

CABINET FOR HEALTH AND FAMILY SERVICES

**Department for Public Health
(Amended at ARRS Committee)**

902 KAR 18:021. Eligibility, certification periods, and time frames for processing applicants.

RELATES TO: KRS 194A.050, [~~194A.505, 194A.990,~~] 7 C.F.R. Part 246, 278.6[~~, 21 U.S.C. 802~~]

STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 ~~authorize/provide/for~~ grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~]~~ and Children (WIC). KRS 194A.050(1) ~~requires/authorizes~~ the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the application and participation process for participants of the Kentucky Special Supplemental Nutrition Program for Women, Infants[~~]~~ and Children (WIC).

Section 1. Eligibility. To be certified as eligible to participate in the WIC program, a person shall:

(1) Be categorically eligible as ~~follows~~:

- (a) A pregnant woman;
- (b) A postpartum woman, up to six (6) months after termination of pregnancy;
- (c) A breastfeeding woman, up to the infant's first birthday;
- (d) An infant, birth to one (1) year of age; or
- (e) A child, one (1) to five (5) years of age;

(2) Provide proof of residence in the Commonwealth of Kentucky, such as a utility bill, driver's license, or Supplemental Nutrition Assistance Program (SNAP) identification card;

(3) Provide proof of identity as defined by 7 C.F.R. 246.7(c), such as a driver's license, medical card, birth certificate, or photo identification;

(4) Provide proof of household income, such as the most recent paystub, tax form (W-2), or medical card, and meet the following income criteria:

- (a) Receive Kentucky Transitional Assistance Program (KTAP), SNAP, or Medicaid;
- (b) A pregnant woman or infant in the household receives Medicaid;
- (c) A member of the household receives Medicaid; or
- (d) The household income is at or below 185 percent of the federal poverty level;

(5) Meet the required nutritional risk data at certification:

(a) Height or length and weight measurements shall be performed and documented, or referral data performed by a health care provider collected within sixty (60) days of the date of certification; and[~~]~~

(b) Hematological tests shall be performed and documented, or referral data performed by a health care provider collected within ninety (90) days of the date of certification;
and

(6) Meet one (1) of the following nutritional risk criteria:

- (a) A detrimental or abnormal nutritional condition detectable by biochemical or anthropometric measurements, such as:

1. Anemia;
 2. Underweight;
 3. Overweight;
 4. Abnormal pattern of weight gain in a pregnant woman;
 5. Low birth weight ~~[gain]~~ in an infant; or
 6. Stunting in an infant or child; or
- (b) A documented nutritionally related medical condition, such as:
1. Clinical signs of nutritional deficiency;
 2. Metabolic disorder;
 3. Pre-eclampsia in a pregnant woman;
 4. Failure to thrive in an infant;
 5. Chronic infection;
 6. Alcohol or drug abuse or mental retardation in a woman;
 7. Lead poisoning;
 8. History in a pregnant woman of a high risk pregnancy or an associated factor, such as:
 - a. Smoking;
 - b. Conception before sixteen (16) months postpartum;
 - c. History of low birth weight, premature birth, or neonatal loss;
 - d. Adolescent pregnancy; or
 - e. Current multiple pregnancy;~~[or]~~
 9. Congenital malformation in an infant or child;
 10. ~~[or]~~ An infant born to a woman with:
 - a. A history of alcohol abuse;
 - b. A history of drug abuse; or
 - c. Mental retardation;
 11. ~~[d.]~~ A dietary deficiency that impairs or endangers health, such as an inadequate dietary pattern as assessed by:
 - a. ~~[(i)]~~ A twenty-four (24) hour dietary recall;
 - b. ~~[(ii)]~~ Dietary history; or
 - c. ~~[(iii)]~~ Food frequency checklist; or
 12. ~~[e.]~~ A condition that predisposes a person to an inadequate nutritional pattern or nutritionally related medical condition, such as homelessness or migrancy.

Section 2. Certification Periods. WIC program benefits shall be based upon certifications established in accordance with the time frames established in this section.

- (1) A pregnant woman shall be certified for the duration of her pregnancy and for up to six (6) weeks postpartum.
- (2) A postpartum woman shall be certified for up to six (6) months postpartum.
- (3) A breastfeeding woman shall be certified up to the infant's first birthday or when the woman ceases breastfeeding, whichever occurs first~~[at intervals of approximately six (6) months, ending with the breastfed infant's first birthday].~~
- (4) An infant shall be certified up to the infant's first birthday. ~~[or when the woman ceases breastfeeding, whichever occurs first]/./].~~ The local WIC agency shall ensure that the infant receives the required health and nutrition assessments pursuant to 7 C.F.R. 246.11(e)(3)~~[at intervals of approximately six (6) months, except an infant under six (6)]~~ ~~[months of age shall be certified for a period extending up to the first birthday if the quality and accessibility of health care services is not diminished].~~
- (5) A child shall be certified at intervals of approximately twelve (12)~~[six (6)]~~ months, up until the~~[ending with the end of the issuance month in which a]~~ child reaches their~~[the]~~ fifth birthday. The local WIC agency shall ensure that the child receives the required health and nutrition assessments in accordance with 7 C.F.R. 246.11(e)(3).

Section 3. Priority System. Vacancies in the WIC program shall be filled as they occur unless maximum participation has been reached. If maximum participation has been reached, vacancies shall be filled by a priority system based upon the nutritional risk of the patient.

Section 4. Time Frames for Processing Applicants.

(1) Pregnant~~[and breastfeeding]~~ women, infants, and migrant farmworkers and their families~~[migrants]~~ shall be screened and notified of WIC program eligibility or ineligibility within ten (10) days of application.

(2) All other applicants shall be screened and notified of WIC program eligibility or ineligibility within twenty (20) days of application. WIC benefits shall be provided when participants are notified of certification.

(3) In accordance with 7 C.F.R. 246.7(f)(2)(iii)(A), the state agency may provide an extension of the notification period to a maximum of fifteen (15) days for those local agencies that make a written request, including a justification of the need for an extension.

Section 5. Nutrition Education.

(1) Nutrition education shall be made available to the participant or the participant's parent or guardian and shall relate to the participant's nutritional needs, household situation, and cultural preferences.

(2) Tobacco, drug, and other substance abuse information shall be provided to each participant or the participant's parent or guardian.

(3) Breastfeeding information, including the benefits of breastfeeding, shall be provided to each pregnant participant, unless contraindicated.

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