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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 6@ Preventive Medical Services

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Chapter 6@ California Special Supplemental Food Program for Women, Infants and Children

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Article 2@ Certification of Participants

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Section 40671@ Requirements for Certification

## **40671 Requirements for Certification**

### **(a)**

To be certified as eligible for the WIC Program, infants, children, and pregnant, postpartum, and breastfeeding women shall be determined to be at nutritional risk by a competent professional authority through a medical and/or nutritional assessment.

### **(b)**

Nutritional risk conditions which shall be used as a basis for certification shall include, but are not limited to: (1) A woman who exhibits any of the following risk conditions: (A) Anthropometric measurements which indicate: 1. Overweight or underweight for height. 2. Short stature. 3. Inadequate weight gain during pregnancy. 4. Excessive weight gain during pregnancy. (B) Anemia. (C) Nutritionally related physical and medical risk conditions or conditions that predispose persons to inadequate nutritional patterns. These conditions include, but are not limited to: 1. Under-age or over-age mother. 2. Short inter-pregnancy interval. 3. A woman who is breastfeeding a WIC eligible infant. 4. Metabolic disorders, such as diabetes. 5. Hypertension. 6. Multiple pregnancy. 7. Severe psychosocial problems limiting nutrient intake. 8. Tuberculosis. 9. Intrauterine growth retardation. 10. Renal disease. 11. Liver disease. 12. Cardiopulmonary disease. 13. Surgery such as Cesarean section. 14. Venereal disease. 15. Epilepsy. 16. Excessive use of alcohol, drugs, tobacco, or caffeine. 17. History of high-risk pregnancies or factors

associated with high-risk pregnancies, such as: neonatal death, stillbirth, premature infant, spontaneous fetal loss, small for gestational age, low birthweight, high birthweight, congenital anomalies, therapeutic abortions, or Sudden Infant Death Syndrome. 18. High or low parity. 19. Exposure to toxic agents. (D) Inappropriate diet. (E) Health maintenance and regression in nutritional status. A participant who has previously been certified eligible for the Program, but who has no current nutritional risk conditions, may be considered to be at nutritional risk for one subsequent certification if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods. (2)

An infant or child who exhibits any of the following risk conditions: (A)

Anthropometric measurements which indicate: 1. Overweight for height. 2.

Underweight for height. 3. Short stature. 4. Low birthweight. 5. High birthweight.

(B) Anemia. (C) Nutritionally related physical and medical conditions or conditions

that predispose persons to inadequate nutritional patterns including, but not

limited to: 1. Food allergies. 2. Congenital and developmental disorders. 3. Severe dental problems. 4. Surgery. 5. Severe burns. 6. Chronic or severe infections. 7.

Tuberculosis. 8. Chronic illnesses, such as cancer, hypertension, diabetes, cardiovascular disease, gastrointestinal illness, renal disease, endocrine or metabolic disturbances. 9. Premature or small for gestational age. 10. Severe

psychosocial problems limiting nutrient intake. 11. Born to a mother who was at nutritional risk during pregnancy. An infant up to six months of age is at nutritional risk if born to a mother who participated in the WIC Program during pregnancy or whose medical record documents that she was at risk during pregnancy due to biochemical, anthropometric, physical, or medical reasons. 12. Breastfed by a mother who is a nutritional risk. (D) Inappropriate diet. (E) Health maintenance and regression in nutritional status. A participant who has previously been certified

eligible for the Program but who has no current nutritional risk conditions may be considered to be at nutritional risk for subsequent certification(s) if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods. This criterion may not be used for infants previously certified solely because they were born to a mother who was at nutritional risk during pregnancy. This criterion may be used for a maximum of two consecutive subsequent certifications for infants enrolled prior to six months of age due to a nutritional risk(s) other than being born to a mother who was at risk during pregnancy. For infants and children enrolled at six months or age or older, this criterion may be used for one subsequent certification.

**(1)**

A woman who exhibits any of the following risk conditions: (A) Anthropometric measurements which indicate: 1. Overweight or underweight for height. 2. Short stature. 3. Inadequate weight gain during pregnancy. 4. Excessive weight gain during pregnancy. (B) Anemia. (C) Nutritionally related physical and medical risk conditions or conditions that predispose persons to inadequate nutritional patterns. These conditions include, but are not limited to: 1. Under-age or over-age mother. 2. Short inter-pregnancy interval. 3. A woman who is breastfeeding a WIC eligible infant. 4. Metabolic disorders, such as diabetes. 5. Hypertension. 6. Multiple pregnancy. 7. Severe psychosocial problems limiting nutrient intake. 8. Tuberculosis. 9. Intrauterine growth retardation. 10. Renal disease. 11. Liver disease. 12. Cardiopulmonary disease. 13. Surgery such as Cesarean section. 14. Venereal disease. 15. Epilepsy. 16. Excessive use of alcohol, drugs, tobacco, or caffeine. 17. History of high-risk pregnancies or factors associated with high-risk pregnancies, such as: neonatal death, stillbirth, premature infant, spontaneous fetal loss, small for gestational age, low birthweight, high birthweight, congenital anomalies, therapeutic abortions, or Sudden Infant Death Syndrome. 18. High or low parity. 19.

Exposure to toxic agents. (D) Inappropriate diet. (E) Health maintenance and regression in nutritional status. A participant who has previously been certified eligible for the Program, but who has no current nutritional risk conditions, may be considered to be at nutritional risk for one subsequent certification if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods.

**(A)**

Anthropometric measurements which indicate: 1. Overweight or underweight for height. 2. Short stature. 3. Inadequate weight gain during pregnancy. 4. Excessive weight gain during pregnancy.

**1.**

Overweight or underweight for height.

**2.**

Short stature.

**3.**

Inadequate weight gain during pregnancy.

**4.**

Excessive weight gain during pregnancy.

**(B)**

Anemia.

**(C)**

Nutritionally related physical and medical risk conditions or conditions that predispose persons to inadequate nutritional patterns. These conditions include, but are not limited to: 1. Under-age or over-age mother. 2. Short inter-pregnancy interval. 3. A woman who is breastfeeding a WIC eligible infant. 4. Metabolic disorders, such as diabetes. 5. Hypertension. 6. Multiple pregnancy. 7. Severe psychosocial problems limiting nutrient intake. 8.

Tuberculosis. 9. Intrauterine growth retardation. 10. Renal disease. 11. Liver disease. 12. Cardiopulmonary disease. 13. Surgery such as Cesarean section. 14. Venereal disease. 15. Epilepsy. 16. Excessive use of alcohol, drugs, tobacco, or caffeine. 17. History of high-risk pregnancies or factors associated with high-risk pregnancies, such as: neonatal death, stillbirth, premature infant, spontaneous fetal loss, small for gestational age, low birthweight, high birthweight, congenital anomalies, therapeutic abortions, or Sudden Infant Death Syndrome. 18. High or low parity. 19. Exposure to toxic agents.

**1.**

Under-age or over-age mother.

**2.**

Short inter-pregnancy interval.

**3.**

A woman who is breastfeeding a WIC eligible infant.

**4.**

Metabolic disorders, such as diabetes.

**5.**

Hypertension.

**6.**

Multiple pregnancy.

**7.**

Severe psychosocial problems limiting nutrient intake.

**8.**

Tuberculosis.

**9.**

Intrauterine growth retardation.

**10.**

Renal disease.

**11.**

Liver disease.

**12.**

Cardiopulmonary disease.

**13.**

Surgery such as Cesarean section.

**14.**

Venereal disease.

**15.**

Epilepsy.

**16.**

Excessive use of alcohol, drugs, tobacco, or caffeine.

**17.**

History of high-risk pregnancies or factors associated with high-risk pregnancies, such as: neonatal death, stillbirth, premature infant, spontaneous fetal loss, small for gestational age, low birthweight, high birthweight, congenital anomalies, therapeutic abortions, or Sudden Infant Death Syndrome.

**18.**

High or low parity.

**19.**

Exposure to toxic agents.

**(D)**

Inappropriate diet.

**(E)**

Health maintenance and regression in nutritional status. A participant who has previously been certified eligible for the Program, but who has no current nutritional risk conditions, may be

considered to be at nutritional risk for one subsequent certification if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods.

**(2)**

An infant or child who exhibits any of the following risk conditions: (A) Anthropometric measurements which indicate: 1. Overweight for height. 2. Underweight for height. 3. Short stature. 4. Low birthweight. 5. High birthweight. (B) Anemia. (C) Nutritionally related physical and medical conditions or conditions that predispose persons to inadequate nutritional patterns including, but not limited to: 1. Food allergies. 2. Congenital and developmental disorders. 3. Severe dental problems. 4. Surgery. 5. Severe burns. 6. Chronic or severe infections. 7. Tuberculosis. 8. Chronic illnesses, such as cancer, hypertension, diabetes, cardiovascular disease, gastrointestinal illness, renal disease, endocrine or metabolic disturbances. 9. Premature or small for gestational age. 10. Severe psychosocial problems limiting nutrient intake. 11. Born to a mother who was at nutritional risk during pregnancy. An infant up to six months of age is at nutritional risk if born to a mother who participated in the WIC Program during pregnancy or whose medical record documents that she was at risk during pregnancy due to biochemical, anthropometric, physical, or medical reasons. 12. Breastfed by a mother who is a nutritional risk. (D) Inappropriate diet. (E) Health maintenance and regression in nutritional status. A participant who has previously been certified eligible for the Program but who has no current nutritional risk conditions may be considered to be at nutritional risk for subsequent certification(s) if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods. This criterion may not be used for infants previously certified solely because they were born to a mother who was at nutritional risk during pregnancy. This criterion may be used for a maximum of two consecutive subsequent

certifications for infants enrolled prior to six months of age due to a nutritional risk(s) other than being born to a mother who was at risk during pregnancy. For infants and children enrolled at six months or age or older, this criterion may be used for one subsequent certification.

**(A)**

Anthropometric measurements which indicate: 1. Overweight for height. 2. Underweight for height. 3. Short stature. 4. Low birthweight. 5. High birthweight.

**1.**

Overweight for height.

**2.**

Underweight for height.

**3.**

Short stature.

**4.**

Low birthweight.

**5.**

High birthweight.

**(B)**

Anemia.

**(C)**

Nutritionally related physical and medical conditions or conditions that predispose persons to inadequate nutritional patterns including, but not limited to: 1. Food allergies. 2. Congenital and developmental disorders. 3. Severe dental problems. 4. Surgery. 5. Severe burns. 6. Chronic or severe infections. 7. Tuberculosis. 8. Chronic illnesses, such as cancer, hypertension, diabetes, cardiovascular disease, gastrointestinal illness, renal disease, endocrine or metabolic disturbances. 9. Premature or small for gestational age. 10. Severe



psychosocial problems limiting nutrient intake. 11. Born to a mother who was at nutritional risk during pregnancy. An infant up to six months of age is at nutritional risk if born to a mother who participated in the WIC Program during pregnancy or whose medical record documents that she was at risk during pregnancy due to biochemical, anthropometric, physical, or medical reasons. 12. Breastfed by a mother who is a nutritional risk.

**1.**

Food allergies.

**2.**

Congenital and developmental disorders.

**3.**

Severe dental problems.

**4.**

Surgery.

**5.**

Severe burns.

**6.**

Chronic or severe infections.

**7.**

Tuberculosis.

**8.**

Chronic illnesses, such as cancer, hypertension, diabetes, cardiovascular disease, gastrointestinal illness, renal disease, endocrine or metabolic disturbances.

**9.**

Premature or small for gestational age.

**10.**

Severe psychosocial problems limiting nutrient intake.

**11.**

Born to a mother who was at nutritional risk during pregnancy. An infant up to six months of age is at nutritional risk if born to a mother who participated in the WIC Program during pregnancy or whose medical record documents that she was at risk during pregnancy due to biochemical, anthropometric, physical, or medical reasons.

**12.**

Breastfed by a mother who is a nutritional risk.

**(D)**

Inappropriate diet.

**(E)**

Health maintenance and regression in nutritional status. A participant who has previously been certified eligible for the Program but who has no current nutritional risk conditions may be considered to be at nutritional risk for subsequent certification(s) if the competent professional authority determines there is a possibility of regression in nutritional status without the supplemental foods. This criterion may not be used for infants previously certified solely because they were born to a mother who was at nutritional risk during pregnancy. This criterion may be used for a maximum of two consecutive subsequent certifications for infants enrolled prior to six months of age due to a nutritional risk(s) other than being born to a mother who was at risk during pregnancy. For infants and children enrolled at six months or age or older, this criterion may be used for one subsequent certification.

**(c)**

The participant shall meet the local agency service area or population criteria as specified in the contract between the Department and the local agency. A specific length of residency shall not be a requirement of eligibility.

**(d)**

The participant shall meet the criteria for low income according to the amounts

determined by the Department. (1) Local agencies may consider the income of the family during the past 12 months and the family's current rate of income to determine which indicator more accurately reflects the financial status of the family. (2) Income is considered as all gross cash income, before deductions for income taxes, employees' social security taxes, insurance premiums, and bonds. Income includes the following: (A) Monetary compensation for services, including wages, salary, commissions, or fees; (B) Net income from farm and non-farm self-employment; (C) Social Security benefits; (D) Dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (E) Public assistance or welfare payments; (F) Unemployment compensation; (G) Government civilian employee or military retirement or pensions or veterans' payments; (H) Private pensions or annuities; (I) Alimony or child support payments; (J) Regular contributions from persons not living in the household; (K) Net royalties; and (L) Other cash income. Other cash income includes, but is not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family. (3) In determining income eligibility, payments or benefits provided under certain federal programs or acts are excluded from consideration as income by federal legislative prohibition. These programs include, but are not limited to: (A) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, Sec. 216, 42 U.S.C. 4636; (B) Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, Sec. 404(g), 42 U.S.C. 5044(g)) to the extent excluded by that Act; (C) Payment to volunteers under Section 8(b)(1)(B) of the Small Business Act (SCORE and ACE) Public Law 95-510, Sec. 101, 15 U.S.C. 637(b)(1)(D); (D) Income derived from certain

submarginal land of the United States which is held in trust for certain Indian tribes, Public Law 94-114, Sec. 6, 25 U.S.C. 459(e); (E) Payments received under the Job Training Partnership Act, Public Law 97-300, Sec. 142(b), 29 U.S.C. 1552(b); (F) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians, Public Law 94-540, Sec. 6; (G) Payments received under the Alaska Native Claims Settlement Act, Public Law 94-204, Sec. 4(a), 43 U.S.C. 1626; (H) The value of assistance to children or their families under the National School Lunch Act 42 U.S.C. 1760(e), the Child Nutrition Act of 1966, 42 U.S.C. 1780(b), and the Food Stamp Act of 1977, 7 U.S.C. 2017(b); (I) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation, Public Law 95-433, Sec. 2, 25 U.S.C. 609(c)(1); and (J) Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Sec. 6, 9 (c), 25 U.S.C. 1725(i), 1728(c); and (K) Payments or allowances received pursuant to the Home Energy Assistance Act of 1980, Public Law 96-223, Title III, Sec. 313(c)(1). (L) Student financial assistance received by an individual from any program funded under Title IV of the Higher Education Act of 1965 (including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grant, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs). (4) The local agency may require verification of information which it determines necessary to confirm income eligibility for Program benefits.

**(1)**

Local agencies may consider the income of the family during the past 12 months and the family's current rate of income to determine which indicator more accurately reflects the financial status of the family.

**(2)**

Income is considered as all gross cash income, before deductions for income taxes, employees' social security taxes, insurance premiums, and bonds. Income includes the following: (A) Monetary compensation for services, including wages, salary, commissions, or fees; (B) Net income from farm and non-farm self-employment; (C) Social Security benefits; (D) Dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (E) Public assistance or welfare payments; (F) Unemployment compensation; (G) Government civilian employee or military retirement or pensions or veterans' payments; (H) Private pensions or annuities; (I) Alimony or child support payments; (J) Regular contributions from persons not living in the household; (K) Net royalties; and (L) Other cash income. Other cash income includes, but is not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family.

**(A)**

Monetary compensation for services, including wages, salary, commissions, or fees;

**(B)**

Net income from farm and non-farm self-employment;

**(C)**

Social Security benefits;

**(D)**

Dividends or interest on savings or bonds, income from estates or trusts, or net rental income;

**(E)**

Public assistance or welfare payments;

**(F)**

Unemployment compensation;

**(G)**

Government civilian employee or military retirement or pensions or veterans' payments;

**(H)**

Private pensions or annuities;

**(I)**

Alimony or child support payments;

**(J)**

Regular contributions from persons not living in the household;

**(K)**

Net royalties; and

**(L)**

Other cash income. Other cash income includes, but is not limited to, cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family.

**(3)**

In determining income eligibility, payments or benefits provided under certain federal programs or acts are excluded from consideration as income by federal legislative prohibition. These programs include, but are not limited to: (A) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, Sec. 216, 42 U.S.C. 4636; (B) Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, Sec. 404(g), 42 U.S.C. 5044(g)) to the extent excluded by that Act; (C) Payment to volunteers under Section 8(b)(1)(B) of the Small Business Act (SCORE and ACE) Public Law 95-510, Sec. 101, 15 U.S.C. 637(b)(1)(D); (D) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes, Public Law 94-114, Sec. 6, 25 U.S.C. 459(e); (E) Payments received under the Job Training Partnership Act, Public Law

97-300, Sec. 142(b), 29 U.S.C. 1552(b); (F) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians, Public Law 94-540, Sec. 6; (G) Payments received under the Alaska Native Claims Settlement Act, Public Law 94-204, Sec. 4(a), 43 U.S.C. 1626; (H) The value of assistance to children or their families under the National School Lunch Act 42 U.S.C. 1760(e), the Child Nutrition Act of 1966, 42 U.S.C. 1780(b), and the Food Stamp Act of 1977, 7 U.S.C. 2017(b); (I) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation, Public Law 95-433, Sec. 2, 25 U.S.C. 609(c)(1); and (J) Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Sec. 6, 9 (c), 25 U.S.C. 1725(i), 1728(c); and (K) Payments or allowances received pursuant to the Home Energy Assistance Act of 1980, Public Law 96-223, Title III, Sec. 313(c)(1). (L) Student financial assistance received by an individual from any program funded under Title IV of the Higher Education Act of 1965 (including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grant, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs).

**(A)**

Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, Sec. 216, 42 U.S.C. 4636;

**(B)**

Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, Sec. 404(g), 42 U.S.C. 5044(g)) to the extent excluded by that Act;

**(C)**

Payment to volunteers under Section 8(b)(1)(B) of the Small Business Act (SCORE and ACE)

Public Law 95-510, Sec. 101, 15 U.S.C. 637(b)(1)(D);

**(D)**

Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes, Public Law 94-114, Sec. 6, 25 U.S.C. 459(e);

**(E)**

Payments received under the Job Training Partnership Act, Public Law 97-300, Sec. 142(b), 29 U.S.C. 1552(b);

**(F)**

Income derived from the disposition of funds to the Grand River Band of Ottawa Indians, Public Law 94-540, Sec. 6;

**(G)**

Payments received under the Alaska Native Claims Settlement Act, Public Law 94-204, Sec. 4(a), 43 U.S.C. 1626;

**(H)**

The value of assistance to children or their families under the National School Lunch Act 42 U.S.C. 1760(e), the Child Nutrition Act of 1966, 42 U.S.C. 1780(b), and the Food Stamp Act of 1977, 7 U.S.C. 2017(b);

**(I)**

Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation, Public Law 95-433, Sec. 2, 25 U.S.C. 609(c)(1); and

**(J)**

Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Sec. 6, 9 (c), 25 U.S.C. 1725(i), 1728(c); and

**(K)**



Payments or allowances received pursuant to the Home Energy Assistance Act of 1980, Public Law 96-223, Title III, Sec. 313(c)(1).

**(L)**

Student financial assistance received by an individual from any program funded under Title IV of the Higher Education Act of 1965 (including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grant, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs).

**(4)**

The local agency may require verification of information which it determines necessary to confirm income eligibility for Program benefits.