicant’s height (or length) and weight measurements at the time of certification by:

(1)—(3) (text unchanged)

E. Hematological Tests.

(1) In addition to the assessments set forth in §D of this regulation, a local agency **[**or**]***,* competent professional authority*, or competent paraprofessional authority* shall:

(a)—(c) (text unchanged)

(2) For applicants with a qualifying nutritional risk factor present at certification, a local agency **[**or**]***,* competent professional authority*, or competent paraprofessional authority* shall within 90 days of the certification:

(a)—(c) (text unchanged)

(3) The local agency **[**or**]***,* competent professional authority*, or competent paraprofessional authority* shall perform or require documentation of the hematological test as follows:

(a)—(b) (text unchanged)

(c) For a breastfeeding woman 6—12 months postpartum, if a test was not performed after the termination of pregnancy *or whose test result after pregnancy was below normal range*;

(d) For an infant, 9—12 months old**[**, if a test was not performed at 6—9 months old**]**;

(e) For a child 12—24 months old, any time during that period, but **[**preferably**]***, if possible,*at 6 months after the infant test;

(f) (text unchanged)

(g) For a child 2 years old or older whose test result at the child’s last certification is below normal range, at **[**certification**]** *6 month intervals until the result is within normal range*.

F. The local agency*, competent professional authority, or competent paraprofessional authority* shall obtain a **[**diet**]** *nutrition* history for each applicant.

G. Using the information gathered pursuant to §§D—F of this regulation, a competent professional authority *or competent paraprofessional authority* shall use the nutritional risk criteria found in Charts A and B in Regulation .11 of this chapter to determine if the applicant is at nutritional risk pursuant to the priority levels set forth in Regulation .09 of this chapter, and thus eligible for the Program.

H. (text unchanged)

**.09 Priority Levels of Nutritional Risk.**

A. (text unchanged)

B. Priority Levels of Nutritional Risk.

(1) Priority I. Priority I is a pregnant woman, a breastfeeding woman, or an infant at nutritional risk because of:

(a)—(b) (text unchanged)

(c) Conditions that directly affect the nutritional health of an individual, including*depression, smoking,*alcoholism*,* or drug abuse.

(2) Priority II. Except for an infant who qualifies for Priority I, Priority II is:

(a) (text unchanged)

(b) An infant younger than 6 months old born to a woman who was not a Program participant during pregnancy but whose medical records document that the woman was **[**a**]***at* nutritional risk during the pregnancy due to **[**nutritional**]** *nutrition*conditions detectable by biochemical or anthropometric measurements or other documented, nutritionally related medical conditions that demonstrated the individual’s need for supplemental foods; or

(c) (text unchanged)

(3) Priority III. Priority III is a child or postpartum woman at nutritional risk because of:

(a)—(b) (text unchanged)

(c) Conditions that directly affect the nutritional health of an individual, including *depression, smoking,*alcoholism*,* or drug abuse.

(4) Priority IV. Priority IV is a:

(a) Pregnant woman, a breastfeeding woman, or an infant at nutritional risk because of:

(i) (text unchanged)

(ii) Conditions that predispose the individual to inadequate nutritional patterns **[**or nutritionally related medical conditions**]**, including homelessness or migrancy; and

(b) (text unchanged)

(5) Priority V. Priority V is a child at nutritional risk because of:

(a) (text unchanged)

(b) Conditions that predispose the child to inadequate nutritional patterns **[**or nutritionally related medical conditions**]***,* including homelessness or migrancy; or

(c) (text unchanged)

(6) Priority VI. Priority VI is a postpartum woman at nutritional risk because of:

(a) Dietary deficiencies that impair or endanger health; **[**or**]**

(b) Conditions that predispose the individual to inadequate nutritional patterns **[**or nutritionally related medical conditions**]**, including homelessness or migrancy**[**.**]***; or*

*(c) Possibility of regression of nutritional status.*

**.10 Priority Waiting List.**

A. When it is serving its maximum **[**case load**]***caseload*, a local agency shall maintain a priority waiting list of individuals seeking Program benefits.

B. In order to be placed on the priority waiting list, an individual shall **[**apply for Program benefits as specified in Regulation .05B of this chapter**]***be certified as eligible to participate in the Program*.

C.—F. (text unchanged)

**.11 Nutritional Risk Factors.**

A. For purposes of the WIC Program, to be considered at nutritional risk:

(1) A woman shall exhibit one **[**or, where specified, two**]** of the nutritional risk factors listed in Chart A, as shown in **[**§B**]** *§C* of this regulation; and

(2) An infant or child shall exhibit one **[**or, where specified, two**]** of the nutritional risk factors listed in Chart B, as shown in **[**§B**]** *§D* of this regulation.

B. Explanation of Charts. The nutritional risk factors fall into one of six priority levels, which are identified by a single digit number, with “1” indicating Priority I, “2” indicating Priority II, **[**and so on,**]***”3” indicating Priority III, “4” indicating Priority IV, “5” indicating Priority V, and “6” indicating Priority VI,* as set forth in Regulation .09 of this chapter.

C. Chart A.

|  |  |  |  |
| --- | --- | --- | --- |
| Nutrition Risk Criteria (Women) | Pregnant | Breastfeeding | Postpartum |
| Underweight, prepregnancy—  High maternal weight gain  (text unchanged) |  |  |  |
| Low **[**Hemoglobin**]** *hemoglobin*/hematocrit | 1 | 1 | 3 |
| Elevated blood lead—  Maternal smoking  (text unchanged) |  |  |  |
| Alcohol **[**or illegal drug**]** *and substance* use | 1 | 1 | 3 |
| Dental problems—  Inadequate vitamin or mineral supplementation (text unchanged) |  |  |  |
| Possibility of regression of nutritional status | **[**N/A**]** *4* | 4 | **[**N/A**]** *6* |
| Transfer—  Limited ability to make feeding decisions (text unchanged) |  |  |  |

D. Chart B.

|  |  |  |
| --- | --- | --- |
| Nutrition Risk Criteria (Infants and Children) | Infant | Child |
| Underweight, infant, child—  Fetal alcohol syndrome (text unchanged) |  |  |
| *Neonatal abstinence syndrome* | *1* | *3* |
| Failure to meet dietary guidelines—  Fed foods low in nutrients (text unchanged) |  |  |
| Lack of sanitation, formula*,*or breast milk | 4 | N/A |
| Infrequent breastfeeding if sole source of nutrition—  Foster care (text unchanged) |  |  |
| *Complementary feeding process for an infant or child <2* | *4* | *5* |

**.12 Application Processing Procedures.**

A. A local agency **[**may not charge an applicant a fee for the**]** *shall perform the*certification process *at no cost to the applicant*.

B.—F. (text unchanged)

G. At the same time an applicant completes the certification process and the local agency determines the applicant to be eligible for Program benefits, the local agency shall issue **[**a food instrument that provides**]** benefits for up to **[**60**]** *90*days**[**, or a shorter period if subsequent instruments are to be provided within that time**]**.

**.13 Certification Periods.**

A. A local agency shall certify an applicant for Program benefits for the following time periods:

(1) A pregnant woman for the duration of her pregnancy and **[**for up to 6 weeks postpartum**]** *up to the last day of the month in which the infant turns 6 weeks old or the pregnancy ends*;

(2) A postpartum woman **[**for up to 6 months postpartum**]** *up to the last day of the 6th month after the infant is born or the pregnancy ends*;

(3) A breastfeeding woman **[**at intervals of approximately 6 months ending with**]** *up to the last day of the month of* the breastfed infant’s first birthday *as long as the woman is breastfeeding*;

(4) An infant **[**at intervals of 6 months or an infant younger than 6 months old for the period up to the infant’s first birthday, with approval from the State agency, if the quality and accessibility of health care services are not diminished by the infant’s not being assessed 6 months after the infant’s first assessment; and**]***younger than 6 months old up to the last day of the month of the infant’s first birthday;*

*(5) An infant from 6 months old to 1 year old up to the last day of the 6th month from the date of certification; and*

**[**(5)**]***(6)*A child **[**at intervals of 6 months, with the certification ending with the end of the month in which the child becomes 5 years old**]** *1 year old or older up to the last day of the month 1 year from the date of the certification or the month in which the child turns 5 years old.*

B. When there is difficulty in appointment scheduling for participants referred to in **[**§A(3)—(5)**]** *§A(4)—(6)*of this regulation, a local agency may shorten or extend the certification period by not more than 30 days on a case-by-case basis.

C. A local agency may use anthropometric data for a nutrition risk determination that precedes the date of certification by up to **[**30**]** *60*days and bloodwork data **[**up to 90 days**]** *following U.S. Centers for Disease Control and Prevention recommendations*with no reduction in the length of certification**[**, if the local agency collects the data**]***.*

*D.* *Anthropometric data* for an individual certified as a pregnant woman *shall be collected* during the pregnancy*,* and **[**collects the**]** data for an individual certified as a postpartum or a breastfeeding woman *shall be collected* after the termination of the pregnancy.

**[**D.**]** *E.*—**[**E.**]** *F.*(text unchanged)

**.14 Action Affecting Participation During a Certification Period.**

A. A local agency may disqualify a participant in the middle of a certification period for Program abuse, which includes but is not limited to:

(1)—(3) (text unchanged)

(4) **[**Physical**]***Verbal or physical*abuse of or threat of physical abuse to Program or vendor staff;

(5) (text unchanged)

(6) Failure to pick up food **[**instruments**]** *benefits*for 2 consecutive issue months.

B. Funding Shortages.

(1)—(2) (text unchanged)

(3) When the State agency elects to **[**discontinue**]** *restrict*benefits to a priority level of participants due to insufficient funds for a period of time:

(a) (text unchanged)

(b) A local agency may not enroll new participants in **[**the Program**]** *restricted priority levels*during this period.

C. (text unchanged)

**.15 Dual Participation.**

A. A participant may not engage in dual participation **[**as defined in Regulation .04B of this chapter**]**.

B.—D. (text unchanged)

**.16 Applicant and Participant Rights and Responsibilities in the Certification Process.**

A. At the time of certification, a local agency shall inform an applicant or the parent, guardian, or caretaker of a child or infant applicant, of the following:

(1)—(2) (text unchanged)

(3) The importance of regularly picking up food **[**instruments**]** *benefits*and food;

(4) The disqualification policy for failure to pick up food **[**instruments**]** *benefits*and the number of months of nonparticipation resulting from the disqualification;

(5) The policy of not providing notification of disqualification to the participant when the participant fails to pick up food **[**instruments**]** *benefits*;

(6) The right to a fair hearing if the participant does not agree with the disqualification for failure to pick up food **[**instruments**]** *benefits*;

(7) How the local agency food delivery system operates and a list of authorized stores where food **[**instruments**]** *benefits*may be redeemed;

(8) (text unchanged)

(9) A participant or a child or infant participant’s parent, guardian, or caretaker shall notify the local agency of any change in life circumstances that would have an impact on Program eligibility; *and*

(10) A participant or a child or infant participant’s parent, guardian, or caretaker shall advise any designated proxy of the proxy’s obligations under the Program, Program violations, participant and proxy sanctions, and the authorized food stores**[**; and

(11) The certification procedure is performed at no cost to an applicant**]**.

B. At the time of certification, the Program applicant or a child or infant applicant’s parent, guardian, or caretaker shall read, or the Program representative or a local agency staff person shall read to the individual, the following:

**[**(1) “Standards for eligibility and participation in the WIC Program are the same for everyone, regardless of race, color, national origin, age, handicap, or sex;”

(2) “You may appeal any decision made by the local agency regarding your eligibility for the Program;” and

(3) “The local agency shall make health services and nutrition education available to you, and you are encouraged to participate in these services.”**]**

*(1) “The rules for applying for WIC are the same for everyone;”*

*(2) “I can ask a WIC employee for a fair hearing if someone tells me I cannot be on WIC and I do not agree;” and*

*(3) “I will get information about healthy eating and active living. WIC will help and support me with breastfeeding. I will get information about immunizations and other services I might need.”*

C. After advising the applicant, or the child or infant applicant’s parent, guardian, or caretaker of the rights and **[**obligations**]** *responsibilities*set forth in this regulation, the applicant or the child or infant applicant’s parent, guardian, or caretaker, shall read, or a Program representative shall read to the applicant, or the child or infant applicant’s parent, guardian, or caretaker, the following statements:

(1) “I **[**have been advised of my rights and obligations under the Program**]** *understand what my rights and responsibilities are*;”

(2) “I **[**have been advised of the Program violations, participant and proxy sanctions, and the authorized food stores**]** *agree to follow the rules below. I will: (i) not sell, give away or trade my eWIC card, foods, or formula for money, credit, rain checks or other items.  If I have WIC items I can’t use, I will return them to the clinic; (ii) not post WIC items for sale or trade on the internet; (iii) not swear, yell, harass, threaten, physically harm WIC or store staff, or damage WIC or store property; (iv) not enroll a child who is not in my legal or designated care; and (v) not enroll in WIC in more than one state or get benefits from more than one WIC clinic each month;”*

(3) “**[**I certify that the**]** *The*information I have provided for **[**my**]** eligibility determination is correct, to the best of my knowledge;”

(4) “**[**This certification form**]** *The information that I provide to the WIC Program* is being submitted in connection with the receipt of federal assistance;”

(5) “Program officials may verify information **[**on this form**]** *provided to them*;”

(6) “I understand *and agree*that intentionally making a false or misleading statement or **[**intentionally**]**misrepresenting, **[**concealing**]** *hiding*, or withholding facts may result in my having to pay the **[**State agency**]***WIC Program*, in cash, the value of the food benefits improperly issued to me and may subject me to civil or criminal prosecution under State and federal law and disqualification from the WIC Program;” and

(7) “I **[**understand that, according to State regulation, I shall notify the WIC Program of all**]** *agree to give true and complete information about* changes in my life circumstances that would have an impact on my eligibility for WIC benefits *(for example, I will notify WIC if I have changes in my income or family size or if I move)*.”

D. The applicant or the child or infant applicant’s parent, guardian, or caretaker, shall acknowledge the reading of the statements enumerated in §C of this regulation by signing the **[**certification**]** *Rights and Responsibilities*form *provided by the State agency*.

**.17 Transfer of Certification.**

A. A local agency shall:

**[**(1) Issue a copy of a participant’s State-approved certification form to a participant who advises the local agency that the participant will be relocating within Maryland;**]**

**[**(2)**]***(1)*Issue a verification of certification **[**card**]** to a participant who:

(a)—(b) (text unchanged)

**[**(3)**]***(2)*Ensure that each verification of certification **[**card**]** contains the following:

(a)—(e) (text unchanged)

(f) Signature and printed or typed name of the local agency official who issued the **[**card**]** *verification of certification*;

(g) (text unchanged)

(h) An identification number for the **[**card**]** *verification of certification*or some other means of accountability;

**[**(4)**]***(3)*Accept a valid verification of certification **[**card**]** from a participant of a WIC Program whether within or outside of Maryland; and

**[**(5)**]***(4)*Accept the verification of certification **[**card**]** or the copy of the State-approved certification form as proof of eligibility for WIC Program benefits until the participant’s certification period expires.

B. A local agency may not:

(1) Issue a verification of certification **[**card**]** to an individual placed on the waiting list; or

(2) Deny participation in the Maryland WIC Program to an individual with a valid verification of certification **[**card**]** because of a difference between another state’s and Maryland’s eligibility criteria.

C. A local agency may use the verification of certification **[**card**]** as verification of income eligibility for the family of a migrant farm worker if the migrant farm worker is currently away from the migrant farm worker’s home jurisdiction, and if the migrant farm worker’s family income has been determined within the last 12 months.

D. (text unchanged)

**.18 Receipt of Benefits.**

A. Nutrition Benefits. A local agency shall:

**[**(1) Make available at least twonutrition education contacts to the participant or to the parent, guardian, or caretaker of an infant or child participant, and, whenever possible, the child participant, during each 6-month certification period;**]**

**[**(2)**]***(1)* Ensure that nutrition education is offered **[**four times annually to the parent, proxy, guardian, or caretaker of an infant participant who has been certified for a period in excess of 6 months**]***every 3 months to the participant or the parent, proxy, guardian, or caretaker of an infant or child participant during each certification period*;

**[**(3)**]***(2)*(text unchanged)

**[**(4)**]***(3)*Ensure that a competent professional authority *or competent paraprofessional authority* determines the selection of the food package according to the category and nutritional need of the participant; and

**[**(5)**]***(4)*(text unchanged)

B. Proxies.

(1) If a participant or a child or infant participant’s parent, guardian, or caretaker is unable to pick up or redeem WIC **[**vouchers**]** *benefits*, the participant or the child or infant participant’s parent, guardian, or caretaker may name a proxy to pick up **[**vouchers**]** *benefits*, redeem them, or both.

(2)—(5) (text unchanged)

C. Receipt of Food **[**Instruments**]** *Benefits*.

**[**(1) In advance of or in conjunction with the initial distribution of food instruments, a participant or the child or infant participant’s parent, guardian, or caretaker shall receive a:

(a) WIC identification folder, which the participant and up to two proxies for a woman and up to three proxies for other participants shall sign; and

(b) Signature verification card, which the individual shall complete in accordance with local agency instructions and return to the local agency.**]**

**[**(2)**]***(1)*Except as provided in **[**§B(4) and (5)**]***§B(3) and (4)*of this regulation, a participant or the participant’s proxy shall report to a designated site at designated times to receive food **[**instruments**]** *benefits*prepared for that participant and to acknowledge receipt of the **[**instruments**]** *benefits*.

**[**(3)**]***(2)*When distributing food **[**instruments**]** *benefits*, a local agency shall check a participant’s **[**WIC**]** identification **[**folder to verify the participant’s identity and may request additional identification if necessary**]**.

**[**(4)**]***(3)*A local agency may mail or otherwise deliver food **[**instruments**]** *benefits*to participants on a local agency-wide basis if the State agency approves this action on the basis of a hardship that may be encountered by the target population, such as seasonally inclement weather.

**[**(5)**]***(4)*A local agency may mail or otherwise deliver food **[**instruments**]** *benefits*to the participant or the participant’s parent, guardian, or caretaker who in writing requests this delivery and explains why it is necessary if a participant and the participant’s proxy are unable to report to the designated site to receive food **[**instruments**]** *benefits*due to a hardship, including, but not limited to:

(a)—(d) (text unchanged)

**[**(6)**]***(5)*If the hardship cited in **[**§C(5)**]***§C(4)* of this regulation does not allow time for a written request to be made, a local agency may act on a verbal request for the upcoming **[**voucher**]** *benefit* distribution period only and shall follow the procedure set forth in **[**§C(5)**]***§C(4)*of this regulation if the hardship continues.

**[**(7)**]***(6)*When the hardship is resolved, a local agency shall **[**discontinue the mailings or other delivery of food instruments**]** *continue with normal benefit issuance procedure*.

D. Receipt and Consumption of Food.

(1) To obtain WIC-authorized foods, a participant or proxy shall**[**:

(a) Present to a WIC-authorized vendor the:

(i) Participant’s WIC identification folder, and

(ii) Food instrument; and

(b) Sign the instrument in the presence of the vendor and present it to the vendor within the valid dates printed on the instrument**]***complete transactions at WIC-authorized vendors*.

(2) (text unchanged)

**.19 Sanctions.**

A. (text unchanged)

B. If a participant or a child or infant participant’s parent, guardian, or caretaker, has deliberately misrepresented the participant’s income, residence, family size, health status, medical data, or date of birth, the:

(1) Program shall**[**:

(a) Disqualify the participant from the Program for 3 months; or

(b) Disqualify the participant for 1 year if the State agency assesses a monetary claim of $100 or more; or

(c) Terminate the participant from the Program if Program eligibility standards are not met; and**]***disqualify the participant from the program for 1 year; and*

(2) (text unchanged)

C. If a participant or a child or infant participant’s parent, guardian, caretaker, or proxy obtains or attempts to obtain food **[**instruments**]** *benefits* to which the participant is not entitled, sanctions shall be applied according to the following:

(1)—(2) (text unchanged)

D. If a participant engages in dual participation as defined in Regulation .04B of this chapter:

(1) **[**For the first offense, the**]***The*Program shall counsel the participant or a child or infant participant’s parent, guardian, or caretaker, and disqualify the participant**[**:

(a) From the appropriate WIC Programs; or

(b) For 1 year if the State agency assesses a claim for dual participation**]** *for 1 year*; and

(2) **[**For a subsequent offense, the:

(a) Program shall disqualify the participant from the Program enrollment for 1 year; and

(b) Offending**]***The offending*party shall pay to the State agency, in cash, the monetary value of the items received.

**[**E. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy steals or attempts to steal a food instrument, the:

(1) Program shall:

(a) Report the incident to the police;

(b) Disqualify the participant from the Program for 3 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; or

(c) Disqualify the offending party for 1 year if the State agency assesses a monetary claim of $100 or more;

(2) Program shall remove the proxy if the offending party is a proxy; and

(3) Offending party shall pay to the State agency, in cash, the monetary value of the stolen but unreturned food instrument or return the stolen food instrument to the Program.**]**

**[**F.**]***E.*If a participant or a child or infant participant’s parent, guardian or caretaker, or a proxy physically abuses or threatens abuse of WIC or vendor staff, the Program shall:

(1) (text unchanged)

(2) Disqualify the participant from the Program for **[**3 months**]** *1 year* if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; and

(3) (text unchanged)

**[**G.**]***F.*If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy verbally abuses or harasses WIC or vendor staff, or disrupts the peaceful and orderly conduct of business at a WIC or vendor facility, the Program shall:

(1) **[**Counsel the individual and issue a warning letter if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker**]***For the first offense, disqualify the participant from the Program for 6 months*;

(2) (text unchanged)

(3) For a subsequent offense, disqualify the participant from the Program for **[**3 months**]** *1 year*.

**[**H.**]***G.*If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy sells or exchanges supplemental food purchased with a food instrument or sells a food instrument to another individual or entity, the:

(1) Program shall:

(a) (text unchanged)

*(b) For a subsequent offense, disqualify the participant from the Program for 6 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker;*

**[**(b)**]***(c)*—**[**(c)**]***(d)* (text unchanged)

(2) (text unchanged)

**[**I.**]***H.*If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy attempts to redeem or redeems a food instrument for unauthorized foods or for quantities of food in excess of that indicated on the food instrument, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) (text unchanged)

(b) For a subsequent offense, the Program shall disqualify:

(i) (text unchanged)

(ii) The offending party from the Program for 1 year if the State agency assesses a monetary claim of $100 or more; **[**or**]***and*

*(c) In either case in §H(1)(a) and (b) of this regulation, the offending party shall pay to the State agency, in cash, the value of the food benefits obtained; or*

(2) Proxy, the*:*

*(a)* Program shall remove the proxy*; and*

*(b) Proxy shall pay to the State agency, in cash, the value of the food benefits obtained.*

**[**J.**]***I.* If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy receives cash or credit toward the purchase of unauthorized food or other items of value instead of or in addition to authorized supplemental foods or exchanges, or attempts to exchange or returns or attempts to return authorized WIC food to the vendor for cash or non-WIC items, the:

(1) Program shall **[**disqualify the**]**:

(a) **[**Participant**]** *Disqualify the participant*from the Program for 3 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; **[**or**]**

*(b) For a subsequent offense, disqualify the participant from the Program for 6 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; or*

**[**(b)**]** *(c)***[**Offending**]***Disqualify the offending* party for 1 year if the State agency assesses a monetary claim of $100 or more;

(2)—(3) (text unchanged)

**[**K.If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy attempts to redeem or redeems a food instrument that was reported lost or stolen, the:

(1) Program shall disqualify the:

(a) Participant from the Program for 3 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; or

(b) Offending party for 1 year if the State agency assesses a monetary claim of $100 or more;

(2) Program shall remove the proxy if the offending party is a proxy; and

(3) Offending party shall pay to the State agency, in cash, the amount for which the lost or stolen food instrument was redeemed, or, if it is in the party’s possession, return the lost or stolen food instrument.

L. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy alters a food instrument:

(1) For the first offense, the Program shall disqualify the:

(a) Participant from the Program for 3 months if the offending party is a participant or a child or infant participant’s parent, guardian, or caretaker; or

(b) Offending party for 1 year if the State agency assesses a monetary claim of $100 or more;

(2) For subsequent offenses, the Program shall:

(a) Disqualify the offending party for 1 year if the State agency assesses a monetary claim in any amount; and

(b) Remove the proxy if the offending party is a proxy; and

(3) The offending party shall pay to the State agency, in cash, the monetary value of the items received through the use of an altered food instrument.

M. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy redeems a food instrument before or after the valid dates:

(1) If the offending party is a:

(a) Participant or a child or infant participant’s parent, guardian, or caretaker:

(i) For the first offense, the Program shall counsel the individual and issue an education letter;

(ii) For the second offense, the Program shall issue a warning letter; and

(iii) For a subsequent offense, the Program shall disqualify the participant from the Program for 3 months; or

(b) Proxy, the Program shall remove the proxy; and

(2) The Program shall require a monthly food instrument pick up.

N. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy allows an unauthorized individual to redeem a food instrument, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter or a warning letter; and

(b) For a subsequent offense, the Program shall disqualify the participant from the Program for 3 months; or

(2) Proxy, the Program shall remove the proxy.**]**

**[**O.**]***J.*If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy allows an unauthorized individual to use the Maryland WIC participant identification folder, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue **[**an education letter or**]** a warning letter; and

(b) (text unchanged)

(2) (text unchanged)

**[**P. If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy fails to sign a food instrument at the time of the WIC purchase, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter or a warning letter; and

(b) For a subsequent offense, the Program shall disqualify the participant from the Program for 3 months; or

(2) Proxy, the Program shall remove the proxy.**]**

**[**Q.**]***K.*If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy **[**redeems a food instrument at a store not authorized by the Program**]** *fails to pay a monetary penalty imposed by the Program for redeeming food benefits*, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker**[**:

(a) For the first offense, the Program shall counsel the individual and issue an education letter;

(b) For a second offense, the Program shall issue a warning letter; and

(c) For a subsequent offense**]**, the Program shall disqualify the participant from the Program for **[**3 months**]** *1 year*; or

(2) (text unchanged)

**[**R.If a participant or a child or infant participant’s parent, guardian, or caretaker, or a proxy redeems a food instrument to which a participant is not entitled, if the offending party is a:

(1) Participant or a child or infant participant’s parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue an education letter;

(b) For the second offense,the Program shall issue a warning letter; and

(c) For a subsequent offense, the Program shall disqualify the participant from the Program for 1 month and the participant or a child or infant participant’s parent, guardian, or caretaker shall pay to the State agency, in cash, the monetary value of the items received; or

(2) Proxy, the Program shall remove the proxy and the proxy shall pay to the State agency, in cash, the monetary value of the items received.**]**

*L. Failure to Return Breast Pump.*

*(1) If a participant fails to return a hospital grade breast pump, the Program shall issue a warning letter to the participant.*

*(2) If a participant fails to return a hospital grade breast pump after receipt of a warning letter, the participant shall pay to the State agency, in cash, the monetary value of the breast pump.*

**.20 Local and State Agency Sanction Responsibilities.**

A.—B. (text unchanged)

C. Except for a participant the State agency disqualifies for failure to pick up food **[**instruments**]** *benefits*, the State agency shall, not less than 15 days before disqualification, advise the participant in writing of the reasons for the disqualification and of the right to a fair hearing on the disqualification.

D. When **[**a local**]** *the State*agency pursues collection of a claim against a participant who has been improperly issued food benefits, it shall advise the participant in writing of:

(1)—(4) (text unchanged)

**.22 Nondiscrimination.**

A. Civil Rights Requirements.

(1) To ensure that an individual may not, on the grounds of race, color, national origin, age, sex, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the Program, a local agency shall comply with the requirements of:

(a) Title VI of the Civil Rights Act of 1964 as incorporated by reference in Regulation **[**.03**]** *.03C*of this chapter;

(b) Title IX of the Education Amendments of 1972 as incorporated by reference in Regulation **[**.03**]** *.03C*of this chapter;

(c) §504 of the Rehabilitation Act of 1973 as incorporated by reference in Regulation **[**.03**]** *.03C* of this chapter;

(d) The Age Discrimination Act of 1975 as incorporated by reference in Regulation **[**.03**]** *.03C*of this chapter;

(e) USDA Food and **[**Consumer Services**]** *Nutrition Service*instructions issued by the Program to the local agencies; and

(f) USDA regulations on nondiscrimination **[**(7 CFR 15, 15a, and 15b)**]** as incorporated by reference in Regulation **[**.03**]** *.03C*of this chapter.

(2) (text unchanged)

B. Complaints.

(1) (text unchanged)

(2) The local agency shall forward to the State agency, within **[**10**]** *5*days, the complaint which alleges discrimination.

(3) (text unchanged)

**10.54.02 Local Agency**

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

**.02 Definitions.**

**[**A.**]** The terms defined in COMAR **[**10.54.01.03**]** *10.54.01.04*also apply to this chapter.

**[**B. In this chapter, the following terms have the meanings indicated.

C. Terms Defined.

(1) “Asian/Pacific Islander” means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, and includes:

(a) China;

(b) Japan;

(c) Korea;

(d) The Philippine Islands; and

(e) Samoa.

(2) “Hispanic” means a person of:

(a) Mexican descent;

(b) Puerto Rican descent;

(c) Cuban descent;

(d) Central or South American descent; or

(e) Other Spanish culture or origin regardless of race.**]**

**.04 Duties and Responsibilities.**

To participate in the Program, a local agency shall:

A. Comply with the fiscal and operational requirements prescribed by the State agency or the federal government **[**at**]** *in*:

(1) **[**Regulation .08 of this**]***This*chapter;

(2)—(5) (text unchanged)

B.—E. (text unchanged)

F. Provide Program benefits to the participant **[**free of charge**]** *at no cost*;

G. (text unchanged)

H. Have on its staff a competent professional authority as defined at COMAR **[**10.54.01.03**]** *10.54.01.04*;

I.—J. (text unchanged)

K. Implement and operate a food delivery system prescribed by the State agency pursuant to these regulations and approved by the Food and **[**Consumer**]** *Nutrition*Service of the U.S. Department of Agriculture;

L.—Q. (text unchanged)

**.05 Certification Process.**

A local agency shall:

A. (text unchanged)

B. Inform an applicant or participant, or a parent or caretaker, of the participant’s rights and responsibilities and the Program benefits as prescribed in COMAR **[**10.54.01.07 and .08**]** *10.54.01.16 and .18*; and

C. Maintain historical participant case files which shall include at least the following information obtained at each certification:

(1) Information regarding income **[**verification**]** *documentation*as required by COMAR **[**10.54.01.04 and .06**]** *10.54.01.07*;

(2) (text unchanged)

(3) A hematological test result as required by COMAR **[**10.54.01.06C(2)(a)(ii)**]***10.54.01.08E*;

(4) (text unchanged)

(5) Documentation of the **[**initial**]** nutrition education **[**contact**]** *contacts,* including the:

(a) Date; *and*

(b) Nutrition education content**[**; and

(c) Materials provided**]**.

**.06 Nutrition Education.**

A. A local agency shall provide nutrition education or a local agency shall enter into an agreement with another agency to provide nutrition **[**information**]** *education*.

B. If nutrition education is provided by another agency, then the local agency shall:

(1) **[**Submit**]***Acknowledge*the nutrition education agreement in the nutrition education plan to the State agency;

(2)—(3) (text unchanged)

C. A local agency shall ensure that nutrition education is:

(1)—(2) (text unchanged)

(3) Integrated into:

(a) (text unchanged)

(b) The delivery of **[**food instruments**]** *supplemental foods*; and

(c) (text unchanged)

D. To carry out the nutrition education responsibilities, a local agency shall:

(1) (text unchanged)

(2) Make available at reasonable times and locations during each **[**6-month**]** *1-year*certification period at least **[**two**]** *four*opportunities for nutrition education for the:

(a)—(c) (text unchanged)

(3) Document in each participant’s file, at the time of certification or recertification, **[**the first**]** *all*nutrition education **[**session**]** *sessions*given to the participant, parent, caretaker, or child;

(4) Document the participant’s, parent’s, caretaker’s, or child’s refusal or inability to attend or participate in nutrition education for purposes of further education efforts and monitoring as specified by the State agency; *and*

**[**(5) Document a secondnutrition education contact*as* specified by the State agency; and**]**

**[**(6)**]***(5)* (text unchanged)

**.07 Food Delivery.**

A. General Provisions. A local agency shall:

(1)—(4) (text unchanged)

(5) Ensure that a participant or the participant’s parent, caretaker, or proxy signs **[**a receipt for pick-up**]** *for receipt*of food instruments.

B. (text unchanged)

C. Vendor Agreements. A local agency shall**[**:

(1) Maintain a copy of the agreement or agreements between the State agency and the authorized vendor or vendors located within the geographic boundaries of the area served by the local agency; and

(2) Abide**]** *abide*by the vendor agreement or agreements authorized for use in the local agency by the State agency.

D. (text unchanged)

E. Vendor Monitoring. A local agency, in conjunction with the State agency, shall:

(1)—(3) (text unchanged)

(4) Recommend sanctioning of vendors as prescribed at COMAR **[**10.54.01.09**]** *10.54.03.16*.

F. Food Instruments Accountability. A local agency shall control and provide accountability for the receipt and issuance of food instruments **[**and shall:

(1) Designate personnel to verify and sign for the receipt of food instruments from the State agency and maintain food instruments security;

(2) Record on the Check Register and the Manual Check Issue Register the disposition of a food instrument; and

(3) Assist the State agency in identifying the disposition of a food instrument**]**.

G. (text unchanged)

**.08 Financial Management System.**

A local agency shall:

A. Maintain records **[**which**]** *that*identify the source and use of funds expended for Program activities and which contain information pertaining to:

(1)—(8) (text unchanged)

B. (text unchanged)

**.10 Allowable Administrative and Program Service Costs.**

A. Expenditures for Nutrition Education.

(1)—(2) (text unchanged)

(3) A local agency may apply the following to the 20 percent minimum amount required to be spent on nutrition education:

(a) (text unchanged)

(b) The cost of procuring, producing, and distributing nutrition education materials including the cost of:

(i)—(ii) (text unchanged)

**[**(iii) Filmstrips;

(iv) Projectors;

(v) Slides;**]**

**[**(vi)**]***(iii)*(text unchanged)

**[**(vii) Video cassette recorders;**]**

**[**(viii)**]***(iv)—***[**(ix)**]***(v)*(text unchanged)

(c)—(d) (text unchanged)

B. (text unchanged)

C. The Cost of Program Certification Procedures. A local agency may incur the following program certification costs:

(1)—(2) (text unchanged)

(3) The cost of medical equipment used in connection with a nutritional risk determination to take anthropometric measurements, such as scales,measuring boards, **[**and skin fold calipers,**]** and medical equipment used for **[**blood**]** analysis to detect anemia**[**, such as spectrophotometers, hematofluorometers, and centrifuges**]**; and

(4) (text unchanged)

D. (text unchanged)

**.11 Monitoring and Review.**

A.—C. (text unchanged)

D. Local Agency Audits.

*(1)*The Department may arrange for an audit by an entity independent from the Department.

*(2)***[**This**]***The* audit *in §D(1) of this regulation*may go beyond the management evaluation of the financial operation of a local agency.

**.14 Records and Reports.**

A.—B. (text unchanged)

C. The State agency or a local agency shall:

(1) Forward Program records to the Food and **[**Consumer**]** *Nutrition*Service of the U.S. Department of Agriculture whenever either agency is disposing of them, if the Food and **[**Consumer**]** *Nutrition* Service of the U.S. Department of Agriculture considers any of the records to be of historical interest; and

(2) Retain a record for nonexpendable property acquired in whole or in part with Program funds for **[**4**]** *3*years after final disposition of the property.

D. If any litigation, claim, negotiation, audit, or other action involving the records specified in §A(2) of this regulation has been started before the end of the **[**4-year**]** *3-year*period, a local agency shall keep the records until all issues are resolved, or until the end of the regular **[**4-year**]** *3-year*period, whichever is later.

**.17 Program Information Disclosure.**

A. The Food and **[**Consumer**]** *Nutrition*Service of the U.S. Department of Agriculture and the State agency reserve the right to use information obtained under the Program in a summary, statistical, or other form which does not identify an individual client.

B. The Food and **[**Consumer**]** *Nutrition* Service *of the U.S. Department of Agriculture*and the State agency may require the local agency to supply medical data and other information collected under the Program, in a form that does not identify individual clients, to enable the United States Department of Agriculture or the State agency to evaluate the effect of food intervention upon low income individuals determined to be at nutritional risk.

C. (text unchanged)

ROBERT R. NEALL  
Secretary of Health