

VIII. Certification and Eligibility and Coordination of Services

8.1.030 Conflict of Interest and Separation of Duties

Authority 2019 7 CFR 246.4(a)(27); WIC Policy Memo 2016-5, Separation of Duties at WIC Local Agencies

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POLICY: The local agency (LA) shall ensure that conflict of interest is avoided and that LA staff are not providing WIC services to themselves, relatives, or close friends.

The LA shall ensure a separation of duties for the LA staff to safeguard against fraud when determining participant income and nutritional risk.

The LA shall ensure that the LA staff who determines income eligibility and nutritional risk are not the same person. Either LA staff may issue food benefits.

The LA shall ensure that food instrument accountability functions are appropriately assigned and performed.

PROCEDURES:

A. Conflict of interest:

1. LA staff shall not perform the following functions for themselves, their relative(s), or their close friend(s):
 - a. Determination of eligibility for the program based on identity, residency, or income.
 - b. Any portion of the health assessment including obtaining health or medical history and anthropometric measurements.
 - c. Nutrition education and counseling.
 - d. Food instrument issuance.
 - e. Re-evaluation of food packages or food benefit issuance.
2. LA staff must not serve as a proxy unless a signed note from the participant or guardian naming the staff as a proxy is on file for the current certification period.
3. LA staff shall notify their WIC Coordinator if they have a relative or close friend applying for or receiving WIC benefits.
4. Relatives and close friends of LA staff must receive services during regular clinic hours.
5. The LA may use their own discretion in determining whether services may be provided during the staff's working hours for LA staff who receive WIC benefits.
6. The LA shall schedule WIC appointments for LA staff, their relative(s), or their close friend(s) at the time when other LA staff can perform the participating staff's function.

7. Participant records of LA staff and relative or close friends of LA staff must be made available to the state agency (SA) for review in conjunction with a monitoring or technical assistance visit.

B. Separation of duties:

1. The LA shall ensure that a minimum of two (2) LA staff are available to perform certification duties to ensure that one (1) staff isn't determining eligibility for income and also determining nutritional risk. Either staff may issue food benefits to that same participant.
2. The LA shall indicate on the Local Agency Plan (LAP) if compliance with this policy cannot be achieved and provide an alternate process to address separation of duties.
3. The LA shall use the Separation of Duties report to select records for the post review. The report has a comments box and signature box for the reviewing supervisor to sign. Reports must be maintained on file at the LA for review during monitoring. Refer to [10.1.070](#) for LA record retention requirements.
4. If the LA does not have staff who can conduct the supervisory review of records within three (3) business days of the occurrence of one (1) staff doing both income determination and nutritional risk determination, the LA shall send an email to WICMonitoring@health.mo.gov to notify the SA that the SA will need to conduct the record review. The LA must include the day(s) that require the review.
5. Clinics with fewer than two (2) LA staff available to fulfill the separation of duties requirement shall, within two (2) weeks of the certification:
 - a. Complete a review of all nonbreastfeeding infant certification records.
 - b. Complete a review of at least 20 percent of a random sample of the remaining certification records.
 - c. Ensure the review is completed by a supervisor with the authority to change an eligibility determination.
 - d. Notify the SA by sending an email with the applicable details to WICMonitoring@health.mo.gov when the review is complete.
6. Clinics with multiple LA staff that allow one (1) staff to perform all eligibility and certification functions, including issuing food benefits, must also complete a review of records. When this option is exercised, a supervisor must, within two (2) weeks of the certification:
 - a. Complete a review of all nonbreastfeeding infant certification records.
 - b. Complete a review of at least 20 percent of a random sample of the remaining certification records.
 - c. Ensure an additional file review of 10 percent of each clinic's

certification files is conducted every six (6) months by the SA.

7. The LA must notify the SA immediately if it appears that fraud or abuse may have occurred.