

WAC 246-790-105 Failure to meet WIC program requirements. (1)

When an authorized vendor is out of compliance with the requirements of 7 C.F.R. 246.12, this chapter, or the contract, the department will initiate appropriate enforcement action which may include notices of violation, unless the department determines that notification would compromise the investigation; claims for reimbursement; and sanctions as set forth in the applicable federal regulations or the contract.

(2) Where a violation requires disqualification, the department may impose a civil penalty in lieu of disqualification if the department determines, in its sole discretion and in accordance with the department's participant access criteria, that the continued operation of the store is necessary to assure adequate participant access.

(3) An authorized vendor's contract is terminated on the effective date of a disqualification. A multistore vendor's contract shall be amended to remove only the disqualified store on the effective date of disqualification.

(4) Where a sanction requires a pattern of violations, a "pattern" is established by three separate documented incidents of the same federal or state contract violation identified during a single contract period.

(5) A disqualified vendor may reapply at the end of the disqualification period.

(6) The department will document complaints against authorized vendors and any resulting corrective action.

(7) The effective date of all sanctions is twenty-eight days after an authorized vendor receives notice of the department's decision to impose sanctions, unless otherwise specified in this chapter, the contract, or in the department's notice. The department, in its sole discretion, may temporarily suspend the contract in lieu of termination to resolve any uncertain matters, including appeals.

[Statutory Authority: RCW 43.70.120. WSR 18-23-080, § 246-790-105, filed 11/19/18, effective 12/20/18; WSR 14-21-110, § 246-790-105, filed 10/16/14, effective 11/16/14; WSR 11-23-125, § 246-790-105, filed 11/21/11, effective 12/22/11.]