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POLICY

1. Local agency staff must issue one of the New York State primary contract infant formulas as the first choice for formula issuance.
2. Formula issuance must not exceed the Monthly Maximums of NYS Approved Formulas.
3. Local agency staff must only issue infant formulas, exempt formulas, or WIC-eligible nutritionals that are currently on the Approved Formulas in the New York State WIC Program Formulary.
4. Local agency staff must tailor the food package to provide the type, form, and amount of formula most appropriate for the participant, based on the nutrition and breastfeeding assessment.
5. Local agency staff must only issue ready-to-use formula under certain circumstances, which must be documented in the participant's record.
6. To issue Food Package III, local agency staff must obtain medical documentation from a healthcare provider licensed to write medical prescriptions. The medical documentation must substantiate a qualifying medical condition.
7. The local agency must discard all returned formula due to safety issues.

Regulations

Food packages, [7 CFR §246.10\(e\)](#) - Local agencies must issue the primary contract infant formula as the first choice of issuance. State agencies must provide at least the full nutrition benefit authorized to non-breastfed infants up to the maximum monthly allowance for the physical form of the product specified for each food package category. Infant formula amounts for breastfed infants, even those in the fully formula fed category, should be individually tailored to the amounts that meet their nutritional needs.


DEFINITIONS

Refer to Acronyms and Definitions in Section 1011.

PROCEDURE

LA/VMA Policy Required Yes No

1. Inform participant representatives that WIC is a supplemental program and the amount of formula offered by WIC is limited to the maximum allowed under USDA regulations.
2. Tailor the food package to provide the appropriate type, form, and amount of formula, based on a participant-centered assessment of need, formula tolerance, breastfeeding status, age, and any other relevant factors.

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3. Assess and address feeding skills, techniques, and participant representative's concerns prior to changing formula type or form.
4. When starting or switching to a new formula, staff must tailor the formula and issue the lowest quantity until formula tolerance is determined. Issuance must be based on assessed need, while minimizing barriers for the participant, such as transportation and site schedules.
5. Offer frequent WIC appointments and phone contacts until formula tolerance is established to reduce the need for formula returns.
6. When significant formula intolerance is identified, the Qualified Nutritionist (QN) or Competent Professional Authority (CPA) must conduct an in-depth evaluation of infant feeding practices, and refer the participant to the HCP as warranted. Refer to WPM 1253 WIC Formulas policy supplement for required evaluation criteria.
7. The QN or CPA must only authorize ready-to-use (RTU) formula when at least one of the following conditions exists:
 - unsanitary or restricted water supply
 - inadequate refrigeration
 - participant representative has difficulty diluting powder or concentrate formula
 - formula product is available only in the ready-to-use form
 - participant has significant intolerance to powder or concentrate formula, and staff determines after a thorough nutrition assessment that RTU is indicated

Ready-to-use formula may be issued under the following conditions only when issuing Food Package III:

- the ready-to-use form better accommodates the participant's condition
- the ready-to-use form improves the participant's compliance in consuming the prescribed WIC formula

The QN or CPA must document the justification for authorizing RTU formula in the participant's record.

8. In accordance with Food Package III issuance, with appropriate medical documentation, the QN or CPA may:
 - assign and issue higher amounts of formula or WIC-eligible nutritionals in lieu of solid infant foods to infant participants 6 to 12 months of age who are unable to tolerate solid infant foods
 - issue a formula or WIC-eligible nutritional to a child or woman participant
9. When a breastfeeding mother requests infant formula, the QN or CPA must conduct a breastfeeding assessment to determine the reason for the formula request, and ensure the mother receives support from WIC staff with breastfeeding training, a peer counselor, lactation specialist, or other healthcare professional who can adequately address the mother's concerns, and help her continue to breastfeed.

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10. The QN or CPA must encourage breastfeeding mothers to choose powder formula to minimize the amount of formula that is prepared at one time. Staff must support breastfeeding women to continue breastfeeding to the maximum extent possible through minimal supplementation with infant formula.
11. Local agencies must accept unused (unopened) WIC issued formula from participants when there has been a change in formula type or form.
12. To protect participants from potentially unsafe formula, all returned formula must be discarded. Returned formula must not be given to other WIC participants or donated to other organizations or programs.

GUIDANCE

Policy Supplement Available Yes No

Food Package III formula refers to all contract and exempt WIC formula and WIC-eligible nutritionals issued to a Food Package III participant.

Formula issuance is based on USDA's definition of Full Nutrition Benefit (FNB). The Monthly Maximums for NYS WIC Approved Formulas provides information on the maximum amount of NYS WIC approved formula which may be issued to a participant. This resource is available electronically to all local agencies and is updated whenever a revision occurs.

As the infant grows and requires more calories and nutrients, the amount of formula provided by the NYS WIC Program may not be sufficient. Refer participants needing additional formula to health insurance programs, Supplemental Nutrition Assistance Program (SNAP), health care providers, and food pantries.

RESOURCES

WIC Program Manual Sections and Policy Supplements:

- #1220 Breastfeeding Assessment
- #1250 WIC Food Packages and Tailoring
- #1255 Food Package III and Medical Documentation
- #1256 Food Package Modifications for Homeless Participants
- #1460 Local Agency Nutrition Staff

WIC Library:

- Approved Formulas in the NYS WIC Program Formulary
- Basic Formula and Infant Feeding Training
- Monthly Maximums of NYS Approved Formulas
- NYS WIC Formula Tolerance Screening Tool