

3701-42-01

Definitions.

As used in this chapter:

- (A) "Acknowledgment file" means the file that notifies the vendor if its claim file was accepted or rejected with errors.
- (B) "Applicant" means a sole proprietorship, partnership, cooperative association, corporation, limited liability company or other business entity that timely submits to the director an application packet on forms prescribed by the director to be a WIC vendor. A currently authorized vendor will be designated as an applicant for the contracting process. Responsibilities related to the current contract, if there is one, will remain in effect.
- (C) "Authorized Products List (APL)" means an electronic file of all WIC authorized food items. Each food item in the APL is uniquely identified by a specific category, sub-category, description, unit of measure and "Universal Product Code" (UPC) or "Price Lookup Code" (PLU).
- (D) "Authorized supplemental foods or authorized foods" means those items, as listed on the WIC authorized products list developed under paragraph (A) of rule 3701-42-05 of the Administrative Code, that are authorized by the director for distribution to participants in exchange for benefits contained on the WIC nutrition card.
- (E) "Auto-reconciliation file" means the file which provides the vendor details for transactions that were processed by the state host.
- (F) "Cash value benefit (CVB)" means cash amount on the WIC nutrition card that may be used by a participant to obtain authorized fruits and vegetables.
- (G) "Contract" means a written agreement between the department and an authorized vendor in which the vendor agrees to transact the WIC nutrition card in accordance with the provisions of this chapter.
- (H) "Contract infant formula or contract formula" mean all infant formulas produced by the manufacturer awarded the infant formula cost containment contract. This also refers to the soy-based infant formula included in the cost containment contract.
- (I) "Department" means the Ohio department of health.
- (J) "Director" means the director of health or designee.
- (K) "EBT" means electronic benefits transfer.

- (L) "EFT" means electronic funds transfer whereby payment is made and deposited electronically into a specified account of a vendor at a financial institution
- (M) "Food and ~~nutrition~~Nutrition service~~Service~~" (FNS) means the office within the United States department of agriculture responsible for the overall administration of the food assistance program and WIC.
- (N) "Food ~~assistance~~Assistance program~~Program~~" means a program administered by the Ohio department of job and family services to raise nutritional levels, expand buying power and to safeguard the health and well-being of individuals in low-income households in Ohio. It was formerly known as "Food Stamps" and is also currently referred to as the "Supplemental Nutrition Assistance Program" or "SNAP."
- (O) "Food sales" means sale of all foods that are eligible items under the ~~food~~Food assistance~~Assistance program~~Program.
- (P) "Grocery Store" means a retail store that primarily sells food.
- ~~(P)~~(Q) "Host" means the centrally located state computing system used to process WIC EBT transactions.
- ~~(Q)~~(R) "Hot Card List (HCL)" means a list of WIC nutrition cards by primary account numbers (PAN) which are no longer valid.
- ~~(R)~~(S) "Infant formula supplier" means a supplier included on the list of authorized infant formula suppliers pursuant to paragraph (A) of rule 3701-42-05 of the Administrative Code.
- ~~(S)~~(T) "Local WIC agency" means a public or private non-profit health or human services agency that has a contract with the director to assess nutritional needs and to certify participants for participation in the WIC program within a specified local area.
- ~~(T)~~(U) "Location" means a fixed and permanent site operating as a grocery store.
- ~~(U)~~(V) "Mixed basket" means the ability of the WIC participant to purchase both WIC authorized foods and non-WIC foods without separating the food items prior to checkout into two separate transactions.
- ~~(V)~~(W) "Not to exceed amount" is the maximum amount the department will reimburse a vendor for an authorized WIC food item.
- ~~(W)~~(X) "Participant" means a pregnant, postpartum, or breastfeeding woman, or an infant or child who is receiving authorized foods.

- (1) "Breastfeeding woman" means a woman up to one year postpartum who is breastfeeding her infant.
 - (2) "Child" means a person who has had his or her first birthday but who has not yet attained his or her fifth birthday.
 - (3) "Infant" means a person less than one year of age.
 - (4) "Postpartum woman" means a woman up to six months after termination of pregnancy.
 - (5) "Pregnant woman" means a woman determined to have one or more embryos or fetuses in utero.
- ~~(X)~~(Y) "Participant access" means the ability of participants to procure authorized foods without undue hardship.
- ~~(Y)~~(Z) "Pattern" means three or more occurrences.
- ~~(Z)~~(AA) "Pharmacy or pharmacy vendor" means a sole proprietorship, partnership, cooperative association, corporation, limited liability company, or other business entity that operates one or more pharmacies authorized by the director to provide authorized prescribed infant formula under a contract executed in accordance with rule 3701-42-10 of the Administrative Code. Each pharmacy location must have on staff an individual licensed and authorized under Chapter 4729. of the Revised Code to be a pharmacist.
- ~~(AA)~~(BB) "Price Lookup Code (PLU)" means a unique identifier used by a vendor to identify products that typically are of variable measure (i.e., fresh fruits and vegetables).
- ~~(BB)~~(CC) "Price survey" means the collection of prices for selected authorized foods required with the application.
- ~~(CC)~~(DD) "Primary Account Number (PAN)" means a number assigned to a WIC nutrition card as a unique identifier.
- ~~(DD)~~(EE) "Processing Day" means the day on which transactions and/or files are processed; excludes holidays and weekend days.
- ~~(EE)~~(FF) "Prescribed infant formula" means an infant formula exempt from the infant formula rebate contract as defined in 7 C.F.R. section 246.2 (in effect on ~~January 1, 2014~~September 28, 2016). Prescribed infant formula requires a physician's prescription.

~~(FF)~~(GG) "Split tender" means a transaction that allows the participant to use the fruit and vegetable benefits on the WIC nutrition card in addition to using one or more additional methods of payment if the purchase exceeds the value of the fruit and vegetable benefit on the card.

~~(GG)~~(HH) "Time of application" means ~~the date the applicant mails the application for a contract, as evidenced by the postmark, or~~ the date the application for a contract is received by the director. :

~~(HH)~~(II) "Universal Product Code (UPC)" means a specific code used to identify products sold by the vendor.

~~(H)~~(JJ) "Vendor violation" means any intentional or unintentional action of a vendor's owners, officers, managers, agents, or employees (with or without the knowledge of management) that violates the vendor contract, federal or state statutes, regulations, rules, policies, or procedures governing the WIC program.

(KK) "Whole Grain Cereal" means a breakfast cereal which has whole grain as a primary ingredient and meets labeling requirements for making a health claim as a "whole grain food with moderate fat content."

~~(JJ)~~(LL) "WIC EBT claim file or claim file" means the electronic file that contains transactions being submitted for payment by the vendor.

~~(KK)~~(MM) "WIC nutrition card (WNC)" means the smartcard containing participant benefits.

~~(LL)~~(NN) "WIC program" means the special supplemental nutrition program for women, infants, and children authorized by section 17 of the "Child Nutrition Act of 1966," 42 U.S.C. 1786, (in effect on January 7, 2011) and administered in Ohio by the department under section 3701.132 of the Revised Code.

~~(MM)~~(OO) "WIC vendor or vendor" means a sole proprietorship, partnership, cooperative association, corporation, limited liability company, or other business entity that operates one or more grocery stores authorized by the director to provide authorized foods to participants under a contract executed under paragraph (A) of rule 3701-42-03 of the Administrative Code. Each store must have a single, fixed location.

~~(NN)~~(PP) "WIC transaction or transaction" means the process by which a valid WIC nutrition card is presented to personnel at an authorized vendor to receive items selected from the list of authorized foods.

Effective:

Five Year Review (FYR) Dates: 1/31/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3701.132
Rule Amplifies: 3701.132
Prior Effective Dates: 01/10/1992 (Emer.), 04/01/1994, 01/26/1996,
06/07/1999, 07/01/2001, 06/21/2004, 03/20/2006,
10/01/2009, 04/01/2011, 09/16/2016