

10A NCAC 43D .0411 DUAL PARTICIPATION

(a) A WIC participant shall not participate simultaneously in one or more than one WIC clinic, or participate in the WIC Program and the Commodity Supplemental Food Program ("CSFP") during the same period of time. For purposes of this Rule, participate means certification as a WIC participant for the receipt of WIC food instruments or cash-value vouchers or certification as a CSFP participant for the receipt of CSFP food.

(b) The state agency shall immediately terminate the participation in one of the clinics or Programs, or the simultaneous participation in a single clinic, in accordance with 7 C.F.R. 246.7 (l) when a participant is found to be in violation of Paragraph (a) of this Rule.

(c) In the case of dual participation resulting from intentional misrepresentation, the participant, parent or caretaker of an infant or child participant, or proxy shall repay Program benefits improperly issued as a result of the dual participation, and the participant shall be disqualified from participation in both Programs or clinic(s) in accordance with 7 C.F.R. 246.7 (l) and Paragraph (b) of Rule .0410 of this Section. For purposes of this Paragraph, receiving WIC food instruments or cash-value vouchers under two or more participant identities in a single WIC clinic during the same issuance period and transacting one or more of the food instruments or cash-value vouchers received under two or more of the identities constitutes dual participation based on intentional misrepresentation. Receiving WIC food instruments or cash-value vouchers from more than one WIC clinic during the same issuance period and transacting one or more of the food instruments or cash-value vouchers received from two or more of the clinics constitutes dual participation based on intentional misrepresentation. Additionally, receiving WIC food instruments or cash-value vouchers and CSFP food during the same time period and transacting one or more of the WIC food instruments or cash-value vouchers constitutes dual participation based on intentional misrepresentation.

*History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
Temporary Adoption Eff. July 1, 2002;
Eff. July 1, 2004;
Amended Eff. October 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.*