

	<b>N.Y.S. DEPARTMENT OF HEALTH – WIC PROGRAM MANUAL</b>		
	<b>Subject: Physical Presence Requirements</b>	<b>Section # 1101</b>	
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***POLICY***

- 1. WIC applicants must be physically present at the local agency for any certification unless an exemption is granted and documented.***
- 2. Persons with disabilities are not automatically exempt from physical presence unless the disabilities are a barrier to physical presence at WIC clinics.***
- 3. All exemptions to physical presence must be documented in the participant’s record.***
- 4. The need for an exemption must be re-evaluated and documented at each certification.***

**BACKGROUND**

Per CFR §246.7(o), the local agency (LA) must require all applicants to be physically present at each WIC certification, although exceptions are allowed.

Physical presence enables the WIC staff to more effectively assess the applicant/participant’s nutrition/health status, make the necessary referrals and tailor food packages. In addition, physical presence enables the participant to actively participate in nutrition/health education.

**DEFINITIONS**

Refer to Acronyms and Definitions.

**PROCEDURE**

1. Although an applicant may be exempt from physical presence, the applicant’s parent, caretaker or proxy can bring in the documents necessary to determine WIC eligibility.
2. The LA must grant an exception to applicants who are qualified individuals with disabilities and are unable to be physically present at the WIC clinic because of their disabilities or applicants whose parents or caretakers are individuals with disabilities that meet this standard. Examples of such disabilities include:
  - A medical condition that necessitates the use of medical equipment that is not easily transportable
  - A medical condition that requires confinement to bed rest
  - A serious illness that may be exacerbated by coming into the WIC clinic

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- An impairment which limits major life activities and creates a barrier to travel to the WIC clinic
3. The LA may exempt from the physical presence requirement, if being physically present would pose an unreasonable barrier, an infant or child who was present at his/her initial WIC certification and is receiving ongoing health care.
  4. The LA may exempt from the physical presence requirement an infant under eight weeks of age who cannot be present at certification for an appropriate reason, and for whom all necessary certification information is provided.
  5. The LA may exempt from the physical presence requirement an infant or child who meets all three of these conditions:
    - was present at his/her initial WIC certification
    - was present at a Health and Nutrition update within the one-year period ending on the date of the most recent certification
    - is under the care of one or more working parents or caretakers whose working status presents a barrier to bringing the infant or child in to the WIC clinic
  6. An applicant with an active Verification of Certification must be physically present at the first certification at the new WIC clinic, unless there are documented exemptions pertaining only to disabilities.

<b>GUIDANCE</b>
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Although an applicant may be exempt from physical presence, the applicant’s parent, caretaker or proxy can bring in the documents necessary to determine WIC eligibility.

Although an infant under eight weeks of age may be granted an exemption as noted above, it is expected that the infant will be brought to the WIC clinic at the earliest opportunity.

Physical presence at the Health and Nutrition Update appointment is expected, unless an exemption has been granted and documented.

Professional judgment should be used when determining whether or not to exempt physical presence due to disasters or extreme weather. Best practice is to reschedule the appointment.

The working parent exemption is limited to:

- Two-parent/caretaker families when both are working, or
- Single parent/caretaker families when the single parent is working.

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Refer to WPM Sections on:

- WIC Certification Overview
- Health and Nutrition Update