

## **PARTICIPANT ACCESS DETERMINATION CRITERIA**

### **PURPOSE:**

Prior to disqualifying a vendor, WIC must determine if disqualification of the vendor or denial of a WIC Vendor Application would result in inadequate participant access. WIC must consider availability of other authorized Vendors in the same area as the violative vendor or vendor applicant and any geographic barriers to using such Vendors. If WIC determines that disqualification of the vendor would result in inadequate participant access, WIC must impose a civil money penalty in lieu of disqualification. However, WIC may not impose a civil money penalty in lieu of disqualification for third or subsequent sanctions for violations that result in a federally mandated sanction.

### **PROCEDURE(S):**

WIC will determine if inadequate participant access would result from the disqualification of a vendor or denial of a Vendor Application. Vendors may not use inadequate participant access as an argument when appealing a disqualification from WIC.

1. Inadequate participant access will be established if one of the following conditions apply:
  - a. There is only one other authorized WIC Vendor on the island;
  - b. There is not another WIC vendor within a five (5) mile radius;
  - c. Physical barriers or conditions hinder normal travel to another WIC authorized store and/or hinder suppliers, thereby limiting available WIC eligible items at authorized vendors. For example, road closures due to flooding, lava flows, earthquakes, tsunamis, and hurricanes;
  - d. Authorized vendor, within a five (5) mile radius, is closed or open less than 10-hours on a given day for which a Vendor applicant is open 10 hours;
  - e. Identified barrier to handicapped participants that cannot be accommodated by authorized Vendor within a five (5) mile radius.
2. Hawaii WIC will determine if inadequate participant access exists in assessing the following:
  - a. Consideration of a waiver for selection criteria with the exception of criterion #2 (stock requirements).
  - b. Consideration of WIC Vendor Applications outside of scheduled open enrollment.
  - c. Consideration of a civil money penalty in lieu of a vendor disqualification from WIC.