

American Academy of Pediatrics



Original: 2289 DEDICATED TO THE HEALTH OF ALL CHILDREN™

Pennsylvania Chapter

Rosemont Business Campus
919 Conestoga Road
Building 2, Suite 307
Rosemont, PA 19010-1353
Phone: 610/520-9123
Fax: 610/520-9177
1-800-337-2277
Website: <http://www.paaap.org>
E-mail: paaap@paaap.org

Executive Committee

President

Robert Cicco, M.D.
Western PA Hospital
4800 Friendship Avenue
Suite N-3420
Pittsburgh, PA 15224
E-mail: rlcicco@atohi.com

Vice President

William Cochran, M.D.
Department of GI/Nutrition
Geisinger Medical Center
100 N. Academy Avenue
Danville, PA 17822-0001
E-mail: wcochran@geisinger.edu

Secretary-Treasurer

David Turkewitz, M.D.
Department of Pediatrics
York Hospital
1001 S. George Street
York, PA 17405-3645
E-mail: dturkewitz@wellspring.org

Executive Director

Suzanne Yunghans

Members at Large

Jamie Calabrese, M.D.
Pittsburgh, PA
Gary Ceneviva, M.D.
Hershey, PA
F. Dennis Dawgort, M.D.
Dickson City, PA
Norman Hanman, M.D.
Harrisburg, PA
Cheryl Husman, M.D.
Philadelphia, PA
Mary Ann Riggs, M.D.
Coudersport, PA

Immediate Past President

Mark Reuben, M.D.
Wyomissing, PA

Traffic Injury Prevention Project

Jerald Aronson, M.D., M.P.H.

Early Childhood Education

Linkage System

Susan Aronson, M.D.

Immunization Education Program

Alan Kohrt, M.D.

Clean Air for Healthy Children

English Willis, M.D.

Child Death Review Program

David Turkewitz, M.D.

Child Abuse Education Program

Cindy Christian, M.D.

Medical Home Initiative

Alan Kohrt, M.D.

October 22, 2002

Greg Landis
Acting Director
WIC Program
Room 604, Health & Welfare Bldg.
Harrisburg, PA 17108

Dear Mr. Landis,

I am the Chairman of the Committee on Nutrition for the Pennsylvania Chapter of the American Academy of Pediatrics (PA AAP), as well as, the Vice President of this organization. In that capacity, I would like to provide you with my thoughts regarding the proposed rulemaking for the Supplemental Nutrition Program for Women, Infants and Children.

In terms of the general purpose of the proposed amendments, I am in general agreement. I completely agree with the proposal to eliminate the limitation criteria used to limit the number of stores authorized to participate in the WIC Program. Removing this limitation should improve access by participants to approved stores. I am also in complete agreement for the Department of Health to impose price limitations on foods that may be purchased with WIC checks. In addition, I believe that limiting the maximum prices for all allowable foods is appropriate instead of the current policy on just the two most frequently purchased foods. This should help to control expenses for this important program.

The proposals to limit the scope of the regulations to address appeal rights for participants and stores seems appropriate as does the establishment of a Vendor Advisory Workgroup.

I am also in agreement with the proposed monitoring of WIC authorized stores. However, I am not sure why the onsite store reviews conducted by a WIC Program representative should be an announced inspection. I would assume that if these were unannounced there would be greater compliance.

I appreciate the opportunity to provide input into this process on behalf of the Pennsylvania Chapter of the American Academy of Pediatrics. I would

RECEIVED
 REVIEW COMMISSION
 OCT 28 11:16:30

appreciate it if you would provide me with follow up on the final status of these regulations. In addition, if there is anything that myself or the PA AAP can do to help you with this very important program, please feel free to contact me.

Sincerely,



William J. Cochran, MD, FAAP
Pediatric Gastroenterologist & Nutritionist
Geisinger Clinic
Danville, PA 17822-1320

919 Conestoga Rd., Bldg. 2 - Ste. 307, Rosemont, PA 19010
Phone: (610) 520-9123 Fax: (610) 520-9177
E-mail: paasap@voicenet.com

**PA Chapter,
American Academy
of Pediatrics**

Fax

To: John Jewett From: Suzanne Ungers
TRRC # of Pages: 3

Fax #: 717/783-2664 Date: 10/28/02

Re: Supplemental CC:
Nutrition Program

Urgent For Review Please Comment Please Reply Per Your Request

• Comments:

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Original: 2289

Pennsylvania Chapter

Rosemont Business Campus
919 Conestoga Road
Building 2, Suite 307
Rosemont, PA 19010-1353
Phone: 610/520-9123
Fax: 610/520-9177
1-800-337-2227
Website: <http://www.paaap.org>
E-mail: paaap@paaap.org

Executive Committee

President

Robert Ciccio, M.D.
Western PA Hospital
4600 Friendship Avenue
Suite N-3420
Pittsburgh, PA 15224
E-mail: rtriver@attbi.com

Vice President

William Cochran, M.D.
Department of GI/Nutrition
Geisinger Medical Center
100 N. Academy Avenue
Danville, PA 17822-0001
E-mail: wcochran@geisinger.edu

Secretary-Treasurer

David Turkewitz, M.D.
Department of Pediatrics
York Hospital
1001 S. George Street
York, PA 17405-3645
E-mail: dturkewitz@well-penn.org

Executive Director

Suzanne Yungblau

Members at Large

Jamie Calabrese, M.D.
Pittsburgh, PA
Gary Ceneviva, M.D.
Hershey, PA
F. Dennis Dawpert, M.D.
Dickson City, PA
Norman Fienman, M.D.
Brookhill, PA
Cheryl Hausman, M.D.
Philadelphia, PA
Mary Ann Rigas, M.D.
Coaldersport, PA

Immediate Past President

Mark Reuben, M.D.
Wyomissing, PA

Traffic Injury Prevention Project

Jerold Aronson, M.D., M.P.H.

Early Childhood Education

Linkage System
Susan Aronson, M.D.

Immunization Education Program

Alan Kohrt, M.D.

Clean Air for Healthy Children

English Willis, M.D.

Child Death Review Program

David Turkewitz, M.D.

Child Abuse Education Program

Cindy Christian, M.D.

Medical Home Initiative

Alan Kohrt, M.D.

October 22, 2002

Greg Landis
Acting Director
WIC Program
Room 604, Health & Welfare Bldg.
Harrisburg, PA 17108

Dear Mr. Landis,

I am the Chairman of the Committee on Nutrition for the Pennsylvania Chapter of the American Academy of Pediatrics (PA AAP), as well as, the Vice President of this organization. In that capacity, I would like to provide you with my thoughts regarding the proposed rulemaking for the Supplemental Nutrition Program for Women, Infants and Children.

In terms of the general purpose of the proposed amendments, I am in general agreement. I completely agree with the proposal to eliminate the limitation criteria used to limit the number of stores authorized to participate in the WIC Program. Removing this limitation should improve access by participants to approved stores. I am also in complete agreement for the Department of Health to impose price limitations on foods that may be purchased with WIC checks. In addition, I believe that limiting the maximum prices for all allowable foods is appropriate instead of the current policy on just the two most frequently purchased foods. This should help to control expenses for this important program.

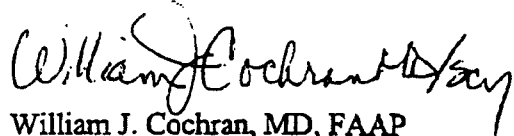
The proposals to limit the scope of the regulations to address appeal rights for participants and stores seems appropriate as does the establishment of a Vendor Advisory Workgroup.

I am also in agreement with the proposed monitoring of WIC authorized stores. However, I am not sure why the onsite store reviews conducted by a WIC Program representative should be an announced inspection. I would assume that if these were unannounced there would be greater compliance.

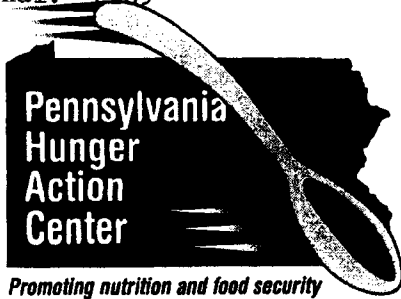
I appreciate the opportunity to provide input into this process on behalf of the Pennsylvania Chapter of the American Academy of Pediatrics. I would

appreciate it if you would provide me with follow up on the final status of these regulations. In addition, if there is anything that myself or the PA AAP can do to help you with this very important program, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "William J. Cochran MD FAAP". The signature is written in black ink and is positioned above the printed name.

William J. Cochran, MD, FAAP
Pediatric Gastroenterologist & Nutritionist
Geisinger Clinic
Danville, PA 17822-1320



DEPARTMENT OF HEALTH
WIC PROGRAM
PENNSYLVANIA COMMISSION

208 North Third Street, Suite 200
Harrisburg, PA 17101
Telephone: (717) 233-6705
Fax: (717) 231-4085
E-mail: pahunger@paonline.com
Web: www.pahunger.org

October 18, 2002

Greg Landis, Acting Director
WIC Program
Pennsylvania Department of Health
604 Health and Welfare Building
Harrisburg, PA 17108-0090

RE: Proposed Regulations
28 PA. Code Chapters 1101, 1103, 1105, 1107, 1109 and 1113

Dear Mr. Landis:

On behalf of the Pennsylvania Hunger Action Center, I have reviewed the regulations proposed by the Department and published in the September 21st issue of the **Pennsylvania Bulletin**. Based on our review, my participation in the Vendor Advisory Workgroup convened on June 16, 2000 by Secretary Robert Zimmerman, and our experience of working with low-income families and local agencies delivering WIC Program services, I submit the following comments for your consideration.

In general the proposed changes streamline the process by which retail stores may participate in the WIC Program. We support that general direction. Certainly retail stores are the essential link to the WIC-prescribed nutrition that at-risk women and children need. As the process for participation is streamlined for the stores, we expect stores to participate in greater numbers and, perhaps most importantly, with greater enthusiasm. Both changes will inure to the benefit of WIC participants: the availability of more stores will increase convenience and the greater enthusiasm may improve poor customer service, long a problem for WIC participants.

One specific example of streamlining is the complete elimination the concepts of "limitation criteria" and of "store slots". These concepts, which are embedded in the existing regulation, have created barriers to participation and bottlenecks in the distribution of WIC foods. Eliminating these concepts from the regulations is a positive change.

We note two concerns that we encourage you to address in your presentation of this package to the IRRC.

1. Narrowing of definition of "inadequate participant access".

Section 1103.7 requires the Department to consider the adequacy of participant access before taking action against an authorized store because of violations by that store of WIC Program requirements. The Section goes on to define "inadequate participant access". As proposed, that definition would be narrowed to exclude three existing situations. These are situations in which 100 or more WIC participants would need to travel greater distances to purchase WIC food because of sanctions imposed on their store of choice.

Berry Friesen to Mr. Greg Landis
October 18, 2002
Page #2

Convenience for participants is an important factor. Faced with many demands and few resources, low-income mothers are forced to marshal their time carefully. The loss of a convenient store at which to shop for WIC foods may prompt some to drop out of the Program. This factor needs to be squarely addressed as part of defending changes to this Section.

The relevant paragraph of the preamble states that

"(C)hanges in the WIC Program's data processing system will ease the administrative burden associated with mass transfers of WIC participants from one store to another. Therefore, the Department proposes to delete from subsection (c) current paragraphs (5)-(7), which define inadequate participant access in terms of volume of a store's participants relative to the distance to the next closest WIC authorized store."

This explanation is inadequate because it fails to address whether the proposed change will have an adverse impact on achieving the core purpose of this provision: convenient participant access.

Other sub-items in this Section will be retained and these provisions (particularly (c)(2)) will continue to protect participant convenience. However, the scope of the provisions in (c)(2) is somewhat different. Under (c)(2), access does not become an issue in Philadelphia County until travel of one or more miles is involved; in Delaware County, not until two or more miles are involved; in Allegheny and all of the other counties, not until three or more miles are involved. Isn't it reasonable to retain shorter thresholds when many participants are affected? That is the purpose served by existing Section 1103.7(c)(5-7). Before deleting it, more explanation is required.

2. Fiscal impact.

The preamble states:

The proposed regulatory changes to Section 1103.3, which deals with authorization of stores, to eliminate provisions regarding store slots and competition for those slots based upon prices, in and of itself, has the potential for increasing dramatically the number of stores that may be authorized to participate in the WIC Program. Through introduction of provisions regarding maximum allowable prices for all WIC allowable foods, however, the Department hopes to realize two objectives: (1) to keep the number of stores applying for authorization within reasonable limits; and (2) to achieve savings in foods costs that may translate into the additional administrative dollars needed to monitor the additional stores. Other aspects of these regulatory changes, such as repeal of provisions imposing limitations on the number of store slots and removal of provisions requiring store input and WIC Program collection of quarterly prices from each retail sort, will generate Program savings. Overall, the Department anticipates the fiscal impact of these regulations to be neutral.

The Advisory Workgroup on which I served discussed the increased cost of monitoring due to an increase in the number of participating stores. Department of Health staff informed the Workgroup that during 1999-2000, the average cost annually to monitor store compliance with WIC Program requirements was \$467 per store. (No figure was provided regarding the cost of bringing new stores into the system; that cost is likely to be higher.) Using the \$467 per store cost, a 15 percent increase in store participation was expected to cost an additional \$100,000.

Berry Friesen to Mr. Greg Landis
October 18, 2002
Page #3

This is not a large amount in a \$130 million Program. On the other hand, none of the impact of this increase would fall on food funding, which accounts for about 73 percent of Program expenditures. All of the increased cost would fall on Nutritional Services and Administration (NSA), the part of the funding stream that has been increasingly inadequate in recent years. Moreover, all of this increase would fall on local agencies, which are responsible for store monitoring. Thus, the very point of current greatest financial need in the WIC Program (local NSA) would bear this increased cost.

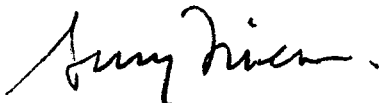
As you know, because of the inadequacy of NSA funding, in recent years local WIC agencies have been forced to close satellite clinics, reduce staff through attrition, and maintain such low compensation levels that it has become very difficult for local WIC agencies to retain professional staff.

The preamble (in the statement quoted above) refers to anticipated offsetting savings in food expenditures. Because of the rigid separation between food funds and NSA funds, it is difficult to translate savings achieved in food costs into NSA dollars. Thus, this aspect of offsetting savings is not promising. On the other hand, it is reasonable to expect that the removal of the store slot limitation and the streamlining of the maximum pricing mechanism will yield some administrative savings, particularly at the Department of Health.

In summary, we do not find the assurance of cost neutrality to be somewhat well supported. We urge you to address this in greater detail.

Subject to these two reservations, we think this proposal moves the WIC Program in the right direction. Thank you for your consideration of these comments and suggestions.

Very truly yours,



Berry Friesen
Executive Director

Cc: Senator Harold F. Mowery
Senate Public Health and Welfare
169 Main Capitol Building
Harrisburg, PA 17120-3031

Representative George T. Kenney
House Health and Human Services
108 Ryan Office Building
Harrisburg, PA 17120-2020

Senator Vincent J. Hughes
Senate Public Health and Welfare
543 Main Capitol Building
Harrisburg, PA 17120-3007

Representative Frank L. Oliver
House Health and Human Services
34 Main Capitol East Wing
Harrisburg, PA 17120-2020

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor - 333 Market Street
Harrisburg, PA 17101



Original: 2289

United States
Department of
Agriculture

Food and
Nutrition Service

Mid-Atlantic Region

300 Corporate Blvd
Robbinsville, NJ
08691-1598

Mr. Greg Landis
Acting Director
Division of Special Food Programs (WIC)
Pennsylvania Department of Health
PO Box 90
Harrisburg, PA 17108-0090

OCT - 8 2002

Dear Mr. Landis:

We are writing to comment on the Pennsylvania revised WIC Regulations Section 1107.1a Disqualifications. We have the following comments.

- We recommend that §1107.1(d)(2) which states, "Providing an allowable food in excess of the amount authorized on the WIC check," include the wording, "Two or more incidences of" to be in accordance with §246.12(i)(iv).
- We recommend that §1107.1(d)(5)(6)(11)(12) include the wording, "Two or more incidences of," since these particular provisions do not warrant a one-year disqualification in accordance with §246.12(i)(iv) of the WIC Regulations.

Should you have any questions regarding this letter, please contact Sylvia Ryan at (609) 259-5121.

Sincerely,

PAT CUMISKEY-CZETO
Regional Director
Supplemental Food Programs

The Food and Nutrition Service is an agency
of the Department of Agriculture

An Equal Opportunity Provider and Employer

RECEIVED
OCT 11 2002
FNS