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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 7@ Food Delivery System

40757 Participant Repayment for WIC Program Abuse

Section 40757@ Participant Repayment for WIC Program Abuse

(a)

The participant shall repay the Department for financial loss resulting from the misuse of food instruments, as specified in Sections 40749 and 40679 of these regulations. The Department shall recover an amount the Department determines is equal to the value of the overissued food benefits, unless the Department determines that the recovery of the benefits would not be cost-effective. A repayment schedule shall be established by the Department based upon the individual's ability to pay.

(b)

The term of the repayment schedule shall be no longer than thirty-six (36) months. If the payments under this schedule are less than ten dollars (\$10.00) per month the number of months for these payments shall be reduced so that payments shall be no less than ten dollars (\$10.00) per month.

(c)

Local agencies shall be responsible for notifying participants by written notice, with a certified return receipt requested, of the reported Program violation, the total amount due for repayment, the term of the repayment schedule, and the monthly amount due. The first payment shall be due thirty (30) days from the receipt date of the written notice to the participant.

(d)

The Department may reinstate benefits prior to full repayment if the Department determines that the participant is complying with the repayment schedule. At the time of claim for repayment, the participant shall be advised of the right to a fair hearing, as specified in Section 40703 of these regulations.

(e)

Local agencies shall be responsible for the collection and file maintenance of the participant's claim record.