

CABINET FOR HEALTH AND FAMILY SERVICES

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

902 KAR 18:090. High risk criteria.

RELATES TO: KRS 194A.050, 194A.505, 194A.990, 205.231, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802

STATUTORY AUTHORITY: KRS 194A.050, 205.231, 211.180, 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 grants for state operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). KRS 194A.050(1) 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 high-risk criteria for contracted vendors with the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Section 1. High Risk Criteria. In accordance with 7 C.F.R. 246.12, high-risk vendors shall be identified at least once each federal fiscal year. The criteria and points established in this section shall be assessed.

- (1) A vendor with low variance shall be assessed one (1) point per quarter.
- (2) A vendor that redeemed six (6) or more gallons of milk in a single transaction, occurring in thirty (30) or more transactions a quarter, shall be assessed five (5) points per quarter.
- (3) A vendor with full package redemptions in one (1) transaction occurring in twenty (20) or more transactions per quarter shall be assessed five (5) points per quarter.
- (4) A vendor with a lack of inventory shall be assessed five (5) points per occurrence during a monitoring visit.
- (5) A vendor with prices for transactions greater than or equal to ninety (90) percent and above the NTE shall be assessed five (5) points per quarter.
- (6) A vendor that has redeemed more than \$10,000 in transactions per federal fiscal year from out of its contracted local WIC agency shall receive one (1) point per federal fiscal year.
- (7) A vendor that received a Good Letter with Exceptions shall be assessed five (5) points per letter.

Section 2. High Risk Referrals. A vendor assessed thirty (30) points or more per federal fiscal year shall be referred to a federal agency, state agency, or local law enforcement agency for an investigation.

(902 KAR 018:090. 40 Ky.R. 509; 835; eff. 10-16-2013; Crt eff. 4-13-2020; 52 Ky.R. 1605, 44; eff. 8-18-2026.)

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