United States Department of Agriculture

Food and Nutrition Service

1320 Braddock Place
Alexandria, VA 22314

March 20, 2020

SUBJECT: Request for WIC Flexibility in Response to COVID-19

TO: Cheryl Kennedy
Regional Administrator
Mountain Plains Regional Office

This letter is in response to Kansas WIC's request for a physical presence waiver in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) as a result of COVID-19.

I. Physical Presence Waiver

On March 20th, 2020, Kansas WIC cited significant impacts to providing WIC Program services to participants. Kansas WIC requested a waiver to the physical presence requirements set forth in 42 U.S.C. 1786(d)(3)(C)(i)**.** In accordance with section 2203(a)(1)(A) of the Families First Coronavirus Response Act (H.R. 6201), State agencies may request that USDA waive the physical presence requirement during any portion of the emergency period through September 30, 2020.

Given the recommendations by the Centers for Disease Control and Prevention to control the impact of the COVID-19 epidemic through means of social distancing, the USDA's Food and Nutrition Service (FNS) understands that normal clinic operations that require employees, participants and applicants to physically come into the clinic create an undesirable risk and that there are mandatory clinic closures in some areas. A waiver of physical presence removes a requirement that under current circumstances could prevent or impede the provision of essential Program services to participants.

Approval is granted on the above request for a physical presence waiver through May 31, 2020. The approval to waive the physical presence requirement includes the ability to defer anthropometric and bloodwork requirements necessary to determine nutritional risk for the period the physical presence waiver is in effect per section 2203(a)(1)(B) of H.R. 6201.

Terms and Conditions

1. Following receipt of a physical presence waiver, a WIC SA may defer anthropometric and bloodwork requirements necessary to determine nutrition risk but the Competent Professional Authority (CPA) must still attempt to the best of his/her ability to assess nutrition risk based on the information available through online communication and/or referral data.

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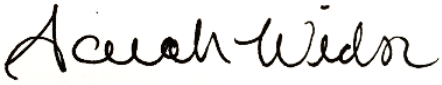
2. FNS requests that within 2 weeks from this date, the WIC State agency provide to the Regional Office specific details on how they plan to continue operations, including but not limited to securing WIC participant confidentiality, following rules regarding separation of duty and documentation/record keeping in the certification appointment.

3. Each local agency that receives a waiver pursuant to this section shall, not later than 1 year after the date the waiver is approved, submit a report to their State agency that includes a summary of the use of the waiver by the local agency and a description of whether such waiver resulted in improved WIC services.

4. Each State agency that receives a waiver pursuant to this section shall, not later than 18 months after the date the waiver is approved, submit a report to their Regional Office that includes a summary of the local agency reports received and a description of whether the such waiver resulted in improved services.

Sincerely,



SARAH WIDOR
Director
Supplemental Food Programs Division

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