



OCT 31 2011

**CABINET FOR HEALTH AND FAMILY SERVICES  
DEPARTMENT FOR PUBLIC HEALTH**

**Steven L. Beshear**  
Governor

275 East Main Street—HS2W-D  
Frankfort, KY 40621  
502-564-3827  
FAX 502-696-3811

**Janie Miller**  
Secretary

October 26, 2011

Denise V. Ferris, RD, LD, Dr PH  
Director  
WIC Program  
350 Capitol Street, Room 519  
Charleston, WV 25301-3717

Dear Ms. Ferris:

According to federal regulations, Kentucky must enter into agreements with its bordering states for the purpose of detecting and preventing dual participation.

In order to be in compliance with 7 CFR Part 246.7 (I), attached is a proposed dual participation Memorandum of Understanding (MOU) between the West Virginia and Kentucky WIC Programs. Please review the attached MOU and, if satisfactory, please sign and date, keeping on copy for your records and returning the other copy.

If you have questions about this agreement, please contact me at 502-564-3827 x.3831, or by email at [Fran.Hawkins@ky.gov](mailto:Fran.Hawkins@ky.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Fran Hawkins".

Fran Hawkins MS, RD, LD  
Manager  
Nutrition Services Branch

Attachment

cc: Jeff Hinton  
Rhonda Goff  
Dennis Hill

## Agreement for WIC Dual Participation Detection and Prevention between Kentucky and West Virginia WIC Programs

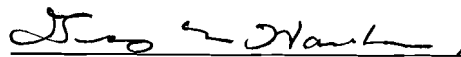
Consistent with the intent of §246.7(l) of the USDA-FNS WIC Regulations, the Kentucky WIC Program and the West Virginia WIC Program are entering into this Memorandum of Understanding (MOU) for the purpose of detecting and preventing dual participation between the participants of both WIC Programs.

Responsibilities of the programs include:

1. Local WIC staff operating clinics in contiguous local service areas located across state agency borders agrees to contact the neighboring state WIC office or the bordering WIC clinic when a participant is suspected to be participating in the WIC Programs of both states.
2. If dual participation is found to occur, §246.7(l) specifies the following action be taken:
  - a. The participant(s) found committing dual participation shall be terminated from one of the Programs immediately. §246.7(l)(3)
  - b. Where intentional misrepresentation is involved, the state WIC office or the bordering WIC clinic will:
    - Establish a claim against the participant for the full value of benefits received. (§ 246.7 (l) (4) and §246.23(c) (1))
    - Disqualify participant(s) from participation in both programs for one year unless exceptions stated in §246.12(u)(2) apply. (§246.7(l)(4) and §246.12(u)(2))
    - §246.12(u)(2) states that disqualification may be waived for infants, children and those participants under age eighteen, if the State/Local Agency approves the designation of a proxy and the competent professional authority determines that a serious health risk may result from Program disqualification.
    - Warning may be given prior to the imposition of state sanctions.
    - Participant(s) shall be advised of the procedures to follow to obtain a fair hearing pursuant to §246.9.

This agreement shall remain valid from the effective date of the agreement until canceled or terminated by mutual consent, for cause or default, or for convenience by either party. The party desiring to terminate or cancel must give written notice of their intention thirty (30) days prior to the date of the cancellation or termination, setting forth the reasons and conditions of said termination.

Kentucky WIC Program  
Fran Hawkins, MS, RD, LD  
Branch Manager, Nutrition Services

 10/26/11

Signature

Date

West Virginia WIC Program  
Denise Ferris, RD, LD, Dr.PH  
State WIC Director

 11/2/11

Signature

Date